



**CONFERENCE COMMITTEE REPORT  
DIGEST FOR EHB 1001(ss)**

**Citations Affected:** Numerous provisions throughout the Indiana Code.

**Synopsis:** Budget bill. Makes appropriations for the operation of state government and the delivery of Medicaid and other services. Authorizes capital projects. Specifies that the budget agency shall calculate whether tax collections for the state fiscal year ending June 30, 2010, exceed the May 27, 2009, adjusted state revenue forecast for that state fiscal year. Provides that if actual receipts for the state fiscal year ending June 30, 2010, exceed the adjusted state revenue forecast, 50% of the excess revenue is appropriated to the department of education (DOE) to be used as a special one time tuition support distribution to increase the foundation amount for each school corporation eligible for a tuition support distribution. Specifies a school funding formula. Provides that the governor shall cause reversions of \$25,000,000 to be made from state general fund appropriations to non-public safety agencies and programs each year of the biennium. Adds requirements concerning money available under ARRA for: (1) Title I grants; and (2) special education funding. Specifies the maximum term for certain bonds and loans. Authorizes a local unit issuing debt to provide for a repayment schedule that will result in the same or a lower amount of interest being paid on obligations that would be issued using nearly equal payment amounts. Establishes the office of department of child services ombudsman within the department of administration. Prohibits the Indiana horse racing commission and the Indiana gaming commission from: (1) imposing, charging, or collecting by rule a fee that is not authorized by statute on any party to a proposed transfer of an ownership interest in a license; or (2) making the approval of a proposed transfer of an ownership interest in a license contingent upon the payment of any amount that is not authorized by statute. Provides that Vincennes University is not required to make employer contributions to the Indiana state teachers' retirement

**Effective:** Upon passage; July 1, 2001 (retroactive); January 1, 2008 (retroactive); October 1, 2008 (retroactive); December 1, 2008 (retroactive); December 30, 2008 (retroactive); January 1, 2009 (retroactive); March 1, 2009 (retroactive); July 1, 2009; January 1, 2010; March 1, 2010; July 1, 2010.

fund (TRF) for the employment during the period July 1, 2001, through June 30, 2009, of Vincennes University's employees who are members of the pre-1996 plan. Provides for a phase-in beginning July 1, 2009, of employer contributions to be made to TRF for those employees. Allows the Marion County health and hospital corporation to place on the ballot in November 2009 a local public question regarding a project to be financed by the issuance of bonds or the entering into of a lease. Establishes the green industries fund to provide grants and loans to Indiana manufacturers. Reallocates the cigarette tax revenue that is used to offset the employer health plan tax credit to the state general fund and a new state retiree health benefit trust fund. Reduces the annual contribution that must be made to the retirement medical benefits accounts for state employees by 10%. Extends expiration date of certain enterprise zones. Delays the beginning of the general reassessment until 2010. Eliminates the requirement that a property tax exemption application be filed every two years for certain property. Provides that a change in ownership of tangible property that continues to be used for an exempt purpose does not terminate an exemption. For the mortgage deduction and the standard deduction, requires the application to be completed and dated in the calendar year for which the person wishes to obtain the deduction, but allows filing on or before January 5 of the next year. Provides that if a notice of review of a property tax assessment is filed for an assessment that increased by more than 5% over the preceding assessment, the assessor has the burden of proving that the assessment is correct. Makes changes to the law governing referenda on bonds and leases for controlled projects. Changes deadlines for review of budgets, levies, and tax rates. Exempts public utility and governmental easement documents from the property sales disclosure filing requirement. Provides that certain properties are considered homesteads even though they are not owned by the individuals residing on them or by certain trusts. Requires county auditors to reinstate any standard deductions terminated because of the ownership of the properties upon receiving proof of the property's eligibility for the deduction and that the individual residing on the property is not claiming any additional standard deductions. Provides that levy limits do not apply to a civil taxing unit in the first year in which the civil taxing unit becomes a participating unit in a fire protection territory, but requires such a civil taxing unit to submit its proposed budget, levy, and tax rate for the fire protection territory to the department of local government finance (DLGF) for approval. Specifies that participating units in a fire protection territory may agree to change the provider unit of the territory. Eliminates the local government tax control board and the school property tax control board. Removes the expiration date for the county boards of tax adjustment. Allows the DLGF to specify trending values for an area if the county assessor is more than six months late in providing assessed values to the county auditor. Establishes procedures for determining the amount of a levy for a community mental health center or a community mental retardation and other developmental disabilities center that is exempt from levy limitations. Allows the assessment training and administration fund to be used for data base management expenses. Changes the tax increment replacement amount for a tax increment financing (TIF) district in Marion County so that the personal property increment may be used regarding obligations issued before May 8, 1989. Provides that the levy limits do not apply to assessments or taxes for tax increment replacement. Specifies when a mobile or manufactured home may be treated as inventory, and permits the waiver of property taxes on an abandoned mobile or manufactured home. Provides that a public utility company's tangible personal property that is locally assessed as fixed property is instead assessed as distributable property. Allows a taxing unit that experiences a property tax shortfall with respect to taxes payable in 2009 or 2010 resulting from the bankruptcy of a motor vehicle transmission manufacturer to obtain a loan from the rainy day fund. Provides for a loan from the rainy day fund to the city of LaPorte and to a county in which voting equipment has been damaged or destroyed in a natural disaster. Makes changes to bring Indiana in conformance with the Streamlined Sales and Use Tax Agreement as amended through September 5, 2008. Updates the definition of "gross retail income" to coincide with the definition of "sales price". Provides relief for retail merchants if there is a change in the sales and use tax rate. Makes permanent the sourcing rule for floral deliveries providing that a

sale is sourced in some cases to the location of the florist where the order originated. Provides that the sale of Internet access service or certain ancillary telecommunication services are sourced to the customer's place of primary use. Updates references to the Internal Revenue Code and requires certain adjustments for the purposes of calculating adjusted gross income. Provides that a taxpayer is entitled to a state tax credit for a contribution to a scholarship granting organization. Provides that the contribution must be used by the scholarship granting organization in a scholarship program to provide scholarships to eligible students. Limits the total amount of tax credits that may be awarded to \$2,500,000 in any state fiscal year. Extends the Hoosier business investment tax credit through 2013. For purposes of the tax credit for contributions to the college choice 529 education savings plan: (1) defines "contribution" to exclude rollovers from other 529 savings plans; and (2) excludes value added to the account through earnings of bonus points. Allows county option income tax revenue to be used to pay certain redevelopment bonds. Requires new retail merchants to file returns and remit sales tax electronically. Requires refiners, terminal operators, and qualified distributors to remit prepaid sales taxes through the department's online tax filing system. Allows the department of state revenue (DOR), subject to office of management and budget approval, to make a new prepayment rate determination if the price of gasoline has changed by at least 25% since the most recent determination. Uses 80% instead of 90% of the estimated tax liability in making the determination. Provides that an individual may claim a deduction for state income tax purposes for property taxes that: (1) were imposed on the individual's principal place of residence for the March 1, 2007, assessment date or the January 15, 2008, assessment date; (2) are due after December 31, 2008; and (3) are paid in 2009 on or before the due date for the property taxes. Requires all new withholding tax registrants to file returns and remit the withholding taxes electronically through the DOR's online tax filing program. Includes vehicles that operate on biodiesel or ultra low sulfur diesel fuel for purposes of the Hoosier alternative fuel vehicle manufacturer income tax credit. Specifies that for research expense incurred after December 31, 2009, a taxpayer may choose to have the amount of the research expense tax credit determined under the existing calculation or under an alternative calculation providing the amount of the credit is equal to 10% of the part of the taxpayer's Indiana qualified research expense for the year that exceeds 50% of the taxpayer's average Indiana qualified research expense for the preceding three years. Provides that after December 31, 2010, the DOR in cooperation with the DLGF and the budget agency shall provide data annually that: (1) identifies the total number of individual taxpayers that live within a particular municipality; (2) identifies the income of those taxpayers; and (3) includes certain other information. Adds a definition of "pass through entity" to the income tax statutes. Provides that income from a pass through entity shall be characterized in a manner consistent with the income's characterization for federal income tax purposes and attributed to Indiana as if the person, corporation, or pass through entity that received the income had directly engaged in the income producing activity. Requires certain large tax refunds to be applied against future tax liability. Provides that the maximum amount of the state tax credit for media production expenditures for all taxpayers in a state fiscal year is \$2,500,000 (rather than \$5,000,000). Repeals the sales tax exemption for property acquired for direct use in a qualified media production. Allows the DOR to require a person who is paying outstanding sales tax or withholding tax liability using periodic payments to make the periodic payment by electronic funds transfer through an automatic withdrawal from a financial institution. Amends the county adjusted gross income tax, county option income tax, and county economic development income tax statutes to provide that the budget agency (rather than the DOR) certifies the revenue distribution to counties. Makes changes concerning commercial motor vehicle excise tax distributions. Adds the utility receipts tax to the taxes for which a six year, rather than a three year, limit on assessment applies if gross receipts are understated by at least 25%. Makes various changes in tax procedure and administration, including changes concerning provisional property tax bills, appeals of assessments of certain industrial facilities, the levy appeal for assessed value growth, school assessment ratio studies, sales tax on gasoline, the sales tax exemption for leased

aircraft, electronic filing; tax withholding, inheritance tax liens and interest accrual, notice of revoked retail merchant certificates, motor fuel tax procedures, and DOR refunds. Makes various changes in tax law, including sales tax exemptions for certain equipment involved in providing video services or monitoring blood glucose, an income tax deduction for solar powered roof fans, income taxation of certain foreign real estate investment trusts, the coal gasification technology investment tax credit, gasoline tax relief for certain diverted shipments, certain off-road vehicles under the motor carrier fuel tax statute, and road tractors under the commercial vehicle excise tax. Provides that the state treasurer shall invest in obligations of the Marion county capital improvement board (CIB) if certain conditions are met. Provides that the investment may not exceed \$9 million per year for 2009 through 2011. Provides terms for the CIB obligations issued to the state treasurer. Permits the Marion County city-county council to increase, before September 1, 2009, the innkeeper's tax by not more than 1% (9% to 10%). Permits during January through March 2013 the supplemental auto rental excise tax to be increased by not more than 2% (4% to 6%) and the admissions tax to be increased by not more than 4% (6% to 10%). Deposits the revenue from the county tax increases in a new sports and convention facilities operating fund for the CIB. Restricts the use of the new operating fund to paying usual and customary operating expenses with respect to capital improvements owned, leased, or operated by the CIB. Allows for an addition to the Marion County professional sports development area to include the hotels in an area bounded by Washington, Illinois, and Maryland streets. Provides for state sales taxes and state and local income taxes from the additional area to be captured for the CIB up to \$8,000,000 per year. Allows the captured taxes to be deposited in the new sports and convention facilities operating fund for the CIB if: (1) the budget director determines that the innkeepers' tax is imposed at the maximum rate and in effect on January 1 of a year (September 1 for 2009); or (2) the city-county council raises at least \$4 million from the innkeeper's tax and the capital improvement board issues obligations to the state treasurer. Reduces the number of appointments to the CIB by the county commissioners from two members to one members. Provides that one member shall be appointed to the CIB jointly by majority vote of a body consisting of one member of the board of county commissioners of each county (other than Marion County) in which a stadium and convention building food and beverage tax is in effect. Provides that the terms of the members of the CIB expire January 15, 2010, and new members must be appointed to serve terms beginning January 15, 2010. Requires the CIB to submit its operating and capital budget for review, approval, or rejection to the city-county council. Requires the CIB to present a long range financial plan to the city-county council before January 1, 2010. Requires the state board of accounts (SBOA) to do a financial and compliance audit annually of the CIB. Requires the CIB to submit the SBOA reports to the city-county council. Requires the city-county council to review the SBOA reports at a public hearing. Requires the city-county council to approve the issuance of revenue and general obligation bonds by the CIB. Removes the Marion County board of commissioners from the review and approval of general obligation bonds and adds a requirement for the mayor's approval. Makes corresponding changes. Authorizes an admissions tax for paid admissions to certain sports and recreational complexes. Provides that the admissions tax rate is 5% of the price of admission. Exempts certain events. Specifies the uses of the tax revenue. Establishes the Ohio River bridges project commission. Allows money in a major bridge fund in Allen County to be used for construction and maintenance for other bridges. Requires that a part of State Road 331 be operated as a limited access facility. Authorizes the Earlham College Trust personalized license plate. Provides for a referendum in November 2009 in Lake, Porter, LaPorte, and St. Joseph counties for the creation of a regional transportation district in northern Indiana ("district"). Provides that the district is created January 1, 2010, if the voters in at least two of the counties vote in favor of the creation of the district. Specifies that the district consists of all the incorporated and unincorporated territory in those counties where the majority of those voting on the public question vote in favor of creating the district. Provides for a regional funding, service area, and coordination board, a regional transportation district advisory board, a

commuter rail service board (which is the northern Indiana commuter rail service board (NICTD)), a rail service advisory board, a bus service board, and a bus service advisory board. Creates a rail and bus service division for the district. Provides that the bus service division serves Lake County and Porter County (if the county is a member county). If the district is established, transfers authority to fund and operate a bus system from Lake County and Porter County or municipalities within Lake County or Porter County (if the county is a member county) to the bus service division, and terminates the existing transportation authorities and corporations in Lake and Porter counties. Authorizes the bus service division to impose a property tax, including a property tax pledged before January 1, 2010, to pay for bonds, loans, other obligations, or lease rentals related to a public transportation system in Lake County or Porter County (if the county is a member county). Provides that the property tax may be imposed only in the area in which the property tax could have been imposed for property taxes first due and payable in 2010. Permits the district board to impose a regional public transportation improvement tax on the income of individuals residing in a member county. Provides that the maximum improvement tax rate in any member county is 0.25%. Requires the improvement tax rate for capital in each member county to be based on the capital improvement needs of each member county as determined by the district board. Requires the improvement tax rate for operating in each member county to be based on the number of passengers and passenger miles. Permits each division board to contract with the Indiana finance authority for issuing debt. Provides that the Anderson airport area may be designated an airport development zone by the Anderson airport board. Authorizes the board of an airport authority established by the city of Gary to enter into a lease, management agreement, or other contract with a person to use, plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance all or part of the airport and related facilities for a period not to exceed 99 years. Provides that an airport authority may enter into a lease, management agreement, or other contract concerning all or part of an airport without complying with the statute concerning BOT agreements and operating agreements. Provides that if the Gary airport authority enters into a lease, management agreement, or other contract concerning all or substantially all of its airport, the authority shall make distributions from payments received under the lease, management agreement, or other contract in installments and on dates determined by the Gary city council. Provides that the distributions are to be deposited in the Gary general fund. Requires the development board of the northwest Indiana regional development authority to separately account for money received or designated for construction, reconstruction, renovation, purchase, lease, acquisition, and equipping in a lease account separate from its general account. Provides that a member of the NICTD board of trustees appointed or reappointed after December 31, 2009, by the county commissioners of a county must be a resident of the county that the member represents and a member of the board of county commissioners of the county that the member represents. Provides that for appointments or reappointments to the NICTD board of trustees after December 31, 2009, the member representing the rest of the state, the passenger member, and the employee member are all nonvoting members. Provides that if Porter County ceases to be a member of the northwest Indiana regional development authority (RDA), the fiscal bodies of two or more municipalities located in Porter County may adopt ordinances to become members of the RDA. Provides that if two or more municipalities in Porter County become members of the RDA, the \$3,500,000 annual transfers of county economic development income tax revenue to the RDA continue. Provides that the total gross weight with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed 95,000 pounds. (The current weight limit may not exceed 90,000 pounds.) Provides that: (1) an ordinance adopted by a city or a town concerning the use of golf carts on a highway under the jurisdiction of the city or the town may not conflict with a driver's licensing requirement of another provision of the Indiana Code; and (2) that certain equipment, titling, and registration requirements do not apply when a golf cart is operated under the authority of an ordinance. Allows the Indiana department of transportation to enter into leases of highway rights-of-way and other state

agencies to enter into leases on state property, for which responsibility is assigned to the lessee for the growth, maintenance, and harvesting of grasses or other plants that are suitable for processing into fuels or other energy products. Extends the expiration date of the office of the secretary of family and social services (FSSA), the office of Medicaid policy and planning, the statutes concerning directors of divisions within FSSA, and certain advisory committees under the FSSA statutes. Makes changes to the special employment and training services fund. Provides that the governor may direct the Indiana board of pharmacy to develop a prescription drug program that includes a standard format for an official tamper resistant prescription drug form for prescriptions. Provides that certain parental reimbursement obligations shall be paid directly to the department of child services (DCS) and not to the local court clerk so long as the child in need of services case, juvenile delinquency case, or status offense case is open. Specifies certain requirements for DCS contracts regarding collection of parental reimbursement amounts. Provides that the DCS is not responsible for costs of child services for children placed out of state unless the director recommends or approves the placement. Changes the membership of the statewide independent living council. Removes provisions limiting the health facilities subject to the quality assessment fee based on the health facility's Medicaid utilization rate and annual Medicaid revenue. Eliminates the exemption from the quality assessment fee for health facilities that receive only Medicare revenues. Provides an exemption for hospital based health facilities. Eliminates the role of the DOR in collecting quality assessment fees. Specifies the percentage distribution of money collected from the quality assessment depending on whether the state is receiving an adjusted federal medical assistance percentage under ARRA. Extends the health facility quality assessment fee until August 1, 2011. Delays the implementation of fiscal year budgeting for school corporations. Repeals a provision requiring the calculation of a state average assessment ratio. Provides that a school corporation is to receive its proportionate share of any delinquent property taxes paid that are attributable to a year in which the school corporation did not receive 100% of its general fund distribution because of unpaid taxes. Provides that the state personnel department shall allow a school corporation to elect to provide coverage of health care services for active and retired employees of the school corporation under a state employee health plan. Provides that if a school corporation elects to cover employees under a state employee health plan, all employees covered under a prior policy must be covered under the state employee health plan. Provides that beginning after 2010, if a school corporation does not elect to provide coverage of health care services under a state employee health plan and the cost to the school corporation is greater than the amount that would have been paid if the school corporation had elected coverage, then the school corporation's employees shall pay the difference and the school corporation may not pay the difference on behalf of the school corporation's employees. Provides that a charter school or conversion charter school that has received an advance for operational costs from the common school fund does not have to make principal or interest payments during the state fiscal years beginning July 1, 2009, and July 1, 2010. Provides that Senator David C. Ford educational technology fund may be used for a school technology program developed by the department of education (DOE). Provides that a charter school may receive technology funds. Makes changes to the driver qualifications for a special purpose bus. Amends the circuit breaker levy replacement grant for school corporations. Permits the DOE to provide for data retrieval of timely student test numbers beginning in 2010. Requires a school corporation to notify a teacher that the governing body will consider nonrenewal of the teacher's contract for the next school term before June 1 in an even-numbered year or the later of June 15 or the date a budget act is enacted by the general assembly in an odd-numbered year. Provides that a school corporation's expenditures from its capital projects fund for utility services or property or casualty insurance may not in 2010 and in 2011 exceed 3.5% of the school corporation's 2005 calendar year distribution. Requires Prairie Township School Corporation to reorganize by consolidating with an adjacent school corporation under the school consolidation provisions. Deletes the statute specifying that a school corporation's staff performance evaluation plan may not provide for an evaluation that is based in whole or in part on the ISTEP program

test scores of the students in the school corporation. Specifies that the evaluation plan may provide that collective program results of tests used by the school corporation may be used as a factor, but not the sole factor, to evaluate all educators in order to enable the state to compete for United States Department of Education funding. Requires the DOE to develop a charter school facilities incentive grants program before January 1, 2010, using priority criteria set forth in federal law. Provides that the DOE shall establish a pilot program to provide funding for a statewide total of up to 200 students who attend virtual charter schools in the school year ending in 2010 and 500 students who attend virtual charter schools in the school year ending in 2011. Specifies that the pilot program shall focus on children who have medical disabilities or circumstances that prevent them from attending school or for whom a virtual charter school is a better alternative than a traditional school. Provides that the funding amount is the virtual charter school's ADM multiplied by 80% of the statewide average basic tuition support. Requires the DOE to adopt rules to govern the operation of virtual charter schools. Provides that the Brown County School Corporation is not required to make principal or interest payments during the state fiscal years beginning July 1, 2009, and July 1, 2010, on any loan received by the school corporation from the state rainy day fund. Increases the maximum amount of bonds that may be outstanding for a state educational institution's qualified energy savings projects from \$10,000,000 to \$15,000,000 per campus and requires any savings by Purdue University and Indiana University in excess of debt payments to be used to fund basic research for the Indiana Innovation Alliance. Provides that the amount of bonds outstanding for Ivy Tech Community College at any time for qualified energy savings projects may not exceed \$45,000,000. Provides that qualified energy savings project bonds are not eligible for fee replacement. Requires the department of workforce development to release certain data to the legislative services agency for the purpose of forecasting tax revenues. Restores language removed by HEA 1358-2009 concerning application of foreclosure proceeds to delinquent property taxes. Provides that the department of financial institutions may adopt emergency rules to provide for a system of licensing creditors and mortgage loan originators that meets the requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008. Specifies that a reference to a federal law in the Uniform Consumer Credit Code is a reference to the law in effect December 31, 2008. Specifies that a reference to a federal law or federal regulation in Title 28 of the Indiana Code is a reference to the law or regulation in effect December 31, 2008. Regulates fees imposed by a local firefighting unit. Allows townships to provide fire protection or emergency services within a municipality that lies at least in part in the township and does not have a full-time, paid fire department without contracts if both legislative bodies approve. (Current law requires a municipality to lie entirely within the township to permit the arrangement.) Allows a political subdivision to borrow money from a financial institution for a public works project for ten (rather than six) years. Adds Wabash County to the counties that may annex noncontiguous property to be used as an industrial park. Authorizes a city or county in which a riverboat is docked or located or gambling games are located to enter into one or more agreements or leases with a school corporation or another public or private entity to provide for the construction or renovation of a school building that will be used by the school corporation. Allows the members of the board of directors of a redevelopment authority to be residents of or have their place of employment within the unit that created the redevelopment authority, under certain circumstances. Establishes requirements concerning the use of amounts in 1925, 1937, and 1953 public safety pension funds. Allows a public transportation corporation outside Marion County to provide service outside a municipality's corporate boundaries without charging rates that are sufficient to cover the expanded service. Repeals the requirement that the public transportation corporation hold a public hearing concerning proposed expanded service and the information related to the hearing. Repeals a provision specifying that a motor carrier authorized to perform transportation service described at such a hearing is eligible to provide the service if the motor carrier takes certain actions. Provides that if the courts begin collecting the automated record keeping fee on pre-trial diversions and prosecutor deferrals, all of the additional revenue goes

to the homeowner protection unit account established within the state general fund. Allows local option income taxes for a levy freeze, public safety, or property tax relief to be adopted in 2009 at any time before November 1, 2009 (rather than before August 1, 2009). Legalizes the method used by the DLGF to reduce the 2009 maximum permissible ad valorem property tax levy of taxing units that paid benefits to members of the "old" police and firefighter pension funds. Extends the time in which certain nonprofit entities may file a property tax exemption application. Permits the balance of a county's family and children's fund or county's children's psychiatric residential treatment services fund to be transferred to the county rainy day fund. Provides, for counties with an April 1, 2009, aggregate balance of at least \$10,000,000 in the county's family and children's fund and children's psychiatric residential treatment services fund (required to be transferred to the county levy excess fund under P.L.146-2008), that the county may transfer \$1,000,000 from its levy excess fund to the county's rainy day fund and two-thirds of the balance to civil taxing units in the county for public safety. Provides for two semiannual installments of revenue replacing homestead credits granted to taxpayers in 2009 and 2010. Allows borrowing by a fire protection district that was initially established in 2006, has experienced significant revenue shortfalls due to cumulative mathematical errors in the calculation of its maximum permissible property tax levies in 2007 and 2008, and may experience a significant revenue shortfall in 2009 and 2010 requiring the district to seek funds in addition to the amounts certified for the district's current budget to provide fire protection to district residents. Establishes a credit for property taxes payable in 2010 for homesteads owned by residential trusts that did not receive the standard deduction for taxes payable in 2009. Provides that the amount of the credit is the remainder of the 2009 taxes paid minus the tax liability that would have applied if the trust had been eligible for the standard deduction. Provides a refund of gross income taxes erroneously paid for 2003 and 2004 by a town if the town also paid the utilities receipts tax for the same year. Establishes the gaming study committee. Requires the commission on state tax and financing policy to study various topics. Requires DOR to conduct a feasibility study related to cigarette stamp design and use. Provides for a study committee to study the mission, organization, and management structure of the I-Light Fiber Optic Network and submit a report to the governor and the legislative council. Requires the commission for higher education with the assistance of SSACI to study the funding of college scholarship programs provided by SSACI and the state's public universities. Establishes the criminal code evaluation commission. Requires the budget agency to review the costs of providing employee health, vision, and dental insurance for state employees and employees of school corporations and public universities. Makes other changes concerning taxation and state and local finance. **(This conference committee report: (1) appropriates \$3,000,000 for a trauma center in Gary; (2) provides that the governor shall cause reversions of \$25,000,000 to be made from state general fund appropriations to non-public safety agencies and programs each year of the biennium; (3) deletes the provision concerning use of vote centers in a county declared a major disaster area; (4) provides for a loan from the rainy day fund to the city of LaPorte and to a county in which voting equipment has been damaged or destroyed in a natural disaster; (5) amends the ombudsman language; (6) adds provisions concerning fees charged by the Indiana horse racing commission and the Indiana gaming commission; (7) deletes the provision requiring a political subdivision to consult at least two purchasing cooperatives and authorizing the department of administration to adopt rules to regulate certain purchases by political subdivisions; (8) allows the Marion County health and hospital corporation to place on the ballot in November 2009 a local public question regarding a proposed project; (9) extends the expiration date of certain enterprise zones; (10) adds the provisions concerning contributions by Vincennes University to TRF; (11) changes the provision concerning mobile homes and manufactured homes qualifying as inventory; (12) for the mortgage deduction and the standard deduction, requires the application to be completed in the calendar year for which the person wishes to obtain the deduction, but allows filing on or**

before January 5 of the next year; (13) deletes the provision changing the definition of "homestead" to include decks, patios, swimming pools, or gazebos; (14) adds the provisions specifying that certain properties are considered homesteads even though they are not owned by the individuals residing on them or by certain trusts; (15) adds the provision specifying that taxes for tax increment replacement are not subject to the levy limits; (16) deletes the provision concerning LaPorte County's certified net assessed values; (17) deletes the repeal of the state tax credit for media production expenditures; provides that the maximum amount of the state tax credit for media production expenditures in a state fiscal year is \$2,500,000 (rather than \$5,000,000); (18) deletes the provision specifying that certain amendments concerning pass through entities apply to taxable years beginning after December 31, 2004; requires certain large tax refunds to be applied against future tax liability; (19) deletes the provision requiring DOR to determine a new sales tax prepayment rate on gasoline every three months; (20) deletes the provisions concerning solid waste management districts; (21) reallocates the cigarette tax revenue that is dedicated to offset the employer health plan tax credit to the state general fund and the state retiree health benefit trust fund; (22) deletes the provisions amending the tuition and fee exemption for Purple Heart recipients; (23) makes changes to the driver qualifications for a special purpose bus; (24) specifies that Prairie Township School Corporation must reorganize by consolidating with an adjacent school corporation; (25) amends the school funding formula; (26) permits DOE to provide for data retrieval of timely student test numbers beginning in the 2010-2011 school year; provides that the DOE shall establish a pilot program to provide funding for a statewide total of up to 200 students who attend virtual charter schools in the school year ending in 2010 and 500 students who attend virtual charter schools in the school year ending in 2011; (27) deletes the provision that would require state educational institutions to appear before the state budget committee if they set tuition and mandatory fee rates higher than the targets set by the commission for higher education; (28) amends the provisions concerning the major bridge fund in Allen County; (29) requires that a part of State Road 331 be operated as a limited access facility; (30) authorizes the Earlham College Trust personalized license plate; (31) makes changes to the special employment and training services fund; (32) adds the provisions specifying that the DCS is not responsible for costs of child services for children placed out of state unless the director recommends or approves the placement; (33) provides that if the courts begin collecting the automated recordkeeping fee on pre-trial diversions and prosecutor deferrals, all of the additional revenue goes to the homeowner protection unit account; (34) changes the provisions authorizing a city or county in which a riverboat is docked or located or gambling games are located to enter into one or more agreements or leases with a school corporation or another public or private entity to provide for the construction or renovation of a school building; (35) adds the provisions concerning public transportation corporations; (36) adds provisions concerning the northwest Indiana regional development authority and the Gary airport authority; (37) establishes the northern Indiana regional transportation district; (38) provides that the Anderson airport area may be designated an airport development zone by the Anderson airport board; (39) specifies that a school corporation's staff performance evaluation plan may provide that collective program results of tests used by the school corporation may be used as a factor, but not the sole factor, to evaluate all educators in order to enable the state to compete for federal education funding; (40) adds requirements concerning the use of amounts in 1925, 1937, and 1953 public safety pension funds; (41) changes the membership of the CIB; provides that the state treasurer shall invest in obligations of the CIB if certain conditions are met; (42) amends the provisions concerning use of local family and children fund money transferred to the levy excess fund; (43) provides that the total amount of school scholarship tax credits that may be awarded in any state fiscal year may not exceed \$2,500,000; (44) deletes the provisions concerning waiver of compensation by elected

officials; (45) provides for the legislative council to appoint a study committee to study I-Light (rather than a study by the Indiana finance authority); (46) deletes the provision allowing SSACI to transfer funds among freedom of choice awards, higher education awards, and twenty-first century awards; (47) requires DOR to conduct a feasibility study related to cigarette stamp design and use; (48) authorizes the general assembly to convene a technical session of the general assembly before October 1, 2009, to consider and act upon: (a) bills enacted during 2009 before the date of the technical session and vetoed by the governor; (b) bills to correct conflicts among bills enacted during 2009 before the date of the technical session; and (c) bills to correct technical errors in bills enacted during 2009 before the date of the technical session; (49) adds provisions concerning railroad whistle posts; (50) provides that a designating body may by resolution approve the expansion of a professional sports and convention development area after June 30, 2009, to include a hotel designated by the designating body; increases the maximum amount that may be captured by an area in South Bend; (51) requires the legislative council shall establish a two year study committee to study issues related to the school funding formula; and (52) makes other changes.)

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1001(ss) respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

1 **SECTION 1. [EFFECTIVE JULY 1, 2009]**

2

3 **(a) The following definitions apply throughout this act:**

4 **(1) "Augmentation allowed" means the governor and the budget agency are**  
5 **authorized to add to an appropriation in this act from revenues accruing to the**  
6 **fund from which the appropriation was made.**

7 **(2) "Biennium" means the period beginning July 1, 2009, and ending June 30, 2011.**  
8 **Appropriations appearing in the biennial column for construction or other permanent**  
9 **improvements do not revert under IC 4-13-2-19 and may be allotted.**

10 **(3) "Deficiency appropriation" or "special claim" means an appropriation available**  
11 **during the 2008-2009 fiscal year.**

12 **(4) "Equipment" includes machinery, implements, tools, furniture,**  
13 **furnishings, vehicles, and other articles that have a calculable period of service**  
14 **that exceeds twelve (12) calendar months.**

15 **(5) "Fee replacement" includes payments to universities to be used to pay indebtedness**  
16 **resulting from financing the cost of planning, purchasing, rehabilitation, construction,**  
17 **repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities,**  
18 **and equipment to be used for academic and instructional purposes.**

19 **(6) "Federally qualified health center" means a community health center that is designated**  
20 **by the Health Resources Services Administration, Bureau of Primary Health Care, as a**  
21 **Federally Qualified Health Center Look Alike under the FED 330 Consolidated**

1      **Health Center Program authorization, including Community Health Center (330e),**  
2      **Migrant Health Center (330g), Health Care for the Homeless (330h), Public Housing**  
3      **Primary Care (330i), and School Based Health Centers (330).**

4      **(7) "Other operating expense" includes payments for "services other than personal",**  
5      **"services by contract", "supplies, materials, and parts", "grants, subsidies, refunds,**  
6      **and awards", "in-state travel", "out-of-state travel", and "equipment".**

7      **(8) "Pension fund contributions" means the state of Indiana's contributions to a**  
8      **specific retirement fund.**

9      **(9) "Personal services" includes payments for salaries and wages to officers and**  
10      **employees of the state (either regular or temporary), payments for compensation**  
11      **awards, and the employer's share of Social Security, health insurance, life insurance,**  
12      **dental insurance, vision insurance, deferred compensation - state match, leave**  
13      **conversion, disability, and retirement fund contributions.**

14      **(10) "SSBG" means the Social Services Block Grant. This was formerly referred to**  
15      **as "Title XX".**

16      **(11) "State agency" means:**

17      **(A) each office, officer, board, commission, department, division, bureau, committee,**  
18      **fund, agency, authority, council, or other instrumentality of the state;**

19      **(B) each hospital, penal institution, and other institutional enterprise of the**  
20      **state;**

21      **(C) the judicial department of the state; and**

22      **(D) the legislative department of the state.**

23      **However, this term does not include cities, towns, townships, school cities, school**  
24      **townships, school districts, other municipal corporations or political subdivisions**  
25      **of the state, or universities and colleges supported in whole or in part by state**  
26      **funds.**

27      **(12) "State funded community health center" means a public or private not for profit**  
28      **(501(c)(3)) organization that provides comprehensive primary health care services to**  
29      **all age groups.**

30      **(13) "Total operating expense" includes payments for both "personal services" and**  
31      **"other operating expense".**

32      **(b) The state board of finance may authorize advances to boards or persons having**  
33      **control of the funds of any institution or department of the state of a sum of**  
34      **money out of any appropriation available at such time for the purpose of establishing**  
35      **working capital to provide for payment of expenses in the case of emergency when**  
36      **immediate payment is necessary or expedient. Advance payments shall be made by**  
37      **warrant by the auditor of state, and properly itemized and receipted bills or invoices**  
38      **shall be filed by the board or persons receiving the advance payments.**

39      **(c) All money appropriated by this act shall be considered either a direct appropriation**  
40      **or an appropriation from a rotary or revolving fund.**

41      **(1) Direct appropriations are subject to withdrawal from the state treasury and**  
42      **for expenditure for such purposes, at such time, and in such manner as may be prescribed**  
43      **by law. Direct appropriations are not subject to return and rewithdrawal from the**  
44      **state treasury, except for the correction of an error which may have occurred in**  
45      **any transaction or for reimbursement of expenditures which have occurred in the**  
46      **same fiscal year.**

47      **(2) A rotary or revolving fund is any designated part of a fund that is set apart**  
48      **as working capital in a manner prescribed by law and devoted to a specific purpose**  
49      **or purposes. The fund consists of earnings and income only from certain sources**

1     **or a combination thereof. The money in the fund shall be used for the purpose designated**  
 2     **by law as working capital. The fund at any time consists of the original appropriation**  
 3     **thereto, if any, all receipts accrued to the fund, and all money withdrawn from the**  
 4     **fund and invested or to be invested. The fund shall be kept intact by separate entries**  
 5     **in the auditor of state's office, and no part thereof shall be used for any purpose**  
 6     **other than the lawful purpose of the fund or revert to any other fund at any time.**  
 7     **However, any unencumbered excess above any prescribed amount shall be transferred**  
 8     **to the state general fund at the close of each fiscal year unless otherwise specified**  
 9     **in the Indiana Code.**

10

11   **SECTION 2. [EFFECTIVE JULY 1, 2009]**

12

13     **For the conduct of state government, its offices, funds, boards, commissions, departments,**  
 14     **societies, associations, services, agencies, and undertakings, and for other appropriations**  
 15     **not otherwise provided by statute, the following sums in SECTIONS 3 through 10 are**  
 16     **appropriated for the periods of time designated from the general fund of the state**  
 17     **of Indiana or other specifically designated funds.**

18

19     **In this act, whenever there is no specific fund or account designated, the appropriation**  
 20     **is from the general fund.**

21

22   **SECTION 3. [EFFECTIVE JULY 1, 2009]**

23

24     **GENERAL GOVERNMENT**

25

26     **A. LEGISLATIVE**

27

28     **FOR THE GENERAL ASSEMBLY**

29       **LEGISLATORS' SALARIES - HOUSE**

30 <b>Total Operating Expense</b>	<b>6,198,756</b>	<b>6,198,756</b>
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31       **HOUSE EXPENSES**

32 <b>Total Operating Expense</b>	<b>10,299,327</b>	<b>10,700,339</b>
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33       **LEGISLATORS' SALARIES - SENATE**

34 <b>Total Operating Expense</b>	<b>2,247,345</b>	<b>2,247,345</b>
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35       **SENATE EXPENSES**

36 <b>Total Operating Expense</b>	<b>10,163,712</b>	<b>11,562,594</b>
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37

38     **Included in the above appropriations for house and senate expenses are funds for**  
 39     **a legislative business per diem allowance, meals, and other usual and customary expenses**  
 40     **associated with legislative affairs. Except as provided below, this allowance is**  
 41     **to be paid to each member of the general assembly for every day, including Sundays,**  
 42     **during which the general assembly is convened in regular or special session, commencing**  
 43     **with the day the session is officially convened and concluding with the day the session**  
 44     **is adjourned sine die. However, after five (5) consecutive days of recess, the legislative**  
 45     **business per diem allowance is to be made on an individual voucher basis until the**  
 46     **recess concludes.**

47

48     **Members of the general assembly are entitled, when authorized by the speaker of the**  
 49     **house or the president pro tempore of the senate, to the legislative business per**

1 diem allowance for each and every day engaged in official business.

2

3 The legislative business per diem allowance that each member of the general assembly  
4 is entitled to receive equals the maximum daily amount allowable to employees of  
5 the executive branch of the federal government for subsistence expenses while away  
6 from home in travel status in the Indianapolis area. The legislative business per  
7 diem changes each time there is a change in that maximum daily amount.

8

9 In addition to the legislative business per diem allowance, each member of the general  
10 assembly shall receive the mileage allowance in an amount equal to the standard mileage  
11 rates for personally owned transportation equipment established by the federal Internal  
12 Revenue Service for each mile necessarily traveled from the member's usual place  
13 of residence to the state capitol. However, if the member traveled by a means other  
14 than by motor vehicle, and the member's usual place of residence is more than one  
15 hundred (100) miles from the state capitol, the member is entitled to reimbursement  
16 in an amount equal to the lowest air travel cost incurred in traveling from the usual  
17 place of residence to the state capitol. During the period the general assembly is  
18 convened in regular or special session, the mileage allowance shall be limited to  
19 one (1) round trip each week per member.

20

21 Any member of the general assembly who is appointed, by the governor, speaker  
22 of the house, president or president pro tempore of the senate, house or senate minority  
23 floor leader, or Indiana legislative council to serve on any research, study, or  
24 survey committee or commission, or who attends any meetings authorized or convened  
25 under the auspices of the Indiana legislative council, including pre-session conferences  
26 and federal-state relations conferences, is entitled, when authorized by the legislative  
27 council, to receive the legislative business per diem allowance for each day in actual  
28 attendance and is also entitled to a mileage allowance, at the rate specified above,  
29 for each mile necessarily traveled from the member's usual place of residence to  
30 the state capitol, or other in-state site of the committee, commission, or conference.  
31 The per diem allowance and the mileage allowance permitted under this paragraph shall  
32 be paid from the legislative council appropriation for legislator and lay member  
33 travel unless the member is attending an out-of-state meeting, as authorized by the  
34 speaker of the house of representatives or the president pro tempore of the senate,  
35 in which case the member is entitled to receive:

36

37 (1) the legislative business per diem allowance for each day the member is engaged  
38 in approved out-of-state travel; and

38

39 (2) reimbursement for traveling expenses actually incurred in connection with the  
40 member's duties, as provided in the state travel policies and procedures established  
41 by the legislative council.

41

42 Notwithstanding the provisions of this or any other statute, the legislative council  
43 may adopt, by resolution, travel policies and procedures that apply only to members  
44 of the general assembly or to the staffs of the house of representatives, senate,  
45 and legislative services agency, or both members and staffs. The legislative council  
46 may apply these travel policies and procedures to lay members serving on research,  
47 study, or survey committees or commissions that are under the jurisdiction of the  
48 legislative council. Notwithstanding any other law, rule, or policy, the state travel  
49 policies and procedures established by the Indiana department of administration and

1 approved by the budget agency do not apply to members of the general assembly, to  
 2 the staffs of the house of representatives, senate, or legislative services agency,  
 3 or to lay members serving on research, study, or survey committees or commissions  
 4 under the jurisdiction of the legislative council (if the legislative council applies  
 5 its travel policies and procedures to lay members under the authority of this SECTION),  
 6 except that, until the legislative council adopts travel policies and procedures,  
 7 the state travel policies and procedures established by the Indiana department of  
 8 administration and approved by the budget agency apply to members of the general  
 9 assembly, to the staffs of the house of representatives, senate, and legislative  
 10 services agency, and to lay members serving on research, study, or survey committees  
 11 or commissions under the jurisdiction of the legislative council. The executive director  
 12 of the legislative services agency is responsible for the administration of travel  
 13 policies and procedures adopted by the legislative council. The auditor of state  
 14 shall approve and process claims for reimbursement of travel related expenses under  
 15 this paragraph based upon the written affirmation of the speaker of the house of  
 16 representatives, the president pro tempore of the senate, or the executive director  
 17 of the legislative services agency that those claims comply with the travel policies  
 18 and procedures adopted by the legislative council. If the funds appropriated for  
 19 the house and senate expenses and legislative salaries are insufficient to pay all  
 20 the necessary expenses incurred, including the cost of printing the journals of the  
 21 house and senate, there is appropriated such further sums as may be necessary to  
 22 pay such expenses.

23  
24 **LEGISLATORS' SUBSISTENCE**

25 **LEGISLATORS' EXPENSES - HOUSE**

26 Total Operating Expense	2,524,980	2,620,929
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27 **LEGISLATORS' EXPENSES - SENATE**

28 Total Operating Expense	1,126,579	1,004,601
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29  
30 Each member of the general assembly is entitled to a subsistence allowance of forty  
31 percent (40%) of the maximum daily amount allowable to employees of the executive  
32 branch of the federal government for subsistence expenses while away from home in  
33 travel status in the Indianapolis area:

34 (1) each day that the general assembly is not convened in regular or special session;  
35 and

36 (2) each day after the first session day held in November and before the first session  
37 day held in January.

38  
39 However, the subsistence allowance under subdivision (2) may not be paid with respect  
40 to any day after the first session day held in November and before the first session  
41 day held in January with respect to which all members of the general assembly are  
42 entitled to a legislative business per diem.

43  
44 The subsistence allowance is payable from the appropriations for legislators' subsistence.

45  
46 The officers of the senate are entitled to the following amounts annually in addition  
47 to the subsistence allowance: president pro tempore, \$7,000; assistant president  
48 pro tempore, \$3,000; majority floor leader, \$5,500; assistant majority floor leaders,  
49 \$3,500; majority caucus chair, \$5,500; assistant majority caucus chairs, \$1,500;

1      **appropriations committee chair, \$5,500; tax and fiscal policy committee chair, \$5,500;**  
 2      **appropriations committee ranking majority member, \$2,000; tax and fiscal policy committee**  
 3      **ranking majority member, \$2,000; majority whip, \$4,000; assistant majority whip,**  
 4      **\$2,000; minority floor leader, \$6,000; minority leader emeritus, \$1,500; minority**  
 5      **caucus chair, \$5,000; minority assistant floor leader, \$5,000; appropriations committee**  
 6      **ranking minority member, \$2,000; tax and fiscal policy committee ranking minority**  
 7      **member, \$2,000; minority whip(s), \$2,000; assistant minority caucus chair(s), \$1,000;**  
 8      **agriculture and small business committee chair, \$1,000; commerce, public policy,**  
 9      **and interstate cooperation committee chair, \$1,000; corrections, criminal, and civil**  
 10     **matters committee chair, \$1,000; education and career development chair, \$1,000;**  
 11     **elections committee chair, \$1,000; energy and environmental affairs committee chair,**  
 12     **\$1,000; pensions and labor committee chair, \$1,000; health and provider services**  
 13     **committee chair, \$1,000; homeland security, transportation, and veterans affairs**  
 14     **committee chair, \$1,000; insurance and financial institutions committee chair, \$1,000;**  
 15     **judiciary committee chair, \$1,000; local government committee chair, \$1,000; utilities**  
 16     **and technology committee chair, \$1,000; and natural resources committee chair, \$1,000.**  
 17     **If an officer fills more than one (1) leadership position, the officer shall be paid for**  
 18     **the higher paid position.**

19  
 20     **Officers of the house of representatives are entitled to the following amounts annually**  
 21     **in addition to the subsistence allowance: speaker of the house, \$6,500; speaker pro**  
 22     **tempore, \$5,000; deputy speaker pro tempore, \$1,500; majority leader, \$5,000; majority**  
 23     **caucus chair, \$5,000; assistant majority caucus chair, \$1,000; ways and means committee**  
 24     **chair, \$5,000; ways and means committee ranking majority member, \$3,000; ways and**  
 25     **means committee, chairman of the education subcommittee, \$1,500; speaker pro tempore**  
 26     **emeritus, \$1,500; budget subcommittee chair, \$3,000; majority whip, \$3,500; assistant**  
 27     **majority whip, \$1,000; assistant majority leader, \$1,000; minority leader, \$5,500;**  
 28     **minority caucus chair, \$4,500; ways and means committee ranking minority member,**  
 29     **\$3,500; minority whip, \$2,500; assistant minority leader, \$4,500; second assistant**  
 30     **minority leader, \$1,500; and deputy assistant minority leader, \$1,000.**

31  
 32     **If the senate or house of representatives eliminates a committee or officer referenced**  
 33     **in this SECTION and replaces the committee or officer with a new committee or position,**  
 34     **the foregoing appropriations for subsistence shall be used to pay for the new committee**  
 35     **or officer. However, this does not permit any additional amounts to be paid under**  
 36     **this SECTION for a replacement committee or officer than would have been spent for**  
 37     **the eliminated committee or officer. If the senate or house of representatives creates**  
 38     **a new additional committee or officer, or assigns additional duties to an existing**  
 39     **officer, the foregoing appropriations for subsistence shall be used to pay for the**  
 40     **new committee or officer, or to adjust the annual payments made to the existing officer,**  
 41     **in amounts determined by the legislative council.**

42  
 43     **If the funds appropriated for legislators' subsistence are insufficient to pay all**  
 44     **the subsistence incurred, there are hereby appropriated such further sums as may**  
 45     **be necessary to pay such subsistence.**

46  
 47     **FOR THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE SERVICES AGENCY**  
 48             **Total Operating Expense                      9,989,200                      10,388,768**  
 49             **LEGISLATOR AND LAY MEMBER TRAVEL**



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**PRINTING AND DISTRIBUTION**

<b>Total Operating Expense</b>	<b>939,400</b>	<b>975,000</b>
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The above funds are appropriated for the printing and distribution of documents published by the legislative council. These documents include journals, bills, resolutions, enrolled documents, the acts of the first and second regular sessions of the 116th general assembly, the supplements to the Indiana Code for fiscal years 2009-2010 and 2010-2011, and the publication of the Indiana Administrative Code and the Indiana Register. Upon completion of the distribution of the Acts and the supplements to the Indiana Code, as provided in IC 2-6-1.5, remaining copies may be sold at a price or prices periodically determined by the legislative council. If the above appropriations for the printing and distribution of documents published by the legislative council are insufficient to pay all of the necessary expenses incurred, there are hereby appropriated such sums as may be necessary to pay such expenses.

**COUNCIL OF STATE GOVERNMENTS ANNUAL DUES**

Other Operating Expense	143,944	143,944
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**NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL DUES**

Other Operating Expense	190,337	190,337
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**NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ANNUAL DUES**

Other Operating Expense	10,000	10,000
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**REAPPORTIONMENT SUPPORT AND SERVICES**

<b>Total Operating Expense</b>		<b>250,000</b>
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**FOR THE INDIANA LOBBY REGISTRATION COMMISSION**

<b>Total Operating Expense</b>	<b>271,910</b>	<b>271,910</b>
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**B. JUDICIAL**

**FOR THE SUPREME COURT**

Personal Services	7,564,269	7,564,269
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Other Operating Expense	2,001,965	2,001,965
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The above appropriation for the supreme court personal services includes the subsistence allowance as provided by IC 33-38-5-8.

**LOCAL JUDGES' SALARIES**

Personal Services	57,146,053	57,146,053
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Other Operating Expense	39,000	39,000
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**COUNTY PROSECUTORS' SALARIES**

Personal Services	24,785,126	24,785,126
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Other Operating Expense	31,000	31,000
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The above appropriations for county prosecutors' salaries represent the amounts authorized by IC 33-39-6-5 and that are to be paid from the state general fund.

In addition to the appropriations for local judges' salaries and for county prosecutors' salaries, there are hereby appropriated for personal services the amounts that the

1 state is required to pay for salary changes or for additional courts created by the  
 2 116th general assembly.

3			
4	<b>TRIAL COURT OPERATIONS</b>		
5	<b>Total Operating Expense</b>	<b>596,075</b>	<b>596,075</b>
6	<b>INDIANA CONFERENCE FOR LEGAL EDUCATION OPPORTUNITY</b>		
7	<b>Total Operating Expense</b>	<b>778,750</b>	<b>778,750</b>

8  
 9 The above funds are appropriated to the division of state court administration in  
 10 compliance with the provisions of IC 33-24-13-7.

11			
12	<b>PUBLIC DEFENDER COMMISSION</b>		
13	<b>Total Operating Expense</b>	<b>12,850,000</b>	<b>12,850,000</b>

14  
 15 The above appropriation is made in addition to the distribution authorized by  
 16 IC 33-37-7-9(c) for the purpose of reimbursing counties for indigent defense services  
 17 provided to a defendant. The division of state court administration of the supreme  
 18 court of Indiana shall provide staff support to the commission and shall administer  
 19 the public defense fund. The administrative costs may come from the public defense  
 20 fund. Any balance in the public defense fund is appropriated to the public defender  
 21 commission.

22			
23	<b>GUARDIAN AD LITEM</b>		
24	<b>Total Operating Expense</b>	<b>2,970,248</b>	<b>2,970,248</b>

25  
 26 The division of state court administration shall use the foregoing appropriation  
 27 to administer an office of guardian ad litem and court appointed special advocate  
 28 services and to provide matching funds to counties that are required to implement,  
 29 in courts with juvenile jurisdiction, a guardian ad litem and court appointed special  
 30 advocate program for children who are alleged to be victims of child abuse or neglect  
 31 under IC 31-33 and to administer the program. A county may use these matching funds  
 32 to supplement amounts collected as fees under IC 31-40-3 to be used for the operation  
 33 of guardian ad litem and court appointed special advocate programs. The county fiscal  
 34 body shall appropriate adequate funds for the county to be eligible for these matching  
 35 funds.

36			
37	<b>CIVIL LEGAL AID</b>		
38	<b>Total Operating Expense</b>	<b>1,500,000</b>	<b>1,500,000</b>

39  
 40 The above funds include the appropriation provided in IC 33-24-12-7.

41			
42	<b>SPECIAL JUDGES - COUNTY COURTS</b>		
43	<b>Personal Services</b>	<b>15,000</b>	<b>15,000</b>
44	<b>Other Operating Expense</b>	<b>134,000</b>	<b>134,000</b>

45  
 46 If the funds appropriated above for special judges of county courts are insufficient  
 47 to pay all of the necessary expenses that the state is required to pay under IC 34-35-1-4,  
 48 there are hereby appropriated such further sums as may be necessary to pay these  
 49 expenses.

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**COMMISSION ON RACE AND GENDER FAIRNESS**

<b>Total Operating Expense</b>	<b>380,996</b>	<b>380,996</b>
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**FOR THE COURT OF APPEALS**

Personal Services	9,141,271	9,141,271
Other Operating Expense	1,025,470	1,025,470

The above appropriations for the court of appeals personal services include the subsistence allowance provided by IC 33-38-5-8.

**FOR THE TAX COURT**

Personal Services	549,418	549,418
Other Operating Expense	123,595	123,595

**FOR THE JUDICIAL CENTER**

Personal Services	1,680,763	1,680,763
Other Operating Expense	1,140,419	1,140,419

The above appropriations for the judicial center include the appropriations for the judicial conference.

**DRUG AND ALCOHOL PROGRAMS FUND**

<b>Total Operating Expense</b>	<b>100,000</b>	<b>100,000</b>
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The above funds are appropriated notwithstanding the distribution under IC 33-37-7-9 for the purpose of administering, certifying, and supporting alcohol and drug services programs under IC 12-23-14. However, if additional funds are needed to carry out the purpose of the program, existing revenues in the fund may be allotted.

**INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

<b>Total Operating Expense</b>	<b>200,000</b>	<b>200,000</b>
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**FOR THE PUBLIC DEFENDER**

Personal Services	5,679,783	5,679,783
Other Operating Expense	985,133	985,133

**FOR THE PUBLIC DEFENDER COUNCIL**

Personal Services	943,769	943,769
Other Operating Expense	420,328	420,328

**FOR THE PROSECUTING ATTORNEYS' COUNCIL**

Personal Services	638,099	638,099
Other Operating Expense	577,177	577,177

**DRUG PROSECUTION**

Drug Prosecution Fund (IC 33-39-8-6)

<b>Total Operating Expense</b>	<b>79,000</b>	<b>109,000</b>
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Augmentation allowed.

1	<b>FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND</b>		
2	<b>JUDGES' RETIREMENT FUND</b>		
3	Other Operating Expense	11,474,961	12,048,709
4	<b>PROSECUTORS' RETIREMENT FUND</b>		
5	Other Operating Expense	170,000	170,000
6			
7	<b>C. EXECUTIVE</b>		
8			
9	<b>FOR THE GOVERNOR'S OFFICE</b>		
10	Personal Services	1,902,269	1,902,269
11	Other Operating Expense	153,976	153,976
12	<b>GOVERNOR'S RESIDENCE</b>		
13	Total Operating Expense	136,858	136,858
14	<b>GOVERNOR'S CONTINGENCY FUND</b>		
15	Total Operating Expense		153,358
16			
17	Direct disbursements from the above contingency fund are not subject to the provisions		
18	of IC 5-22.		
19			
20	<b>GOVERNOR'S FELLOWSHIP PROGRAM</b>		
21	Total Operating Expense	265,205	265,205
22			
23	<b>FOR THE WASHINGTON LIAISON OFFICE</b>		
24	Total Operating Expense	242,500	242,500
25			
26	<b>FOR THE LIEUTENANT GOVERNOR</b>		
27	Personal Services	1,725,210	1,725,210
28	Other Operating Expense	550,115	550,115
29	<b>CONTINGENCY FUND</b>		
30	Total Operating Expense		12,388
31			
32	Direct disbursements from the above contingency fund are not subject to the provisions		
33	of IC 5-22.		
34			
35	<b>FOR THE SECRETARY OF STATE</b>		
36	<b>ADMINISTRATION</b>		
37	Personal Services	2,197,658	2,197,658
38	Other Operating Expense	150,500	150,500
39			
40	<b>FOR THE ATTORNEY GENERAL</b>		
41	<b>ATTORNEY GENERAL</b>		
42	From the General Fund		
43	15,128,969	15,128,969	
44	From the Motor Vehicle Odometer Fund (IC 9-29-1-5)		
45	90,000	90,000	
46	Augmentation allowed.		
47	From the Medicaid Fraud Control Unit Fund (IC 4-6-10-1)		
48	542,447	542,447	
49	Augmentation allowed.		

1	<b>From the Victims' Assistance Address Confidentiality Fund (IC 5-26.5-3-6)</b>		
2		59,929	59,929
3	Augmentation allowed.		
4	<b>From the Real Estate Appraiser Investigative Fund (IC 25-34.1-8-7.5)</b>		
5		64,230	64,230
6	Augmentation allowed.		
7	<b>From the Non-Consumer Settlements Fund</b>		
8		116,678	116,678
9	Augmentation allowed.		
10	<b>From the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
11		494,467	494,467
12	Augmentation allowed.		
13	<b>From the Abandoned Property Fund (IC 32-34-1-33)</b>		
14		318,968	318,968
15	Augmentation allowed.		

The amounts specified from the General Fund, motor vehicle odometer fund, medicaid fraud control unit fund, victims' assistance address confidentiality fund, non-consumer settlements fund, real estate appraiser investigative fund, tobacco master settlement fund, and abandoned property fund are for the following purposes:

22	Personal Services	15,690,686	15,690,686
23	Other Operating Expense	1,125,002	1,125,002
24			
25	<b>HOMEOWNER PROTECTION UNIT</b>		
26	Homeowner Protection Unit Account (IC 4-6-12-9)		
27	Total Operating Expense	422,000	422,000
28	<b>MEDICAID FRAUD UNIT</b>		
29	Total Operating Expense	829,789	829,789

The above appropriations to the Medicaid fraud unit are the state's matching share of the state Medicaid fraud control unit under IC 4-6-10 as prescribed by 42 U.S.C. 1396b(q). Augmentation allowed from collections.

35	<b>UNCLAIMED PROPERTY</b>		
36	Abandoned Property Fund (IC 32-34-1-33)		
37	Personal Services	1,347,951	1,347,951
38	Other Operating Expense	3,163,434	3,163,434
39	Augmentation allowed.		

**D. FINANCIAL MANAGEMENT**

43	<b>FOR THE AUDITOR OF STATE</b>		
44	Personal Services	4,587,218	4,587,218
45	Other Operating Expense	1,388,632	1,388,632
46	<b>GOVERNORS' AND GOVERNORS' SURVIVING SPOUSES' PENSIONS</b>		
47	Total Operating Expense	140,246	140,246

The above appropriations for governors' and governors' surviving spouses' pensions

1 are made under IC 4-3-3.

2

3 **FOR THE STATE BOARD OF ACCOUNTS**

4 Personal Services	20,581,483	20,581,483
5 Other Operating Expense	1,178,717	1,178,717

6

7 **FOR THE STATE BUDGET COMMITTEE**

8 Total Operating Expense	54,126	54,126
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9

10 Notwithstanding IC 4-12-1-11(b), the salary per diem of the legislative members of  
 11 the budget committee is an amount equal to one hundred fifty percent (150%) of the  
 12 legislative business per diem allowance. If the above appropriations are insufficient  
 13 to carry out the necessary operations of the budget committee, there are hereby  
 14 appropriated such further sums as may be necessary.

15

16 **FOR THE OFFICE OF MANAGEMENT AND BUDGET**

17 Personal Services	1,000,227	1,000,227
18 Other Operating Expense	153,095	153,095

19

20 **FOR THE STATE BUDGET AGENCY**

21 Personal Services	2,729,047	2,729,047
22 Other Operating Expense	639,093	639,093

23

24 **DEPARTMENTAL AND INSTITUTIONAL EMERGENCY CONTINGENCY FUND**

25 Total Operating Expense	2,000,000
----------------------------	-----------

26

27 The foregoing departmental and institutional emergency contingency fund appropriation  
 28 is subject to allotment to departments, institutions, and all state agencies by the  
 29 budget agency with the approval of the governor. These allocations may be made upon  
 30 written request of proper officials, showing that contingencies exist that require  
 31 additional funds for meeting necessary expenses. The budget committee shall be advised  
 32 of each transfer request and allotment.

33

34 **OUTSIDE BILL CONTINGENCY**

35 Total Operating Expense	9,354,228
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36

37 **PERSONAL SERVICES/FRINGE BENEFITS CONTINGENCY FUND**

38 Total Operating Expense	35,625,000
----------------------------	------------

39

40 The foregoing personal services/fringe benefits contingency fund appropriation is  
 41 subject to allotment to departments, institutions, and all state agencies by the  
 42 budget agency with the approval of the governor.

43

44 The foregoing personal services/fringe benefits contingency fund appropriation may  
 45 be used only for salary increases, fringe benefit increases, an employee leave conversion  
 46 program, or a state retiree health program for state employees and may not be used  
 47 for any other purpose.

48

49 The foregoing personal services/fringe benefits contingency fund appropriation does

1 not revert at the end of the biennium but remains in the personal services/fringe  
 2 benefits contingency fund.

3  
 4  
 5  
 6  
 7  
 8

**RETIREE HEALTH BENEFIT TRUST FUND**

Retiree Health Benefit Trust Fund (IC 5-10-8-8.5)

Total Operating Expense 54,000,000

Augmentation Allowed.

9 The foregoing appropriation for the retiree health plan:

10  
 11  
 12  
 13  
 14  
 15  
 16  
 17

- (1) is to fund employer contributions and benefits provided under IC 5-10-8.5;
- (2) does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years; and
- (3) is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by the state board of finance notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23 or by the budget agency notwithstanding IC 4-12-1-12 or any other law.

18  
 19  
 20  
 21

The budget agency may transfer appropriations from federal or dedicated funds to the trust fund to accrue funds to pay benefits to employees that are not paid from the general fund.

22  
 23  
 24  
 25

**COMPREHENSIVE HEALTH INSURANCE ASSOCIATION STATE SHARE**

Total Operating Expense 77,000,000

Augmentation Allowed.

26  
 27  
 28  
 29

**SCHOOL AND LIBRARY INTERNET CONNECTION (IC 4-34-3-2)**

Build Indiana Fund (IC 4-30-17)

Total Operating Expense 2,800,000 2,800,000

30  
 31  
 32

Of the foregoing appropriations, \$1,800,000 each year shall be used for schools under IC 4-34-3-4, and \$1,000,000 each year shall be used for libraries under IC 4-34-3-2.

33  
 34  
 35  
 36

**INSPIRE (IC 4-34-3-2)**

Build Indiana Fund (IC 4-30-17)

Other Operating Expense 3,000,000

37  
 38  
 39

**COMMUNITY DEVELOPMENT MATCHING GRANTS**

Other Operating Expense 2,000,000

40  
 41  
 42  
 43

The foregoing appropriation shall be used to match a grant from a foundation for community development. The budget agency may release the funds after review by the budget committee if the budget agency determines there is a significant investment from the foundation.

44  
 45

**FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND**

**PUBLIC SAFETY PENSION**

Total Operating Expense 96,000,000 112,000,000

Augmentation Allowed.

48  
 49

1 **FOR THE TREASURER OF STATE**

2 <b>Personal Services</b>	<b>817,630</b>	<b>817,630</b>	
3 <b>Other Operating Expense</b>	<b>52,476</b>	<b>52,476</b>	

4  
5 **The treasurer of state, the board for depositories, the Indiana commission for higher**  
6 **education, and the state student assistance commission shall cooperate and provide**  
7 **to the Indiana education savings authority the following:**

- 8 (1) **Clerical and professional staff and related support.**
- 9 (2) **Office space and services.**
- 10 (3) **Reasonable financial support for the development of rules, policies, programs,**
- 11 **and guidelines, including authority operations and travel.**

12  
13 **E. TAX ADMINISTRATION**

14  
15 **FOR THE DEPARTMENT OF REVENUE**  
16 **COLLECTION AND ADMINISTRATION**

17 <b>From the General Fund</b>			
	48,831,936	48,831,936	
19 <b>From the Motor Carrier Regulation Fund (IC 8-2.1-23)</b>			
	794,261	794,261	
21 <b>From the Motor Vehicle Highway Account (IC 8-14-1)</b>			
	2,449,434	2,449,434	
23 <b>Augmentation allowed from the Motor Carrier Regulation Fund and the Motor Vehicle</b>			
24 <b>Highway Account.</b>			

25  
26 **The amounts specified from the General Fund, Motor Carrier Regulation Fund, and the**  
27 **Motor Vehicle Highway Account are for the following purposes:**

29 <b>Personal Services</b>	<b>37,103,377</b>	<b>37,103,377</b>	
30 <b>Other Operating Expense</b>	<b>14,972,254</b>	<b>14,972,254</b>	

31  
32 **With the approval of the governor and the budget agency, the department shall annually**  
33 **reimburse the state general fund for expenses incurred in support of the collection**  
34 **of dedicated fund revenue according to the department's cost allocation plan.**

35  
36 **With the approval of the governor and the budget agency, the foregoing sums for the**  
37 **department of state revenue may be augmented to an amount not exceeding in total,**  
38 **together with the above specific amounts, one and one-tenth percent (1.1%) of the**  
39 **amount of money collected by the department of state revenue from taxes and fees.**

40  
41 **OUTSIDE COLLECTIONS**

42 <b>Total Operating Expense</b>	<b>4,500,000</b>	<b>4,500,000</b>	
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43  
44 **With the approval of the governor and the budget agency, the foregoing sums for the**  
45 **department of state revenue's outside collections may be augmented to an amount not**  
46 **exceeding in total, together with the above specific amounts, one and one-tenth percent**  
47 **(1.1%) of the amount of money collected by the department from taxes and fees.**

48  
49 **MOTOR CARRIER REGULATION**

<b>1</b>	<b>Motor Carrier Regulation Fund (IC 8-2.1-23)</b>		
<b>2</b>	<b>Personal Services</b>	<b>1,744,843</b>	<b>1,744,843</b>
<b>3</b>	<b>Other Operating Expense</b>	<b>3,797,857</b>	<b>3,797,857</b>
<b>4</b>	<b>Augmentation allowed from the Motor Carrier Regulation Fund.</b>		

**5**

<b>6</b>	<b>MOTOR FUEL TAX DIVISION</b>		
<b>7</b>	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
<b>8</b>	<b>Personal Services</b>	<b>7,041,830</b>	<b>7,041,830</b>
<b>9</b>	<b>Other Operating Expense</b>	<b>2,561,625</b>	<b>2,561,625</b>
<b>10</b>	<b>Augmentation allowed from the Motor Vehicle Highway Account.</b>		

**11**

**12** In addition to the foregoing appropriations, there is hereby appropriated to the  
**13** department of revenue motor fuel tax division an amount sufficient to pay claims  
**14** for refunds on license-fee-exempt motor vehicle fuel as provided by law. The sums  
**15** above appropriated from the motor vehicle highway account for the operation of the  
**16** motor fuel tax division, together with all refunds for license-fee-exempt motor vehicle  
**17** fuel, shall be paid from the receipts of those license fees before they are distributed  
**18** as provided by IC 6-6-1.1.

**19**

<b>20</b>	<b>FOR THE INDIANA GAMING COMMISSION</b>		
<b>21</b>	<b>From the State Gaming Fund (IC 4-33-13-3)</b>		
<b>22</b>		<b>3,501,183</b>	<b>3,501,183</b>
<b>23</b>	<b>From the Gaming Investigations Fund (IC 4-33-4.5)</b>		
<b>24</b>		<b>600,000</b>	<b>600,000</b>

**25**

**26** The amounts specified from the state gaming fund and gaming investigations are  
**27** for the following purposes:

**28**

<b>29</b>	<b>Personal Services</b>	<b>3,288,542</b>	<b>3,288,542</b>
<b>30</b>	<b>Other Operating Expense</b>	<b>812,641</b>	<b>812,641</b>

**31**

**32** The foregoing appropriations to the Indiana gaming commission are made from revenues  
**33** accruing to the state gaming fund under IC 4-33-13-3 before any distribution is made  
**34** under IC 4-33-13-5.

**35**

**Augmentation allowed.**

**36**

**37** The foregoing appropriations to the Indiana gaming commission are made instead of  
**38** the appropriation made in IC 4-33-13-4.

**39**

<b>40</b>	<b>FOR THE INDIANA DEPARTMENT OF GAMING RESEARCH</b>		
<b>41</b>	<b>Personal Services</b>	<b>120,394</b>	<b>120,394</b>
<b>42</b>	<b>Other Operating Expense</b>	<b>104,312</b>	<b>104,312</b>
<b>43</b>	<b>Augmentation allowed from fees accruing under IC 4-33-18-8.</b>		

**44**

<b>45</b>	<b>FOR THE INDIANA HORSE RACING COMMISSION</b>		
<b>46</b>	<b>Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)</b>		
<b>47</b>	<b>Personal Services</b>	<b>2,126,562</b>	<b>2,126,562</b>
<b>48</b>	<b>Other Operating Expense</b>	<b>627,890</b>	<b>627,890</b>

**49**

1     **The foregoing appropriations to the Indiana horse racing commission are made from**  
2     **revenues accruing to the Indiana horse racing commission before any distribution**  
3     **is made under IC 4-31-9.**

4         **Augmentation allowed.**

6             **STANDARD BRED ADVISORY BOARD**

7             **Standardbred Horse Fund (IC 15-19-2-10)**

8 <b>Total Operating Expense</b>	193,500	193,500
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9  
10     **The foregoing appropriations to the standardbred advisory board are made from**  
11     **revenues accruing to the Indiana horse racing commission before any distribution**  
12     **is made under IC 4-31-9.**

13         **Augmentation allowed.**

15             **STANDARD BRED BREED DEVELOPMENT**

16             **Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)**

17 <b>Total Operating Expense</b>	4,049,719	4,049,719
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18         **Augmentation allowed.**

19             **THOROUGHBRED BREED DEVELOPMENT**

20             **Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)**

21 <b>Total Operating Expense</b>	2,904,012	2,904,012
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22         **Augmentation allowed.**

23             **QUARTER HORSE BREED DEVELOPMENT**

24             **Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)**

25 <b>Total Operating Expense</b>	228,896	228,896
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26         **Augmentation allowed.**

27             **FINGERPRINT FEES**

28             **Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)**

29 <b>Total Operating Expense</b>	52,110	52,110
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30         **Augmentation allowed.**

31             **GAMING INTEGRITY FUND - IHRC**

32             **Gaming Integrity Fund - IHRC (IC 4-35-8.7-3)**

33 <b>Total Operating Expense</b>	500,000	500,000
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34         **Augmentation allowed.**

35  
36             **FOR THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE**

37 <b>Personal Services</b>	3,927,361	3,926,359
-----------------------------	-----------	-----------

38 <b>Other Operating Expense</b>	722,957	722,957
-----------------------------------	---------	---------

39  
40     **From the above appropriations for the department of local government finance, travel**  
41     **subsistence and mileage allowances may be paid for members of the local government**  
42     **tax control board created by IC 6-1.1-18.5-11 and the state school property tax control**  
43     **board created by IC 6-1.1-19-4.1, under state travel regulations.**

44  
45             **DISTRESSED UNIT APPEAL BOARD**

46 <b>Total Operating Expense</b>	20,600	20,600
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47  
48             **FOR THE INDIANA BOARD OF TAX REVIEW**

49 <b>Personal Services</b>	1,209,019	1,209,019
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1	Other Operating Expense	63,510	63,510
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2

3 **F. ADMINISTRATION**

4

5 **FOR THE DEPARTMENT OF ADMINISTRATION**

6	Personal Services	11,562,865	11,562,865
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7	Other Operating Expense	14,718,815	14,718,815
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8

9 **FOR THE STATE PERSONNEL DEPARTMENT**

10	Personal Services	3,405,686	3,405,686
----	-------------------	-----------	-----------

11	Other Operating Expense	320,200	320,200
----	-------------------------	---------	---------

12

13 The department may establish an internal service fund to perform the functions of the  
14 department.

15

16 **FOR THE STATE EMPLOYEES APPEALS COMMISSION**

17	Personal Services	169,653	169,653
----	-------------------	---------	---------

18	Other Operating Expense	10,086	10,086
----	-------------------------	--------	--------

19

20 **FOR THE OFFICE OF TECHNOLOGY**

21 Pay Phone Fund (IC 5-22-23-7)

22	Total Operating Expense	1,900,000	1,900,000
----	-------------------------	-----------	-----------

23 Augmentation allowed.

24

25 The pay phone fund is established for the procurement of hardware, software, and  
26 related equipment and services needed to expand and enhance the state campus backbone  
27 and other central information technology initiatives. Such procurements may include,  
28 but are not limited to, wiring and rewiring of state offices, Internet services,  
29 video conferencing, telecommunications, application software, and related services.  
30 The fund consists of the net proceeds received from contracts with companies providing  
31 phone services at state institutions and other state properties. The fund shall  
32 be administered by the budget agency. Money in the fund may be spent by the office  
33 in compliance with a plan approved by the budget agency. Any money remaining in  
34 the fund at the end of any fiscal year does not revert to the general fund or any  
35 other fund but remains in the pay phone fund.

36

37 **FOR THE COMMISSION ON PUBLIC RECORDS**

38	Personal Services	1,325,220	1,325,220
----	-------------------	-----------	-----------

39	Other Operating Expense	141,446	141,446
----	-------------------------	---------	---------

40

41 **FOR THE OFFICE OF THE PUBLIC ACCESS COUNSELOR**

42	Personal Services	153,041	153,041
----	-------------------	---------	---------

43	Other Operating Expense	3,688	3,688
----	-------------------------	-------	-------

44

45 **FOR THE OFFICE OF FEDERAL GRANTS AND PROCUREMENT**

46	Total Operating Expense	95,039	95,039
----	-------------------------	--------	--------

47

48 **G. OTHER**

49

1	<b>FOR THE COMMISSION ON UNIFORM STATE LAWS</b>		
2	<b>Total Operating Expense</b>	<b>43,584</b>	<b>43,584</b>
3			
4	<b>FOR THE OFFICE OF INSPECTOR GENERAL</b>		
5	<b>Personal Services</b>	<b>1,212,488</b>	<b>1,212,488</b>
6	<b>Other Operating Expense</b>	<b>229,383</b>	<b>229,383</b>
7			
8	<b>STATE ETHICS COMMISSION</b>		
9	<b>Personal Services</b>	<b>2,668</b>	<b>2,668</b>
10	<b>Other Operating Expense</b>	<b>6,297</b>	<b>6,297</b>
11			
12	<b>FOR THE SECRETARY OF STATE</b>		
13	<b>ELECTION DIVISION</b>		
14	<b>Personal Services</b>	<b>701,510</b>	<b>701,510</b>
15	<b>Other Operating Expense</b>	<b>196,242</b>	<b>196,242</b>
16	<b>VOTER LIST MAINTENANCE</b>		
17	<b>Total Operating Expense</b>	<b>512,500</b>	<b>512,500</b>
18			
19	<b>The above appropriation includes state HAVA matching funds.</b>		
20			
21	<b>H. COMMUNITY SERVICES</b>		
22			
23	<b>FOR THE GOVERNOR'S OFFICE OF FAITH BASED &amp; COMMUNITY INITIATIVES</b>		
24	<b>Personal Services</b>	<b>240,327</b>	<b>240,327</b>
25	<b>Other Operating Expense</b>	<b>50,225</b>	<b>50,225</b>
26			
27	<b>SECTION 4. [EFFECTIVE JULY 1, 2009]</b>		
28			
29	<b>PUBLIC SAFETY</b>		
30			
31	<b>A. CORRECTION</b>		
32			
33	<b>FOR THE DEPARTMENT OF CORRECTION</b>		
34	<b>CENTRAL OFFICE</b>		
35	<b>Personal Services</b>	<b>9,376,633</b>	<b>9,376,633</b>
36	<b>Other Operating Expense</b>	<b>6,158,981</b>	<b>6,158,981</b>
37	<b>ESCAPEE COUNSEL AND TRIAL EXPENSE</b>		
38	<b>Other Operating Expense</b>	<b>198,000</b>	<b>198,000</b>
39	<b>COUNTY JAIL MISDEMEANANT HOUSING</b>		
40	<b>Total Operating Expense</b>	<b>4,281,101</b>	<b>4,281,101</b>
41	<b>ADULT CONTRACT BEDS</b>		
42	<b>Total Operating Expense</b>	<b>2,831,443</b>	<b>2,831,443</b>
43	<b>STAFF DEVELOPMENT AND TRAINING</b>		
44	<b>Personal Services</b>	<b>1,084,457</b>	<b>1,084,457</b>
45	<b>Other Operating Expense</b>	<b>132,885</b>	<b>132,885</b>
46	<b>PAROLE DIVISION</b>		
47	<b>Personal Services</b>	<b>8,337,627</b>	<b>8,337,627</b>
48	<b>Other Operating Expense</b>	<b>905,405</b>	<b>905,405</b>
49	<b>PAROLE BOARD</b>		

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	657,976	657,976
2	Other Operating Expense	23,741	23,741
3	<b>INFORMATION MANAGEMENT SERVICES</b>		
4	Personal Services	1,048,752	1,048,752
5	Other Operating Expense	432,534	432,534
6	<b>JUVENILE TRANSITION</b>		
7	Personal Services	662,692	662,692
8	Other Operating Expense	908,545	908,545
9	<b>COMMUNITY CORRECTIONS PROGRAMS</b>		
10	Total Operating Expense	34,018,114	34,018,114

11  
12 **The above appropriation for community corrections programs is not subject to transfer**  
13 **to any other fund or to transfer, assignment, or reassignment for any other use or**  
14 **purpose by the state board of finance notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23**  
15 **or by the budget agency notwithstanding IC 4-12-1-12 or any other law.**

16  
17 **Notwithstanding IC 4-13-2-19 and any other law, the above appropriation for community**  
18 **corrections programs does not revert to the general fund or another fund at the close**  
19 **of a state fiscal year but remains available in subsequent state fiscal years for**  
20 **the purposes of the appropriation.**

21  
22 **DRUG PREVENTION AND OFFENDER TRANSITION**

23 **Total Operating Expense** **206,824** **206,824**

24  
25 **The above appropriation shall be used for minimum security release programs, transition**  
26 **programs, mentoring programs, and supervision of and assistance to adult and juvenile**  
27 **offenders to promote the successful integration of the offender into the community.**

28  
29 **CENTRAL EMERGENCY RESPONSE**

30 **Personal Services** **1,159,005** **1,159,005**

31 **Other Operating Expense** **120,174** **120,174**

32 **MEDICAL SERVICES**

33 **Other Operating Expense** **76,130,153** **86,032,783**

34  
35 **The above appropriations for medical services shall be used only for services that are determined**  
36 **to be medically necessary.**

37  
38 **DRUG ABUSE PREVENTION**

39 **Drug Abuse Fund (IC 11-8-2-11)**

40 **Personal Services** **740,000** **740,000**

41 **Other Operating Expense** **2,600** **2,600**

42 **Augmentation allowed.**

43 **COUNTY JAIL MAINTENANCE CONTINGENCY FUND**

44 **Other Operating Expense** **20,000,000** **20,000,000**

45  
46 **Disbursements from the fund shall be made for the purpose of reimbursing sheriffs**  
47 **for the cost of incarcerating in county jails persons convicted of felonies to the**  
48 **extent that such persons are incarcerated for more than five (5) days after the day**  
49 **of sentencing, at the rate of \$35 per day. In addition to the per diem, the state**

1 shall reimburse the sheriffs for expenses determined by the sheriff to be medically  
 2 necessary medical care to the convicted persons. However, if the sheriff or county  
 3 receives money with respect to a convicted person (from a source other than the county),  
 4 the per diem or medical expense reimbursement with respect to the convicted person  
 5 shall be reduced by the amount received. A sheriff shall not be required to comply  
 6 with IC 35-38-3-4(a) or transport convicted persons within five (5) days after the  
 7 day of sentencing if the department of correction does not have the capacity to receive  
 8 the convicted person.

9  
10           **Augmentation allowed.**

11  
12           **FOOD SERVICES**

13 <b>Total Operating Expense</b>	36,652,458	40,281,856
-----------------------------------	------------	------------

14  
15           **FOR THE STATE BUDGET AGENCY**

16           **MEDICAL SERVICE PAYMENTS**

17 <b>Total Operating Expense</b>	25,000,000	25,000,000
-----------------------------------	------------	------------

18  
19           These appropriations for medical service payments are made to pay for services determined  
 20 to be medically necessary for committed individuals, patients and students of institutions  
 21 under the jurisdiction of the department of correction, the state department of health,  
 22 the division of mental health and addiction, the school for the blind and visually  
 23 impaired, the school for the deaf, the division of disability and rehabilitative  
 24 services, or the division of aging if the services are provided outside these institutions.  
 25 These appropriations may not be used for payments for medical services that are covered  
 26 by IC 12-16 unless these services have been approved under IC 12-16. These appropriations  
 27 shall not be used for payment for medical services which are payable from an appropriation  
 28 in this act for the state department of health, the division of mental health and  
 29 addiction, the school for the blind and visually impaired, the school for the deaf,  
 30 the division of disability and rehabilitative services, the division of aging, or  
 31 the department of correction, or that are reimbursable from funds for medical assistance  
 32 under IC 12-15. If these appropriations are insufficient to make these medical service  
 33 payments, there is hereby appropriated such further sums as may be necessary.  
 34

35           Direct disbursements from the above contingency fund are not subject to the provisions  
 36 of IC 4-13-2.

37  
38           **FOR THE DEPARTMENT OF ADMINISTRATION**

39           **DEPARTMENT OF CORRECTION OMBUDSMAN BUREAU**

40 <b>Personal Services</b>	134,554	134,554
41 <b>Other Operating Expense</b>	7,328	7,328

42  
43           **FOR THE DEPARTMENT OF CORRECTION**

44           **INDIANA STATE PRISON**

45 <b>Personal Services</b>	32,867,370	32,867,370
46 <b>Other Operating Expense</b>	6,751,252	6,751,252

47           **PENDLETON CORRECTIONAL FACILITY**

48 <b>Personal Services</b>	27,299,395	27,299,395
49 <b>Other Operating Expense</b>	7,070,626	7,070,626

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>CORRECTIONAL INDUSTRIAL FACILITY</b>		
2	Personal Services	20,245,770	20,245,770
3	Other Operating Expense	997,243	997,243
4	<b>INDIANA WOMEN'S PRISON</b>		
5	Personal Services	8,612,523	8,612,523
6	Other Operating Expense	1,059,099	1,059,099
7	<b>PUTNAMVILLE CORRECTIONAL FACILITY</b>		
8	Personal Services	30,333,741	30,333,741
9	Other Operating Expense	4,329,691	4,329,691
10	<b>WABASH VALLEY CORRECTIONAL FACILITY</b>		
11	Personal Services	35,452,554	35,452,554
12	Other Operating Expense	5,409,888	5,409,888
13	<b>PLAINFIELD EDUCATION RE-ENTRY FACILITY</b>		
14	Personal Services	7,055,354	7,055,354
15	Other Operating Expense	3,235,412	3,235,412
16	<b>INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY</b>		
17	Personal Services	10,906,670	10,906,670
18	Other Operating Expense	1,090,070	1,090,070
19	<b>BRANCHVILLE CORRECTIONAL FACILITY</b>		
20	Personal Services	16,560,275	16,560,275
21	Other Operating Expense	2,361,080	2,361,080
22	<b>WESTVILLE CORRECTIONAL FACILITY</b>		
23	Personal Services	42,786,893	42,786,893
24	Other Operating Expense	5,980,703	5,980,703
25	<b>ROCKVILLE CORRECTIONAL FACILITY FOR WOMEN</b>		
26	Personal Services	14,998,655	14,998,655
27	Other Operating Expense	1,927,015	1,927,015
28	<b>PLAINFIELD CORRECTIONAL FACILITY</b>		
29	Personal Services	22,950,007	22,950,007
30	Other Operating Expense	2,619,303	2,619,303
31	<b>RECEPTION AND DIAGNOSTIC CENTER</b>		
32	Personal Services	11,799,385	11,799,385
33	Other Operating Expense	695,865	695,865
34	<b>MIAMI CORRECTIONAL FACILITY</b>		
35	Personal Services	28,891,409	28,891,409
36	Other Operating Expense	5,231,704	5,231,704
37	<b>NEW CASTLE CORRECTIONAL FACILITY</b>		
38	Other Operating Expense	31,587,079	32,328,736
39	<b>SOCIAL SERVICES BLOCK GRANT</b>		
40	<b>General Fund</b>		
41	Total Operating Expense	5,029,318	5,029,318
42	<b>Work Release - Study Release Special Revenue Fund (IC 11-10-8-6.5)</b>		
43	Total Operating Expense	1,328,704	1,328,704
44	<b>Augmentation allowed from Work Release - Study Release Special Revenue Fund</b>		
45	<b>and Social Services Block Grant.</b>		
46	<b>HENRYVILLE CORRECTIONAL FACILITY</b>		
47	Personal Services	2,355,124	2,355,124
48	Other Operating Expense	271,599	271,599
49	<b>CHAIN O' LAKES CORRECTIONAL FACILITY</b>		

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	1,743,782	1,743,782
2	Other Operating Expense	261,355	261,355
3	<b>MADISON CORRECTIONAL FACILITY</b>		
4	Personal Services	4,835,168	4,835,168
5	Other Operating Expense	962,558	962,558
6	<b>EDINBURGH CORRECTIONAL FACILITY</b>		
7	Personal Services	3,614,415	3,614,415
8	Other Operating Expense	388,295	388,295
9	<b>SOUTH BEND JUVENILE CORRECTIONAL FACILITY</b>		
10	Personal Services	4,739,483	4,739,483
11	Other Operating Expense	2,826,481	2,826,481
12	<b>NORTH CENTRAL JUVENILE CORRECTIONAL FACILITY</b>		
13	Personal Services	9,213,446	9,213,446
14	Other Operating Expense	1,243,603	1,243,603
15	<b>CAMP SUMMIT</b>		
16	Personal Services	2,258,110	2,258,110
17	Other Operating Expense	217,833	217,833
18	<b>PENDLETON JUVENILE CORRECTIONAL FACILITY</b>		
19	Personal Services	15,807,771	15,807,771
20	Other Operating Expense	1,633,941	1,633,941

21  
22 **B. LAW ENFORCEMENT**

23  
24 **FOR THE INDIANA STATE POLICE AND MOTOR CARRIER INSPECTION**

25 From the General Fund

26 45,469,876 45,469,876

27 From the Motor Vehicle Highway Account (IC 8-14-1)

28 79,313,933 79,313,933

29 From the Motor Carrier Regulation Fund (IC 8-2.1-23)

30 4,391,978 4,391,978

31 Augmentation allowed from the general fund, the motor vehicle highway account,  
32 and the motor carrier regulation fund.

33  
34 The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the  
35 Motor Carrier Regulation Fund are for the following purposes:

36  
37 Personal Services 115,028,075 115,028,075

38 Other Operating Expense 14,147,712 14,147,712

39  
40 The above appropriations for personal services and other operating expense include  
41 funds to continue the state police minority recruiting program.

42  
43 The foregoing appropriations for the Indiana state police and motor carrier inspection  
44 include funds for the police security detail to be provided to the Indiana state  
45 fair board. However, amounts actually expended to provide security for the Indiana state  
46 fair board as determined by the budget agency shall be reimbursed by the Indiana  
47 state fair board to the state general fund.

48  
49 **ODOMETER FRAUD INVESTIGATION**

1	<b>Motor Vehicle Odometer Fund (IC 9-29-1-5)</b>		
2	<b>Total Operating Expense</b>	<b>25,000</b>	<b>25,000</b>
3	<b>Augmentation allowed.</b>		
4			
5	<b>STATE POLICE TRAINING</b>		
6	<b>State Police Training Fund (IC 5-2-8-5)</b>		
7	<b>Total Operating Expense</b>	<b>502,875</b>	<b>502,875</b>
8	<b>Augmentation allowed.</b>		
9			
10	<b>FORENSIC AND HEALTH SCIENCES LABORATORIES</b>		
11	<b>From the General Fund</b>		
12	3,888,671	3,888,671	
13	<b>From the Motor Carrier Regulation Fund (IC 8-2.1-23)</b>		
14	375,611	375,611	
15	<b>From the Motor Vehicle Highway Account (IC 8-14-1)</b>		
16	6,783,078	6,783,078	
17	<b>Augmentation allowed from the general fund, the motor vehicle highway account,</b>		
18	<b>and the motor carrier regulation fund.</b>		
19			
20	<b>The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the</b>		
21	<b>Motor Carrier Regulation Fund are for the following purposes:</b>		
22			
23	<b>Personal Services</b>	<b>10,572,562</b>	<b>10,572,562</b>
24	<b>Other Operating Expense</b>	<b>474,798</b>	<b>474,798</b>
25			
26	<b>ENFORCEMENT AID</b>		
27	<b>General Fund</b>		
28	<b>Total Operating Expense</b>	<b>40,000</b>	<b>40,000</b>
29	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
30	<b>Total Operating Expense</b>	<b>40,000</b>	<b>40,000</b>
31			
32	<b>The above appropriations for enforcement aid are to meet unforeseen emergencies</b>		
33	<b>of a confidential nature. They are to be expended under the direction of the superintendent</b>		
34	<b>and to be accounted for solely on the superintendent's authority.</b>		
35			
36	<b>PENSION FUND</b>		
37	<b>General Fund</b>		
38	<b>Total Operating Expense</b>	<b>4,736,247</b>	<b>4,736,247</b>
39	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
40	<b>Total Operating Expense</b>	<b>4,736,246</b>	<b>4,736,246</b>
41			
42	<b>The above appropriations shall be paid into the state police pension fund provided</b>		
43	<b>for in IC 10-12-2 in twelve (12) equal installments on or before July 30 and on or</b>		
44	<b>before the 30th of each succeeding month thereafter.</b>		
45			
46	<b>BENEFIT FUND</b>		
47	<b>General Fund</b>		
48	<b>Total Operating Expense</b>	<b>1,713,151</b>	<b>1,713,151</b>
49	<b>Augmentation allowed.</b>		

1           **Motor Vehicle Highway Account (IC 8-14-1)**  
2           **Total Operating Expense**                   **1,713,151**                   **1,713,151**  
3           **Augmentation allowed.**

4  
5           **All benefits to members shall be paid by warrant drawn on the treasurer**  
6           **of state by the auditor of state on the basis of claims filed and approved by the**  
7           **trustees of the state police pension and benefit funds created by IC 10-12-2.**

8  
9           **SUPPLEMENTAL PENSION**

10          **General Fund**  
11          **Total Operating Expense**                   **1,900,753**                   **1,900,753**  
12          **Augmentation allowed.**

13          **Motor Vehicle Highway Account (IC 8-14-1)**  
14          **Total Operating Expense**                   **1,900,753**                   **1,900,753**  
15          **Augmentation allowed.**

16  
17          **If the above appropriations for supplemental pension for any one (1) year are greater**  
18          **than the amount actually required under the provisions of IC 10-12-5, then the excess**  
19          **shall be returned proportionately to the funds from which the appropriations were**  
20          **made. If the amount actually required under IC 10-12-5 is greater than the above**  
21          **appropriations, then, with the approval of the governor and the budget agency, those**  
22          **sums may be augmented from the general fund and the motor vehicle highway account.**

23  
24          **ACCIDENT REPORTING**

25          **Accident Report Account (IC 9-29-11-1)**  
26          **Total Operating Expense**                   **30,000**                   **30,000**  
27          **Augmentation allowed.**

28          **DRUG INTERDICTION**

29          **Drug Interdiction Fund (IC 10-11-7)**  
30          **Total Operating Expense**                   **273,420**                   **273,420**  
31          **Augmentation allowed.**

32          **DNA SAMPLE PROCESSING FUND**

33          **DNA Sample Processing Fund (IC 10-13-6-9.5)**  
34          **Total Operating Expense**                   **1,327,777**                   **1,327,777**  
35          **Augmentation allowed.**

36  
37          **FOR THE INTEGRATED PUBLIC SAFETY COMMISSION**

38          **PROJECT SAFE-T**

39          **Integrated Public Safety Communications Fund (IC 5-26-4-1)**  
40          **Total Operating Expense**                   **13,000,000**                   **13,000,000**  
41          **Augmentation allowed.**

42  
43          **FOR THE ADJUTANT GENERAL**

44          **CAMP ATTERBURY MUSCATATUCK CENTER FOR COMPLEX OPERATIONS**

45          **Personal Services**                               **653,456**                   **653,456**  
46          **Other Operating Expense**                   **362,134**                   **362,134**

47          **ADJUTANT GENERAL FEDERAL COOP AGREEMENT**

48          **Total Operating Expense**                   **9,653,699**                   **9,653,699**

49          **BAER FIELD FEDERAL COOP AGREEMENT**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>370,161</b>	<b>370,161</b>
2	<b>HULMAN FIELD FEDERAL COOP AGREEMENT</b>		
3	<b>Total Operating Expense</b>	<b>306,453</b>	<b>306,453</b>
4	<b>DISABLED SOLDIERS' PENSION</b>		
5	<b>Other Operating Expense</b>	<b>1</b>	<b>1</b>
6	<b>Augmentation allowed.</b>		
7	<b>MUTC - MUSCATATUCK URBAN TRAINING CENTER</b>		
8	<b>Total Operating Expense</b>	<b>1,386,906</b>	<b>1,386,906</b>
9	<b>HOOSIER YOUTH CHALLENGE ACADEMY</b>		
10	<b>Total Operating Expense</b>	<b>1,148,948</b>	<b>1,800,000</b>
11	<b>GOVERNOR'S CIVIL AND MILITARY CONTINGENCY FUND</b>		
12	<b>Total Operating Expense</b>		<b>288,672</b>
13			
14	<b>The above appropriations for the governor's civil and military contingency fund are</b>		
15	<b>made under IC 10-16-11-1.</b>		
16			
17	<b>FOR THE CRIMINAL JUSTICE INSTITUTE</b>		
18	<b>ADMINISTRATIVE MATCH</b>		
19	<b>Total Operating Expense</b>	<b>427,253</b>	<b>427,253</b>
20	<b>DRUG ENFORCEMENT MATCH</b>		
21	<b>Total Operating Expense</b>	<b>1,571,760</b>	<b>1,571,760</b>
22	<b>VICTIM AND WITNESS ASSISTANCE FUND</b>		
23	<b>Victim and Witness Assistance Fund (IC 5-2-6-14)</b>		
24	<b>Total Operating Expense</b>	<b>629,689</b>	<b>629,689</b>
25	<b>Augmentation allowed.</b>		
26	<b>ALCOHOL AND DRUG COUNTERMEASURES</b>		
27	<b>Alcohol and Drug Countermeasures Fund (IC 9-27-2-11)</b>		
28	<b>Total Operating Expense</b>	<b>348,211</b>	<b>348,211</b>
29	<b>Augmentation allowed.</b>		
30	<b>STATE DRUG FREE COMMUNITIES FUND</b>		
31	<b>State Drug Free Communities Fund (IC 5-2-10-2)</b>		
32	<b>Total Operating Expense</b>	<b>526,585</b>	<b>526,585</b>
33	<b>Augmentation allowed.</b>		
34	<b>INDIANA SAFE SCHOOLS</b>		
35	<b>General Fund</b>		
36	<b>Total Operating Expense</b>	<b>1,247,756</b>	<b>1,247,756</b>
37	<b>Indiana Safe Schools Fund (IC 5-2-10.1-2)</b>		
38	<b>Total Operating Expense</b>	<b>764,397</b>	<b>764,397</b>
39	<b>Augmentation allowed from Indiana Safe Schools Fund.</b>		
40			
41	<b>Of the above appropriations for the Indiana safe schools program, \$1,262,153 is appropriated</b>		
42	<b>annually to provide grants to school corporations for school safe haven programs,</b>		
43	<b>emergency preparedness programs, and school safety programs, and \$750,000 is appropriated</b>		
44	<b>annually for use in providing training to school safety specialists.</b>		
45			
46	<b>CHILD RESTRAINT SYSTEM FUND</b>		
47	<b>Total Operating Expense</b>	<b>100,000</b>	<b>100,000</b>
48	<b>COMMUNITY DRIVER TRAINING SCHOOLS &amp; INSTRUCTION</b>		
49	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		

1	<b>Total Operating Expense</b>	<b>63,359</b>	<b>63,359</b>
2	Augmentation allowed.		
3	<b>OFFICE OF TRAFFIC SAFETY</b>		
4	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
5	Personal Services	575,778	575,778
6	Other Operating Expense	13,211,355	13,211,355
7	Augmentation allowed.		

8

9 **The above appropriation for the office of traffic safety is from the motor vehicle**  
10 **highway account and may be used to fund traffic safety projects that are included**  
11 **in a current highway safety plan approved by the governor and the budget agency.**  
12 **The department shall apply to the national highway traffic safety administration**  
13 **for reimbursement of all eligible project costs. Any federal reimbursement received**  
14 **by the department for the highway safety plan shall be deposited into the motor vehicle**  
15 **highway account.**

16	<b>SEXUAL ASSAULT VICTIMS' ASSISTANCE</b>		
17	<b>Sexual Assault Victims' Assistance Account (IC 5-2-6-23(h))</b>		
18	<b>Total Operating Expense</b>	<b>49,000</b>	<b>49,000</b>

19

20

21 **Augmentation allowed. The full amount of the above appropriations shall be distributed**  
22 **to rape crisis centers in Indiana without any deduction of personal services or other**  
23 **operating expenses of any state agency.**

24	<b>VICTIMS OF VIOLENT CRIME ADMINISTRATION</b>		
25	<b>Violent Crime Victims Compensation Fund (IC 5-2-6.1-40)</b>		
26	Personal Services	112,122	112,122
27	Other Operating Expense	2,407,402	2,407,402

28

29 Augmentation allowed.

30	<b>DOMESTIC VIOLENCE PREVENTION AND TREATMENT</b>		
31	<b>General Fund</b>		
32	<b>Total Operating Expense</b>	<b>1,734,014</b>	<b>1,734,014</b>
33	<b>Domestic Violence Prevention and Treatment Fund (IC 12-18-4)</b>		
34	<b>Total Operating Expense</b>	<b>1,115,590</b>	<b>1,115,590</b>

35 Augmentation allowed.

36	<b>FOR THE CORONERS' TRAINING BOARD</b>		
37	<b>Coroners' Training and Continuing Education Fund (IC 4-23-6.5-8)</b>		
38	<b>Total Operating Expense</b>	<b>361,229</b>	<b>361,229</b>

39 Augmentation allowed.

40	<b>FOR THE LAW ENFORCEMENT TRAINING ACADEMY</b>		
41	<b>From the General Fund</b>		
42		2,190,933	2,190,933
43	<b>From the Law Enforcement Training Fund (IC 5-2-1-13(b))</b>		
44		2,220,048	2,220,048

45 Augmentation allowed from the Law Enforcement Training Fund.

46

47

48

49 **The amounts specified from the General Fund and the Law Enforcement Training Fund**

1 are for the following purposes:

2			
3	Personal Services	3,608,441	3,608,441
4	Other Operating Expense	802,540	802,540

5

6 **C. REGULATORY AND LICENSING**

7

8 **FOR THE BUREAU OF MOTOR VEHICLES**

9	Motor Vehicle Highway Account (IC 8-14-1)		
10	Personal Services	17,446,403	17,446,403
11	Other Operating Expense	13,493,000	13,493,000

12 Augmentation allowed.

13 **LICENSE PLATES**

14	Motor Vehicle Highway Account (IC 8-14-1)		
15	Total Operating Expense	5,600,000	5,600,000

16 Augmentation allowed.

17 **FINANCIAL RESPONSIBILITY COMPLIANCE VERIFICATION**

18	Financial Responsibility Compliance Verification Fund (IC 9-25-9-7)		
19	Total Operating Expense	6,571,932	6,571,932

20 Augmentation allowed.

21 **STATE MOTOR VEHICLE TECHNOLOGY**

22	State Motor Vehicle Technology Fund (IC 9-29-16-1)		
23	Total Operating Expense	5,261,692	5,261,692

24 Augmentation allowed.

25

26 **FOR THE DEPARTMENT OF LABOR**

27	Personal Services	871,619	871,619
28	Other Operating Expense	141,615	141,615

29 **BUREAU OF MINES AND MINING**

30	Personal Services	150,554	150,554
31	Other Operating Expense	20,104	20,104

32 **M.I.S. RESEARCH AND STATISTICS**

33	Personal Services	207,354	207,354
34	Other Operating Expense	22,360	22,360

35 **OCCUPATIONAL SAFETY AND HEALTH**

36	Personal Services	3,237,073	3,237,073
37	Other Operating Expense	568,548	568,548

38

39 **The above funds are appropriated to occupational safety and health**

40 **and management information services research and statistics to provide the total**

41 **program cost of the Indiana occupational safety and health plan as approved by the**

42 **United States Department of Labor. Inasmuch as the state is eligible to receive**

43 **from the federal government partial reimbursement of the state's total Indiana occupational**

44 **safety and health plan program cost, it is the intention of the general assembly**

45 **that the department of labor make application to the federal government for the federal**

46 **share of the total program cost.**

47

48 **EMPLOYMENT OF YOUTH**

49	Employment of Youth Fund (IC 20-33-3-42)		
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	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>183,555</b>	<b>183,555</b>
2	Augmentation allowed.		
3	<b>INSAFE</b>		
4	<b>Special Fund for Safety and Health Consultation Services (IC 22-8-1.1-48)</b>		
5	Personal Services	874,587	874,587
6	Other Operating Expense	217,752	217,752
7	Augmentation allowed.		
8			
9	<b>FOR THE DEPARTMENT OF INSURANCE</b>		
10	<b>Department of Insurance Fund (IC 27-1-3-28)</b>		
11	Personal Services	5,318,138	5,318,138
12	Other Operating Expense	1,195,519	1,195,519
13	Augmentation allowed.		
14	<b>BAIL BOND DIVISION</b>		
15	<b>Bail Bond Enforcement and Administration Fund (IC 27-10-5-1)</b>		
16	Personal Services	171,597	171,597
17	Other Operating Expense	8,832	8,832
18	Augmentation allowed.		
19	<b>PATIENTS' COMPENSATION AUTHORITY</b>		
20	<b>Patients' Compensation Fund (IC 34-18-6-1)</b>		
21	Personal Services	490,135	490,135
22	Other Operating Expense	1,346,870	1,346,870
23	Augmentation allowed.		
24	<b>POLITICAL SUBDIVISION RISK MANAGEMENT</b>		
25	<b>Political Subdivision Risk Management Fund (IC 27-1-29-10)</b>		
26	Personal Services	44,195	44,195
27	Other Operating Expense	782,960	782,960
28	Augmentation allowed.		
29	<b>MINE SUBSIDENCE INSURANCE</b>		
30	<b>Mine Subsidence Insurance Fund (IC 27-7-9-7)</b>		
31	Personal Services	62,116	62,116
32	Other Operating Expense	827,283	827,283
33	Augmentation allowed.		
34	<b>TITLE INSURANCE ENFORCEMENT OPERATING</b>		
35	<b>Title Insurance Enforcement Fund (IC 27-7-3.6-1)</b>		
36	Personal Services	288,370	288,370
37	Other Operating Expense	80,921	80,921
38	Augmentation allowed.		
39			
40	<b>FOR THE ALCOHOL AND TOBACCO COMMISSION</b>		
41	<b>Enforcement and Administration Fund (IC 7.1-4-10-1)</b>		
42	Personal Services	8,612,469	8,612,469
43	Other Operating Expense	1,780,699	1,780,699
44	Augmentation allowed.		
45			
46	<b>ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS' TRAINING</b>		
47	<b>Alcoholic Beverage Commission Enforcement Officers' Training Fund (IC 5-2-8-8)</b>		
48	Total Operating Expense	4,200	4,200
49	Augmentation allowed.		

1	<b>YOUTH TOBACCO EDUCATION AND ENFORCEMENT</b>		
2	<b>Youth Tobacco Education and Enforcement Fund (IC 7.1-6-2-6)</b>		
3	<b>Total Operating Expense</b>	<b>25,000</b>	<b>25,000</b>
4	<b>Augmentation allowed.</b>		
5			
6	<b>FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS</b>		
7	<b>Financial Institutions Fund (IC 28-11-2-9)</b>		
8	<b>Personal Services</b>	<b>6,972,935</b>	<b>6,972,935</b>
9	<b>Other Operating Expense</b>	<b>1,518,119</b>	<b>1,518,119</b>
10	<b>Augmentation allowed.</b>		
11			
12	<b>FOR THE PROFESSIONAL LICENSING AGENCY</b>		
13	<b>Personal Services</b>	<b>4,669,317</b>	<b>4,669,317</b>
14	<b>Other Operating Expense</b>	<b>867,325</b>	<b>867,325</b>
15	<b>PRENEED CONSUMER PROTECTION</b>		
16	<b>Preneed Consumer Protection Fund (IC 30-2-13-28)</b>		
17	<b>Total Operating Expense</b>	<b>72,750</b>	<b>72,750</b>
18	<b>Augmentation allowed.</b>		
19	<b>BOARD OF FUNERAL AND CEMETERY SERVICE</b>		
20	<b>Funeral Service Education Fund (IC 25-15-9-13)</b>		
21	<b>Total Operating Expense</b>	<b>4,850</b>	<b>4,850</b>
22	<b>Augmentation allowed.</b>		
23			
24	<b>FOR THE CIVIL RIGHTS COMMISSION</b>		
25	<b>Personal Services</b>	<b>1,916,298</b>	<b>1,916,298</b>
26	<b>Other Operating Expense</b>	<b>270,632</b>	<b>270,632</b>
27			
28	<b>It is the intention of the general assembly that the civil rights commission shall</b>		
29	<b>apply to the federal government for funding based upon the processing of employment</b>		
30	<b>and housing discrimination complaints by the civil rights commission. Such federal</b>		
31	<b>funds received by the state shall be considered as a reimbursement of state expenditures</b>		
32	<b>and shall be deposited into the state general fund.</b>		
33			
34	<b>MARTIN LUTHER KING JR. HOLIDAY COMMISSION</b>		
35	<b>Total Operating Expense</b>	<b>20,000</b>	<b>20,000</b>
36			
37	<b>FOR THE UTILITY CONSUMER COUNSELOR</b>		
38	<b>Public Utility Fund (IC 8-1-6-1)</b>		
39	<b>Personal Services</b>	<b>4,485,790</b>	<b>4,485,790</b>
40	<b>Other Operating Expense</b>	<b>687,910</b>	<b>687,910</b>
41	<b>Augmentation allowed.</b>		
42			
43	<b>EXPERT WITNESS FEES AND AUDIT</b>		
44	<b>Public Utility Fund (IC 8-1-6-1)</b>		
45	<b>Total Operating Expense</b>		<b>1,503,500</b>
46	<b>Augmentation allowed.</b>		
47			
48	<b>FOR THE UTILITY REGULATORY COMMISSION</b>		
49	<b>Public Utility Fund (IC 8-1-6-1)</b>		

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	6,729,019	6,729,019	
2	Other Operating Expense	1,917,752	1,917,752	
3	Augmentation allowed.			
4				
5	<b>FOR THE WORKERS' COMPENSATION BOARD</b>			
6	From the General Fund			
7	1,918,782	1,918,782		
8	From the Workers' Compensation Supplemental Administration Fund (IC 22-3-5-6)			
9	145,007	145,007		
10	Augmentation allowed.			
11				
12	The amounts specified from the general fund and the workers' compensation supplemental			
13	administrative fund are for the following purposes:			
14				
15	Personal Services	1,927,761	1,927,761	
16	Other Operating Expense	136,028	136,028	
17				
18	<b>FOR THE STATE BOARD OF ANIMAL HEALTH</b>			
19	Personal Services	4,021,557	4,021,557	
20	Other Operating Expense	865,228	865,228	
21	<b>INDEMNITY FUND</b>			
22	Total Operating Expense			9,700
23	Augmentation allowed.			
24	<b>MEAT &amp; POULTRY INSPECTION</b>			
25	Total Operating Expense	1,884,049	1,884,049	
26				
27	<b>FOR THE DEPARTMENT OF HOMELAND SECURITY</b>			
28	<b>FIRE AND BUILDING SERVICES</b>			
29	From the Fire and Building Services Fund (IC 22-12-6-1)			
30	15,251,362	15,251,362		
31	From the Medical Services Education Fund (IC 16-31-7-1)			
32	23,437	23,437		
33	Augmentation allowed from the fire and building services fund and medical services			
34	education fund.			
35				
36	The amounts specified from the fire and building services fund and medical services			
37	education fund are for the following purposes:			
38				
39	Personal Services	12,467,711	12,467,711	
40	Other Operating Expense	2,807,088	2,807,088	
41				
42	<b>REGIONAL PUBLIC SAFETY TRAINING</b>			
43	Regional Public Safety Training Fund (IC 10-15-3-12)			
44	Total Operating Expense	1,902,047	1,902,047	
45	Augmentation allowed.			
46				
47	<b>EMERGENCY MANAGEMENT CONTINGENCY FUND</b>			
48	Total Operating Expense	121,645	121,645	
49				

1 The above appropriations for the emergency management contingency fund are made under  
 2 IC 10-14-3-28.

3  
 4 **PUBLIC ASSISTANCE**

5 Total Operating Expense	1	1
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6 **HOMELAND SECURITY FUND - FOUNDATION**

7 Homeland Security Fund - Foundation (IC 10-15-3-1)

8 Total Operating Expense	224,423	224,423
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9 Augmentation allowed.

10 **INDIANA EMERGENCY RESPONSE COMMISSION**

11 Emergency Planning and Right to Know Fund (IC 6-6-10-5)

12 Total Operating Expense	40,962	40,962
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13 Augmentation allowed.

14 **STATE DISASTER RELIEF FUND**

15 State Disaster Relief Fund (IC 10-14-4-5)

16 Total Operating Expense	500,000	500,000
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17 Augmentation allowed, not to exceed revenues collected from the public safety fee  
 18 imposed by IC 22-11-14-12.

19  
 20 Augmentation allowed from the general fund to match federal disaster relief funds.

21  
 22 **REDUCED IGNITION PROPENSITY STANDARDS FOR CIGARETTES FUND**

23 Reduced Ignition Propensity Standards for Cigarettes Fund (IC 22-14-7-22(a))

24 Total Operating Expense	80,000	80,000
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25 Augmentation allowed.

26 **INDIANA INTELLIGENCE FUSION CENTER**

27 Total Operating Expense	969,252	969,252
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28 **STATEWIDE FIRE AND BUILDING SAFETY EDUCATION FUND**

29 Statewide Fire and Building Safety Education Fund (IC 22-12-6-3)

30 Total Operating Expense	117,162	117,162
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31 Augmentation allowed.

32  
 33 **SECTION 5. [EFFECTIVE JULY 1, 2009]**

34  
 35 **CONSERVATION AND ENVIRONMENT**

36  
 37 **A. NATURAL RESOURCES**

38  
 39 **FOR THE DEPARTMENT OF NATURAL RESOURCES - ADMINISTRATION**

40 Personal Services	8,179,372	8,179,372
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41 Other Operating Expense	1,358,733	1,358,733
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42 **ENTOMOLOGY AND PLANT PATHOLOGY DIVISION**

43 Personal Services	588,850	588,850
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44 Other Operating Expense	151,997	151,997
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45 **ENTOMOLOGY AND PLANT PATHOLOGY FUND**

46 Entomology and Plant Pathology Fund (IC 14-24-10-3)

47 Total Operating Expense		662,868
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48 Augmentation allowed.

49 **ENGINEERING DIVISION**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	1,728,557	1,728,557
2	Other Operating Expense	99,232	99,232
3	<b>STATE MUSEUM</b>		
4	Personal Services	5,020,180	5,020,180
5	Other Operating Expense	1,251,406	1,251,406
6	<b>HISTORIC PRESERVATION DIVISION</b>		
7	Personal Services	755,246	755,246
8	Other Operating Expense	70,346	70,346
9	<b>HISTORIC PRESERVATION - FEDERAL</b>		
10	Total Operating Expense	32,559	32,559
11	<b>STATE HISTORIC SITES</b>		
12	Personal Services	2,400,530	2,400,530
13	Other Operating Expense	499,789	499,789
14			
15	<b>From the above appropriations, \$75,000 in each state fiscal year shall be used for</b>		
16	<b>the Grissom Museum.</b>		
17			
18	<b>LINCOLN PRODUCTION</b>		
19	Total Operating Expense	440,000	440,000
20	<b>INDIANA FLOOD CONTROL SUMMIT</b>		
21	Total Operating Expense	5,000	0
22			
23	<b>The department of natural resources shall schedule, organize, and conduct an Indiana</b>		
24	<b>flood control summit for one (1) or more days in Indiana before November 1, 2009.</b>		
25			
26	<b>WABASH RIVER HERITAGE CORRIDOR</b>		
27	Total Operating Expense	80,246	80,246
28	<b>OUTDOOR RECREATION DIVISION</b>		
29	Personal Services	615,004	615,004
30	Other Operating Expense	41,931	41,931
31	<b>NATURE PRESERVES DIVISION</b>		
32	Personal Services	923,068	923,068
33	Other Operating Expense	46,569	46,569
34	<b>WATER DIVISION</b>		
35	Personal Services	4,417,754	4,417,754
36	Other Operating Expense	405,079	405,079
37			
38	<b>All revenues accruing from state and local units of government and from private utilities</b>		
39	<b>and industrial concerns as a result of water resources study projects, and as a result</b>		
40	<b>of topographic and other mapping projects, shall be deposited into the state general</b>		
41	<b>fund, and such receipts are hereby appropriated, in addition to the foregoing amounts,</b>		
42	<b>for water resources studies.</b>		
43			
44	<b>DEER RESEARCH AND MANAGEMENT</b>		
45	Deer Research and Management Fund (IC 14-22-5-2)		
46	Total Operating Expense	189,160	189,160
47	Augmentation allowed.		
48	<b>OIL AND GAS DIVISION</b>		
49	Oil and Gas Fund (IC 6-8-1-27)		

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	1,300,410	1,300,410	
2	Other Operating Expense	322,789	322,789	
3	Augmentation allowed.			
4				
5	<b>STATE PARKS AND RESERVOIRS</b>			
6	From the General Fund			
7	11,343,213 11,343,213			
8	From the State Parks and Reservoirs Special Revenue Fund (IC 14-19-8-2)			
9	20,644,742 20,644,742			
10	Augmentation allowed from the State Parks and Reservoirs Special Revenue Fund.			
11				
12	The amounts specified from the General Fund and the State Parks and Reservoirs			
13	Special Revenue Fund are for the following purposes:			
14				
15	Personal Services	23,781,129	23,781,129	
16	Other Operating Expense	8,206,826	8,206,826	
17				
18	<b>OFF-ROAD VEHICLE AND SNOWMOBILE FUND</b>			
19	Off-Road Vehicle and Snowmobile Fund (IC 14-16-1-30)			
20	Total Operating Expense	291,001	291,001	
21	Augmentation allowed.			
22	<b>LAW ENFORCEMENT DIVISION</b>			
23	From the General Fund			
24	9,936,748 9,936,748			
25	From the Fish and Wildlife Fund (IC 14-22-3-2)			
26	13,381,894 13,381,894			
27	Augmentation allowed from the Fish and Wildlife Fund.			
28				
29	The amounts specified from the General Fund and the Fish and Wildlife Fund are for			
30	the following purposes:			
31				
32	Personal Services	19,396,301	19,396,301	
33	Other Operating Expense	3,922,341	3,922,341	
34				
35	<b>FISH AND WILDLIFE DIVISION</b>			
36	Fish and Wildlife Fund (IC 14-22-3-2)			
37	Personal Services	13,124,471	13,124,471	
38	Other Operating Expense	4,377,957	4,377,957	
39	Augmentation allowed.			
40	<b>FORESTRY DIVISION</b>			
41	From the General Fund			
42	4,494,586 4,494,586			
43	From the State Forestry Fund (IC 14-23-3-2)			
44	7,492,186 7,492,186			
45	Augmentation allowed from the State Forestry Fund.			
46				
47	The amounts specified from the General Fund and the State Forestry Fund are			
48	for the following purposes:			
49				

	<i>FY 2009-2010</i>	<i>FY 2010-2011</i>	<i>Biennial</i>
	<i>Appropriation</i>	<i>Appropriation</i>	<i>Appropriation</i>
1	Personal Services	7,796,996	7,796,996
2	Other Operating Expense	4,189,776	4,189,776
3			
4	<b>RECLAMATION DIVISION</b>		
5	<b>Natural Resources Reclamation Division Fund (IC 14-34-14-2)</b>		
6	Personal Services	1,496,777	1,496,777
7	Other Operating Expense	393,565	393,565
8	Augmentation allowed.		
9			
10	In addition to any of the foregoing appropriations for the department of natural		
11	resources, any federal funds received by the state of Indiana for support of approved		
12	outdoor recreation projects for planning, acquisition, and development under the		
13	provisions of the federal Land and Water Conservation Fund Act, P.L.88-578, are appropriated		
14	for the uses and purposes for which the funds were paid to the state, and shall be		
15	distributed by the department of natural resources to state agencies and other governmental		
16	units in accordance with the provisions under which the funds were received.		
17			
18	<b>LAKE MICHIGAN COASTAL PROGRAM</b>		
19	<b>Cigarette Tax Fund (IC 6-7-1-29.1)</b>		
20	Total Operating Expense	142,283	142,283
21	Augmentation allowed.		
22	<b>LAKE AND RIVER ENHANCEMENT</b>		
23	<b>Lake and River Enhancement Fund (IC 6-6-11-12.5)</b>		
24	Total Operating Expense		4,603,882
25	Augmentation allowed.		
26	<b>CONSERVATION OFFICERS' MARINE ENFORCEMENT FUND</b>		
27	<b>Lake and River Enhancement Fund (IC 6-6-11-12.5)</b>		
28	Total Operating Expense	795,400	795,400
29	Augmentation allowed.		
30	<b>HERITAGE TRUST</b>		
31	Total Operating Expense	1,000,000	1,000,000
32			
33	<b>B. OTHER NATURAL RESOURCES</b>		
34			
35	<b>FOR THE WORLD WAR MEMORIAL COMMISSION</b>		
36	Personal Services	735,437	735,437
37	Other Operating Expense	302,381	302,381
38			
39	All revenues received as rent for space in the buildings located at 777 North Meridian		
40	Street and 700 North Pennsylvania Street, in the city of Indianapolis, that exceed		
41	the costs of operation and maintenance of the space rented, shall be paid into the		
42	general fund. The American Legion shall provide for the complete maintenance of		
43	the interior of these buildings.		
44			
45	<b>FOR THE WHITE RIVER PARK COMMISSION</b>		
46	Total Operating Expense	998,999	998,999
47			
48	<b>FOR THE MAUMEE RIVER BASIN COMMISSION</b>		
49	Total Operating Expense	67,658	67,658

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<b>FOR THE ST. JOSEPH RIVER BASIN COMMISSION</b>		
Total Operating Expense	58,751	58,751
<b>FOR THE KANKAKEE RIVER BASIN COMMISSION</b>		
Total Operating Expense	67,658	67,658
<b>C. ENVIRONMENTAL MANAGEMENT</b>		
<b>FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT</b>		
<b>ADMINISTRATION</b>		
From the General Fund		
3,363,457	3,363,457	
From the State Solid Waste Management Fund (IC 13-20-22-2)		
66,480	66,480	
From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
57,475	57,475	
From the Waste Tire Management Fund (IC 13-20-13-8)		
101,519	101,519	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
639,953	639,953	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
608,752	608,752	
From the Environmental Management Special Fund (IC 13-14-12-1)		
88,128	88,128	
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
179,093	179,093	
From the Asbestos Trust Fund (IC 13-17-6-3)		
23,089	23,089	
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
51,616	51,616	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)		
1,761,099	1,761,099	
Augmentation allowed from the State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.		

The amounts specified from the General Fund, State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund are for the following purposes:

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	5,241,508	5,241,508	
2	Other Operating Expense	1,699,153	1,699,153	
3				
4	<b>LABORATORY CONTRACTS</b>			
5	Environmental Management Special Fund (IC 13-14-12-1)			
6	Total Operating Expense	461,424	461,424	
7	Augmentation allowed.			
8	Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
9	Total Operating Expense	200,747	200,747	
10	Augmentation allowed.			
11				
12	<b>OWQ LABORATORY CONTRACTS</b>			
13	Environmental Management Special Fund (IC 13-14-12-1)			
14	Total Operating Expense	340,470	340,470	
15	Augmentation allowed.			
16	Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
17	Total Operating Expense	794,430	794,430	
18	Augmentation allowed.			
19				
20	<b>NORTHWEST REGIONAL OFFICE</b>			
21	From the General Fund			
22		308,229	308,229	
23	From the State Solid Waste Management Fund (IC 13-20-22-2)			
24		6,760	6,760	
25	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
26		5,844	5,844	
27	From the Waste Tire Management Fund (IC 13-20-13-8)			
28		12,094	12,094	
29	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
30		143,845	143,845	
31	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
32		69,339	69,339	
33	From the Environmental Management Special Fund (IC 13-14-12-1)			
34		10,760	10,760	
35	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
36		23,294	23,294	
37	From the Asbestos Trust Fund (IC 13-17-6-3)			
38		5,190	5,190	
39	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
40		7,396	7,396	
41	Augmentation allowed from the State Solid Waste Management Fund, Indiana			
42	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title			
43	V Operating Permit Program Trust Fund, Environmental Management Permit			
44	Operation Fund, Environmental Management Special Fund, Hazardous Substances			
45	Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage			
46	Tank Trust Fund.			
47				
48	The amounts specified from the General Fund, State Solid Waste Management			
49	Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management			

1 **Fund, Title V Operating Permit Program Trust Fund, Environmental Management**  
 2 **Permit Operation Fund, Environmental Management Special Fund, Hazardous**  
 3 **Substances Response Trust Fund, Asbestos Trust Fund, and Underground**  
 4 **Petroleum Storage Tank Trust Fund are for the following purposes:**

6	Personal Services	255,609	255,609
7	Other Operating Expense	337,142	337,142

8  
 9 **NORTHERN REGIONAL OFFICE**

10	From the General Fund		
11		190,702	190,702
12	From the State Solid Waste Management Fund (IC 13-20-22-2)		
13		8,067	8,067
14	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
15		6,972	6,972
16	From the Waste Tire Management Fund (IC 13-20-13-8)		
17		12,143	12,143
18	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
19		118,951	118,951
20	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
21		74,143	74,143
22	From the Environmental Management Special Fund (IC 13-14-12-1)		
23		11,395	11,395
24	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
25		21,336	21,336
26	From the Asbestos Trust Fund (IC 13-17-6-3)		
27		4,290	4,290
28	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
29		6,050	6,050
30	Augmentation allowed from the State Solid Waste Management Fund, Indiana		
31	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title		
32	V Operating Permit Program Trust Fund, Environmental Management Permit		
33	Operation Fund, Environmental Management Special Fund, Hazardous Substances		
34	Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage		
35	Tank Trust Fund.		

36  
 37 **The amounts specified from the General Fund, State Solid Waste Management Fund,**  
 38 **Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,**  
 39 **Title V Operating Permit Program Trust Fund, Environmental Management Permit**  
 40 **Operation Fund, Environmental Management Special Fund, Hazardous Substances**  
 41 **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**  
 42 **Tank Trust Fund are for the following purposes:**

44	Personal Services	204,566	204,566
45	Other Operating Expense	249,483	249,483

46  
 47 **SOUTHWEST REGIONAL OFFICE**

48	From the General Fund		
49		152,909	152,909

1	<b>From the State Solid Waste Management Fund (IC 13-20-22-2)</b>		
2		16,615	16,615
3	<b>From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)</b>		
4		14,363	14,363
5	<b>From the Waste Tire Management Fund (IC 13-20-13-8)</b>		
6		20,150	20,150
7	<b>From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)</b>		
8		69,085	69,085
9	<b>From the Environmental Management Permit Operation Fund (IC 13-15-11-1)</b>		
10		65,400	65,400
11	<b>From the Environmental Management Special Fund (IC 13-14-12-1)</b>		
12		11,913	11,913
13	<b>From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)</b>		
14		22,794	22,794
15	<b>From the Asbestos Trust Fund (IC 13-17-6-3)</b>		
16		2,490	2,490
17	<b>From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)</b>		
18		6,564	6,564
19	<b>Augmentation allowed from the State Solid Waste Management Fund, Indiana</b>		
20	<b>Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title</b>		
21	<b>V Operating Permit Program Trust Fund, Environmental Management Permit</b>		
22	<b>Operation Fund, Environmental Management Special Fund, Hazardous Substances</b>		
23	<b>Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage</b>		
24	<b>Tank Trust Fund.</b>		

25  
 26 **The amounts specified from the General Fund, State Solid Waste Management Fund,**  
 27 **Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,**  
 28 **Title V Operating Permit Program Trust Fund, Environmental Management Permit**  
 29 **Operation Fund, Environmental Management Special Fund, Hazardous Substances**  
 30 **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**  
 31 **Tank Trust Fund are for the following purposes:**

32			
33	<b>Personal Services</b>	<b>200,171</b>	<b>200,171</b>
34	<b>Other Operating Expense</b>	<b>182,112</b>	<b>182,112</b>

35  
 36 **LEGAL AFFAIRS**

37	<b>From the General Fund</b>		
38		493,113	493,113
39	<b>From the Waste Tire Management Fund (IC 13-20-13-8)</b>		
40		8,168	8,168
41	<b>From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)</b>		
42		217,015	217,015
43	<b>From the Environmental Management Permit Operation Fund (IC 13-15-11-1)</b>		
44		159,037	159,037
45	<b>From the Environmental Management Special Fund (IC 13-14-12-1)</b>		
46		19,518	19,518
47	<b>From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)</b>		
48		36,872	36,872
49	<b>From the Asbestos Trust Fund (IC 13-17-6-3)</b>		

1		7,829	7,829	
2	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
3		9,907	9,907	
4	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			
5		337,980	337,980	
6	Augmentation allowed from the Waste Tire Management Fund, Title V Operating			
7	Permit Program Trust Fund, Environmental Management Permit Operation Fund,			
8	Environmental Management Special Fund, Hazardous Substances Response Trust			
9	Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund,			
10	and Underground Petroleum Storage Tank Excess Liability Trust Fund.			

11

12 The amounts specified from the General Fund, Waste Tire Management Fund, Title V

13 Operating Permit Program Trust Fund, Environmental Management Permit Operation

14 Fund, Environmental Management Special Fund, Hazardous Substances Response Trust

15 Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and

16 Underground Petroleum Storage Tank Excess Liability Trust Fund are for the

17 following purposes:

18				
19	Personal Services	1,173,821	1,173,821	
20	Other Operating Expense	115,618	115,618	

21

22 **ENFORCEMENT**

23	From the General Fund			
24		199,909	199,909	
25	From the Waste Tire Management Fund (IC 13-20-13-8)			
26		14,231	14,231	
27	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
28		55,898	55,898	
29	From the Environmental Management Special Fund (IC 13-14-12-1)			
30		15,847	15,847	
31	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
32		51,200	51,200	
33	From the Asbestos Trust Fund (IC 13-17-6-3)			
34		2,016	2,016	
35	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
36		17,255	17,255	
37	Augmentation allowed from the Waste Tire Management Fund, Title V Operating			
38	Permit Program Trust Fund, Environmental Management Special Fund, Hazardous			
39	Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum			
40	Storage Tank Trust Fund.			

41

42 The amounts specified from the General Fund, Waste Tire Management Fund, Title V

43 Operating Permit Program Trust Fund, Environmental Management Special Fund,

44 Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground

45 Petroleum Storage Tank Trust Fund are for the following purposes:

46				
47	Personal Services	289,276	289,276	
48	Other Operating Expense	67,080	67,080	

49

1       **INVESTIGATIONS**

2       **From the General Fund**

3                               173,097       173,097

4       **From the State Solid Waste Management Fund (IC 13-20-22-2)**

5                               6,622       6,622

6       **From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)**

7                               5,725       5,725

8       **From the Waste Tire Management Fund (IC 13-20-13-8)**

9                               15,565       15,565

10       **From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)**

11                              57,883       57,883

12       **From the Environmental Management Permit Operation Fund (IC 13-15-11-1)**

13                              83,397       83,397

14       **From the Environmental Management Special Fund (IC 13-14-12-1)**

15                              10,405       10,405

16       **From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)**

17                              33,468       33,468

18       **From the Asbestos Trust Fund (IC 13-17-6-3)**

19                              2,088       2,088

20       **From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)**

21                              11,753       11,753

22       **Augmentation allowed from the State Solid Waste Management Fund, Indiana**  
 23       **Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V**  
 24       **Operating Permit Program Trust Fund, Environmental Management Permit Operation**  
 25       **Fund, Environmental Management Special Fund, Hazardous Substances Response Trust**  
 26       **Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund.**

27  
 28       **The amounts specified from the General Fund, State Solid Waste Management Fund,**  
 29       **Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,**  
 30       **Title V Operating Permit Program Trust Fund, Environmental Management Permit**  
 31       **Operation Fund, Environmental Management Special Fund, Hazardous Substances**  
 32       **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank**  
 33       **Trust Fund are for the following purposes:**

35 <b>Personal Services</b>	330,556	330,556
36 <b>Other Operating Expense</b>	69,447	69,447

37  
 38       **MEDIA AND COMMUNICATIONS**

39       **From the General Fund**

40                              417,794       417,794

41       **From the State Solid Waste Management Fund (IC 13-20-22-2)**

42                              8,437       8,437

43       **From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)**

44                              7,294       7,294

45       **From the Waste Tire Management Fund (IC 13-20-13-8)**

46                              12,595       12,595

47       **From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)**

48                              73,727       73,727

49       **From the Environmental Management Permit Operation Fund (IC 13-15-11-1)**

1	64,768	64,768	
2	<b>From the Environmental Management Special Fund (IC 13-14-12-1)</b>		
3	9,757	9,757	
4	<b>From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)</b>		
5	20,693	20,693	
6	<b>From the Asbestos Trust Fund (IC 13-17-6-3)</b>		
7	2,657	2,657	
8	<b>From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)</b>		
9	6,208	6,208	
10	<b>From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)</b>		
11	211,660	211,660	
12	<b>Augmentation allowed from the State Solid Waste Management Fund, Indiana</b>		
13	<b>Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V</b>		
14	<b>Operating Permit Program Trust Fund, Environmental Management Permit Operation</b>		
15	<b>Fund, Environmental Management Special Fund, Hazardous Substances Response</b>		
16	<b>Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust</b>		
17	<b>Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.</b>		
18			
19	<b>The amounts specified from the General Fund, State Solid Waste Management Fund,</b>		
20	<b>Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,</b>		
21	<b>Title V Operating Permit Program Trust Fund, Environmental Management Permit</b>		
22	<b>Operation Fund, Environmental Management Special Fund, Hazardous Substances</b>		
23	<b>Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank</b>		
24	<b>Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund,</b>		
25	<b>are for the following purposes:</b>		
26			
27	Personal Services	780,640	780,640
28	Other Operating Expense	54,950	54,950
29			
30	<b>COMMUNITY RELATIONS</b>		
31	<b>From the General Fund</b>		
32	480,081	480,081	
33	<b>From the State Solid Waste Management Fund (IC 13-20-22-2)</b>		
34	13,954	13,954	
35	<b>From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)</b>		
36	12,061	12,061	
37	<b>From the Waste Tire Management Fund (IC 13-20-13-8)</b>		
38	20,830	20,830	
39	<b>From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)</b>		
40	121,916	121,916	
41	<b>From the Environmental Management Permit Operation Fund (IC 13-15-11-1)</b>		
42	107,104	107,104	
43	<b>From the Environmental Management Special Fund (IC 13-14-12-1)</b>		
44	16,124	16,124	
45	<b>From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)</b>		
46	34,215	34,215	
47	<b>From the Asbestos Trust Fund (IC 13-17-6-3)</b>		
48	4,398	4,398	
49	<b>From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)</b>		

1		10,260	10,260	
2	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			
3		349,996	349,996	
4	Augmentation allowed from the State Solid Waste Management Fund, Indiana			
5	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V			
6	Operating Permit Program Trust Fund, Environmental Management Permit Operation			
7	Fund, Environmental Management Special Fund, Hazardous Substances Response			
8	Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust			
9	Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.			

10  
11 The amounts specified from the General Fund, State Solid Waste Management Fund,  
12 Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,  
13 Title V Operating Permit Program Trust Fund, Environmental Management Permit  
14 Operation Fund, Environmental Management Special Fund, Hazardous Substances  
15 Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank  
16 Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund  
17 are for the following purposes:

18				
19	Personal Services	1,080,148	1,080,148	
20	Other Operating Expense	90,791	90,791	
21				

22 **OHIO RIVER VALLEY WATER SANITATION COMMISSION**

23	Environmental Management Special Fund (IC 13-14-12-1)			
24	Total Operating Expense	270,242	270,242	
25	Augmentation allowed.			

26 **OFFICE OF ENVIRONMENTAL RESPONSE**

27	Personal Services	3,000,468	3,000,468	
28	Other Operating Expense	319,013	319,013	

29 **POLLUTION PREVENTION AND TECHNICAL ASSISTANCE**

30	Personal Services	1,456,036	1,456,036	
31	Other Operating Expense	437,489	437,489	

32 **PCB INSPECTIONS**

33	Environmental Management Permit Operation Fund (IC 13-15-11-1)			
34	Total Operating Expense	30,562	30,562	
35	Augmentation allowed.			

36 **U.S. GEOLOGICAL SURVEY CONTRACTS**

37	Environmental Management Special Fund (IC 13-14-12-1)			
38	Total Operating Expense	64,398	64,398	
39	Augmentation allowed.			

40 **STATE SOLID WASTE GRANTS MANAGEMENT**

41	State Solid Waste Management Fund (IC 13-20-22-2)			
42	Personal Services	391,814	391,814	
43	Other Operating Expense	337,443	337,443	
44	Augmentation allowed.			

45 **RECYCLING OPERATING**

46	Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
47	Personal Services	325,931	325,931	
48	Other Operating Expense	312,525	312,525	
49	Augmentation allowed.			

1	<b>RECYCLING PROMOTION AND ASSISTANCE PROGRAM</b>		
2	Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
3	Total Operating Expense	770,000	770,000
4	Augmentation allowed.		
5	<b>VOLUNTARY CLEAN-UP PROGRAM</b>		
6	Voluntary Remediation Fund (IC 13-25-5-21)		
7	Personal Services	739,322	739,322
8	Other Operating Expense	179,935	179,935
9	Augmentation allowed.		
10	<b>TITLE V AIR PERMIT PROGRAM</b>		
11	Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
12	Personal Services	12,041,882	12,041,882
13	Other Operating Expense	2,798,196	2,798,196
14	Augmentation allowed.		
15	<b>WATER MANAGEMENT PERMITTING</b>		
16	From the General Fund		
17		1,923,612	1,923,612
18	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
19		4,867,843	4,867,843
20	Augmentation allowed from the Environmental Management Permit Operation Fund.		
21			
22	The amounts specified from the General Fund and the Environmental Management Permit		
23	Operation Fund are for the following purposes:		
24			
25	Personal Services	6,136,065	6,136,065
26	Other Operating Expense	655,390	655,390
27			
28	<b>SOLID WASTE MANAGEMENT PERMITTING</b>		
29	From the General Fund		
30		2,221,388	2,221,388
31	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
32		3,409,461	3,409,461
33	Augmentation allowed from the Environmental Management Permit Operation Fund.		
34			
35	The amounts specified from the General Fund and the Environmental Management Permit		
36	Operation Fund are for the following purposes:		
37			
38	Personal Services	5,310,601	5,310,601
39	Other Operating Expense	320,248	320,248
40			
41	<b>CFO/CAFO INSPECTIONS</b>		
42	Total Operating Expense	450,000	450,000
43			
44	<b>HAZARDOUS WASTE MANAGEMENT PERMITTING</b>		
45	From the General Fund		
46		2,319,283	2,319,283
47	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
48		2,762,897	2,762,897
49	Augmentation allowed from the Environmental Management Permit Operation Fund.		

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49

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services	4,156,730	4,156,730
Other Operating Expense	925,450	925,450

**SAFE DRINKING WATER PROGRAM**

From the General Fund

371,290      371,290

From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

2,421,272      2,421,272

Augmentation allowed from the Environmental Management Permit Operation Fund.

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services	2,301,996	2,301,996
Other Operating Expense	490,566	490,566

**CLEAN VESSEL PUMPOUT**

Environmental Management Special Fund (IC 13-14-12-1)

Total Operating Expense	77,588	77,588
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Augmentation allowed.

**GROUNDWATER PROGRAM**

Environmental Management Special Fund (IC 13-14-12-1)

Total Operating Expense	122,150	122,150
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Augmentation allowed.

**UNDERGROUND STORAGE TANK PROGRAM**

Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

Total Operating Expense	656,973	656,973
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Augmentation allowed.

Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)

Total Operating Expense	282,669	282,669
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Augmentation allowed.

**AIR MANAGEMENT OPERATING**

From the General Fund

620,477      620,477

From the Environmental Management Special Fund (IC 13-14-12-1)

248,424      248,424

Augmentation allowed from the Environmental Management Special Fund.

The amounts specified from the General Fund and the Environmental Management Special Fund are for the following purposes:

Personal Services	518,018	518,018
Other Operating Expense	350,883	350,883

**WATER MANAGEMENT NONPERMITTING**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	3,291,009	3,291,009
2	Other Operating Expense	719,538	719,538
3	<b>GREAT LAKES INITIATIVE</b>		
4	Environmental Management Special Fund (IC 13-14-12-1)		
5	Total Operating Expense	57,207	57,207
6	Augmentation allowed.		
7	<b>OUTREACH OPERATOR TRAINING</b>		
8	General Fund		
9	Total Operating Expense	2,963	2,963
10	Environmental Management Special Fund (IC 13-14-12-1)		
11	Total Operating Expense	5,924	5,924
12	Augmentation allowed.		
13	<b>LEAKING UNDERGROUND STORAGE TANKS</b>		
14	Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
15	Personal Services	161,311	161,311
16	Other Operating Expense	31,718	31,718
17	Augmentation allowed.		
18	<b>CORE SUPERFUND</b>		
19	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
20	Total Operating Expense	12,967	12,967
21	Augmentation allowed.		
22	<b>AUTO EMISSIONS TESTING PROGRAM</b>		
23	Personal Services	86,983	86,983
24	Other Operating Expense	5,672,829	5,672,829
25			
26	The above appropriations for auto emissions testing are the maximum amounts available		
27	for this purpose. If it becomes necessary to conduct additional tests in other locations, the		
28	above appropriations shall be prorated among all locations.		
29			
30	<b>HAZARDOUS WASTE SITE - STATE CLEAN-UP</b>		
31	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
32	Personal Services	1,425,495	1,425,495
33	Other Operating Expense	515,152	515,152
34	Augmentation allowed.		
35	<b>HAZARDOUS WASTE SITES - NATURAL RESOURCE DAMAGES</b>		
36	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
37	Personal Services	141,408	141,408
38	Other Operating Expense	289,544	289,544
39	Augmentation allowed.		
40	<b>SUPERFUND MATCH</b>		
41	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
42	Total Operating Expense	511,675	511,675
43	Augmentation allowed.		
44	<b>HOUSEHOLD HAZARDOUS WASTE</b>		
45	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
46	Other Operating Expense	278,293	278,293
47	Augmentation allowed.		
48	<b>ASBESTOS TRUST - OPERATING</b>		
49	Asbestos Trust Fund (IC 13-17-6-3)		

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	415,391	415,391
2	Other Operating Expense	132,292	132,292
3	Augmentation allowed.		
4	<b>UNDERGROUND PETROLEUM STORAGE TANK - OPERATING</b>		
5	Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)		
6	Personal Services	874,215	874,215
7	Other Operating Expense	42,446,857	42,446,857
8	Augmentation allowed.		
9	<b>WASTE TIRE MANAGEMENT</b>		
10	Waste Tire Management Fund (IC 13-20-13-8)		
11	Total Operating Expense	563,887	563,887
12	Augmentation allowed.		
13	<b>WASTE TIRE RE-USE</b>		
14	Waste Tire Management Fund (IC 13-20-13-8)		
15	Total Operating Expense	907,796	907,796
16	Augmentation allowed.		
17	<b>VOLUNTARY COMPLIANCE</b>		
18	Environmental Management Special Fund (IC 13-14-12-1)		
19	Personal Services	293,070	293,070
20	Other Operating Expense	170,394	170,394
21	Augmentation allowed.		
22	<b>ENVIRONMENTAL MANAGEMENT SPECIAL FUND - OPERATING</b>		
23	Environmental Management Special Fund (IC 13-14-12-1)		
24	Total Operating Expense	961,315	961,315
25	Augmentation allowed.		
26	<b>SMALL TOWN COMPLIANCE</b>		
27	Environmental Management Special Fund (IC 13-14-12-1)		
28	Total Operating Expense	58,200	58,200
29	Augmentation allowed.		
30	<b>WETLANDS PROTECTION</b>		
31	Environmental Management Special Fund (IC 13-14-12-1)		
32	Total Operating Expense	22,148	22,148
33	Augmentation allowed.		
34	<b>PETROLEUM TRUST - OPERATING</b>		
35	Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
36	Personal Services	121,790	121,790
37	Other Operating Expense	350,689	350,689
38	Augmentation allowed.		
39			
40	Notwithstanding any other law, with the approval of the governor and the budget agency,		
41	the above appropriations for hazardous waste management permitting, wetlands		
42	protection, groundwater program, underground storage tank program, air management		
43	operating, asbestos trust operating, water management nonpermitting, safe drinking water		
44	program, and any other appropriation eligible to be included in a performance		
45	partnership grant may be used to fund activities incorporated into a performance		
46	partnership grant between the United States Environmental Protection Agency and the		
47	department of environmental management.		
48			
49	<b>FOR THE OFFICE OF ENVIRONMENTAL ADJUDICATION</b>		

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	308,690	308,690
2	Other Operating Expense	59,560	59,560
3			
4	<b>SECTION 6. [EFFECTIVE JULY 1, 2009]</b>		
5			
6	<b>ECONOMIC DEVELOPMENT</b>		
7			
8	<b>A. AGRICULTURE</b>		
9			
10	<b>FOR THE DEPARTMENT OF AGRICULTURE</b>		
11	Personal Services	1,930,284	1,930,284
12	Other Operating Expense	456,387	456,387
13			
14	<b>DISTRIBUTIONS TO FOOD BANKS</b>		
15	Total Operating Expense	300,000	300,000
16	<b>CLEAN WATER INDIANA</b>		
17	Total Operating Expense	500,000	500,000
18	<b>Cigarette Tax Fund (IC 6-7-1-29.1)</b>		
19	Total Operating Expense	3,666,425	3,666,425
20	Augmentation allowed.		
21	<b>SOIL CONSERVATION DIVISION</b>		
22	<b>Cigarette Tax Fund (IC 6-7-1-29.1)</b>		
23	Total Operating Expense	1,862,216	1,862,216
24	Augmentation allowed.		
25	<b>GRAIN BUYERS AND WAREHOUSE LICENSING</b>		
26	<b>Grain Buyers and Warehouse Licensing Agency License Fee Fund (IC 26-3-7-6.3)</b>		
27	Total Operating Expense	165,050	165,050
28	Augmentation allowed.		
29			
30	<b>B. COMMERCE</b>		
31			
32	<b>FOR THE LIEUTENANT GOVERNOR</b>		
33	<b>RURAL ECONOMIC DEVELOPMENT FUND</b>		
34	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
35	Total Operating Expense	1,497,688	1,497,688
36	<b>OFFICE OF TOURISM</b>		
37	Total Operating Expense	4,406,684	4,406,684
38			
39	Of the above appropriations, the office of tourism shall distribute \$500,000 each		
40	year to the Indiana Sports Corporation to promote the hosting of amateur sporting		
41	events in Indiana cities. Funds may be released after review by the budget committee.		
42	The above appropriations include \$1,000,000 for grants for local convention and visitors		
43	bureaus and other local organizations that exist to promote tourism. The office of		
44	tourism shall develop standards for application for grants and award of grants, including		
45	a local match requirement. The maximum amount of a grant is \$50,000. Funds may be		
46	released only after review by the budget committee.		
47			
48	<b>STATE ENERGY PROGRAM</b>		
49	Total Operating Expense	237,963	237,963

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>FOOD ASSISTANCE PROGRAM</b>		
2	<b>Total Operating Expense</b>	<b>131,261</b>	<b>131,261</b>
3			
4	<b>FOR THE INDIANA ECONOMIC DEVELOPMENT CORPORATION</b>		
5	<b>ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
6	<b>General Fund</b>		
7	<b>Total Operating Expense</b>	<b>6,423,392</b>	<b>6,423,392</b>
8	<b>Training 2000 Fund (IC 5-28-7-5)</b>		
9	<b>Total Operating Expense</b>	<b>185,630</b>	<b>185,630</b>
10	<b>Industrial Development Grant Fund (IC 5-28-25-4)</b>		
11	<b>Total Operating Expense</b>	<b>52,139</b>	<b>52,139</b>
12	<b>21ST CENTURY RESEARCH &amp; TECHNOLOGY FUND</b>		
13	<b>Total Operating Expense</b>	<b>17,500,000</b>	<b>17,500,000</b>
14	<b>INTERNATIONAL TRADE</b>		
15	<b>Total Operating Expense</b>	<b>1,297,049</b>	<b>1,297,049</b>
16	<b>ENTERPRISE ZONE PROGRAM</b>		
17	<b>Enterprise Zone Fund (IC 5-28-15-6)</b>		
18	<b>Total Operating Expense</b>	<b>215,536</b>	<b>215,536</b>
19	Augmentation allowed.		
20	<b>LOCAL ECONOMIC DEVELOPMENT ORGANIZATION/ REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION (LEDO/REDO) MATCHING GRANT PROGRAM</b>		
21			
22	<b>Total Operating Expense</b>		<b>1,713,990</b>
23	<b>TRAINING 2000</b>		
24	<b>General Fund</b>		
25	<b>Total Operating Expense</b>		<b>19,401,660</b>
26	<b>Training 2000 Fund (IC 5-28-7-5)</b>		
27	<b>Total Operating Expense</b>		<b>3,858,206</b>
28	Augmentation allowed.		
29	<b>BUSINESS PROMOTION PROGRAM</b>		
30	<b>Total Operating Expense</b>		<b>2,049,126</b>
31	<b>TRADE PROMOTION PROGRAM</b>		
32	<b>Total Operating Expense</b>	<b>167,791</b>	<b>167,791</b>
33	<b>BUSINESS DEVELOPMENT LOAN PROGRAM</b>		
34	<b>Total Operating Expense</b>	<b>838,953</b>	<b>838,953</b>
35	<b>AG LOAN AND RURAL DEVELOP GUARANTEE FUND</b>		
36	<b>Economic Development Fund (IC 5-28-8-5)</b>		
37	<b>Total Operating Expense</b>	<b>200,000</b>	<b>200,000</b>
38	Augmentation allowed.		
39	<b>ECONOMIC DEVELOPMENT GRANT AND LOAN PROGRAM</b>		
40	<b>General Fund</b>		
41	<b>Total Operating Expense</b>		<b>1,006,744</b>
42	<b>Economic Development Fund (IC 5-28-8-5)</b>		
43	<b>Total Operating Expense</b>		<b>448,256</b>
44	Augmentation allowed.		
45	<b>INDUSTRIAL DEVELOPMENT GRANT PROGRAM</b>		
46	<b>General Fund</b>		
47	<b>Total Operating Expense</b>		<b>6,500,000</b>
48	<b>Industrial Development Grant Fund (IC 5-28-25-4)</b>		
49			

1	<b>Total Operating Expense</b>		<b>4,500,000</b>
2	Augmentation allowed.		
3	<b>TECHNOLOGY DEVELOPMENT GRANT PROGRAM</b>		
4	<b>Total Operating Expense</b>	<b>1,894,410</b>	<b>1,894,410</b>
5			
6	<b>FOR THE INDIANA FINANCE AUTHORITY (IFA)</b>		
7	<b>ENVIRONMENTAL REMEDIATION REVOLVING LOAN PROGRAM</b>		
8	<b>Total Operating Expense</b>	<b>500,000</b>	<b>500,000</b>
9			
10	<b>FOR THE HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY</b>		
11	<b>INDIANA INDIVIDUAL DEVELOPMENT ACCOUNTS</b>		
12	<b>Total Operating Expense</b>	<b>1,000,000</b>	<b>1,000,000</b>
13			
14	The housing and community development authority shall collect and report to the family		
15	and social services administration (FSSA) all data required for FSSA to meet the		
16	data collection and reporting requirements in 45 CFR Part 265.		
17			
18	Family and social services administration, division of family resources shall apply		
19	all qualifying expenditures for individual development accounts deposits toward Indiana's		
20	maintenance of effort under the federal Temporary Assistance to Needy Families		
21	(TANF) program (45 CFR 260 et seq.).		
22			
23	<b>MORTGAGE FORECLOSURE COUNSELING</b>		
24	<b>Home Ownership Education Fund (IC 5-20-1-27)</b>		
25	<b>Total Operating Expense</b>	<b>2,700,000</b>	<b>2,700,000</b>
26	Augmentation Allowed.		
27			
28	<b>FOR THE STATE BUDGET AGENCY</b>		
29	<b>MIDWEST INSTITUTE FOR NANO ELECTRONICS DISCOVERY (MIND)</b>		
30	<b>ARRA State Fiscal Stabilization Fund (Section 14002(b))</b>		
31	<b>Total Operating Expense</b>		<b>10,000,000</b>
32			
33	<b>FOR THE SHORELINE DEVELOPMENT COMMISSION (IC 36-7-13.5)</b>		
34	<b>Total Operating Expense</b>	<b>1,000,000</b>	<b>1,000,000</b>
35			
36	Funds may be released after budget agency approval and budget committee review.		
37			
38	<b>C. EMPLOYMENT SERVICES</b>		
39			
40	<b>FOR THE DEPARTMENT OF WORKFORCE DEVELOPMENT</b>		
41	<b>ADMINISTRATION</b>		
42	<b>Total Operating Expense</b>	<b>855,000</b>	<b>855,000</b>
43	<b>WOMEN'S COMMISSION</b>		
44	Personal Services	106,824	106,824
45	Other Operating Expense	12,175	12,175
46	<b>NATIVE AMERICAN INDIAN AFFAIRS COMMISSION</b>		
47	<b>Total Operating Expense</b>	<b>90,211</b>	<b>90,211</b>
48	<b>COMMISSION ON HISPANIC/LATINO AFFAIRS</b>		
49	<b>Total Operating Expense</b>	<b>124,235</b>	<b>124,235</b>

1  
2 **The above appropriations are in addition to any funding for the commission derived**  
3 **from funds appropriated to the department of workforce development.**

4  
5 **D. OTHER ECONOMIC DEVELOPMENT**

6  
7 **FOR THE INDIANA STATE FAIR BOARD**  
8 **STATE FAIR**

9 <b>Total Operating Expense</b>	2,119,124	1,619,124
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10  
11 **SECTION 7. [EFFECTIVE JULY 1, 2009]**

12  
13 **TRANSPORTATION**

14  
15 **FOR THE DEPARTMENT OF TRANSPORTATION**

16  
17 **For the conduct and operation of the department of transportation, the following**  
18 **sums are appropriated for the periods designated from the public mass transportation**  
19 **fund, the industrial rail service fund, the state highway fund, the motor vehicle**  
20 **highway account, the distressed road fund, the state highway road construction and**  
21 **improvement fund, the motor carrier regulation fund, and the crossroads 2000 fund.**

22  
23 **INTERMODAL GRANT PROGRAM**

24 <b>Public Mass Transportation Fund (IC 8-23-3-8)</b>		
25 <b>Total Operating Expense</b>	50,000	50,000
26 <b>Augmentation allowed.</b>		

27 **RAILROAD GRADE CROSSING IMPROVEMENT**

28 <b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
29 <b>Total Operating Expense</b>	500,000	500,000

30 **HIGH SPEED RAIL**

31 <b>Industrial Rail Service Fund (IC 8-3-1.7-2)</b>		
32 <b>Matching Funds</b>		40,000
33 <b>Augmentation allowed.</b>		

34 **PUBLIC MASS TRANSPORTATION**

35 <b>Public Mass Transportation Fund (IC 8-23-3-8)</b>		
36 <b>Total Operating Expense</b>	42,300,000	44,400,000
37 <b>Augmentation allowed.</b>		

38  
39 **Any unencumbered amount remaining from this appropriation at the end of a state fiscal**  
40 **year remains available in subsequent state fiscal years for the purposes for which**  
41 **it is appropriated.**

42  
43 **The appropriations are to be used solely for the promotion and development of public**  
44 **transportation. The department of transportation shall allocate funds based on a**  
45 **formula approved by the commissioner of the department of transportation.**

46  
47 **The department of transportation may distribute public mass transportation funds**  
48 **to an eligible grantee that provides public transportation in Indiana.**

49

1      **The state funds can be used to match federal funds available under the Federal Transit**  
2      **Act (49 U.S.C. 1601, et seq.) or local funds from a requesting grantee.**

3

4      **Before funds may be disbursed to a grantee, the grantee must submit its request for**  
5      **financial assistance to the department of transportation for approval. Allocations**  
6      **must be approved by the governor and the budget agency after review by the budget**  
7      **committee and shall be made on a reimbursement basis. Only applications for capital**  
8      **and operating assistance may be approved. Only those grantees that have met the reporting**  
9      **requirements under IC 8-23-3 are eligible for assistance under this appropriation.**

10

11      **HIGHWAY OPERATING**

12      State Highway Fund (IC 8-23-9-54)		
13      Personal Services	256,703,031	252,219,117
14      Other Operating Expense	63,309,536	63,309,536

15

16      **HIGHWAY VEHICLE AND ROAD MAINTENANCE EQUIPMENT**

17      State Highway Fund (IC 8-23-9-54)		
18      Other Operating Expense	8,800,000	18,000,000

19

20      **The above appropriations for highway operating and highway vehicle and road maintenance**  
21      **equipment may be used for personal services, equipment, and other operating expense,**  
22      **including the cost of transportation for the governor.**

23

24      **HIGHWAY MAINTENANCE WORK PROGRAM**

25      State Highway Fund (IC 8-23-9-54)		
26      Other Operating Expense	63,000,000	70,000,000

27

28      **The above appropriations for the highway maintenance work program may be used for:**  
29      **(1) materials for patching roadways and shoulders;**  
30      **(2) repairing and painting bridges;**  
31      **(3) installing signs and signals and painting roadways for traffic control;**  
32      **(4) mowing, herbicide application, and brush control;**  
33      **(5) drainage control;**  
34      **(6) maintenance of rest areas, public roads on properties of the department of natural**  
35      **resources, and driveways on the premises of all state facilities;**  
36      **(7) materials for snow and ice removal;**  
37      **(8) utility costs for roadway lighting; and**  
38      **(9) other special maintenance and support activities consistent with the highway**  
39      **maintenance work program.**

40

41      **HIGHWAY CAPITAL IMPROVEMENTS**

42      State Highway Fund (IC 8-23-9-54)		
43      Right-of-Way Expense	38,250,000	24,800,000
44      Formal Contracts Expense	47,181,225	72,307,207
45      Consulting Services Expense	18,600,000	24,736,741
46      Institutional Road Construction	5,000,000	5,000,000

47

48      **The above appropriations for the capital improvements program may be used for:**  
49      **(1) bridge rehabilitation and replacement;**

- 1      **(2) road construction, reconstruction, or replacement;**
- 2      **(3) construction, reconstruction, or replacement of travel lanes, intersections,**
- 3      **grade separations, rest parks, and weigh stations;**
- 4      **(4) relocation and modernization of existing roads;**
- 5      **(5) resurfacing;**
- 6      **(6) erosion and slide control;**
- 7      **(7) construction and improvement of railroad grade crossings, including the use of**
- 8      **the appropriations to match federal funds for projects;**
- 9      **(8) small structure replacements;**
- 10     **(9) safety and spot improvements; and**
- 11     **(10) right-of-way, relocation, and engineering and consulting expenses associated**
- 12     **with any of the above types of projects.**

13

14     **The appropriations for highway operating, highway vehicle and road maintenance**

15     **equipment, highway buildings and grounds, the highway planning and research program,**

16     **the highway maintenance work program, and highway capital improvements are appropriated**

17     **from estimated revenues, which include the following:**

- 18     **(1) Funds distributed to the state highway fund from the motor vehicle highway account**
- 19     **under IC 8-14-1-3(4).**
- 20     **(2) Funds distributed to the state highway fund from the highway, road and street**
- 21     **fund under IC 8-14-2-3.**
- 22     **(3) All fees and miscellaneous revenues deposited in or accruing to the state highway**
- 23     **fund under IC 8-23-9-54.**
- 24     **(4) Any unencumbered funds carried forward in the state highway fund from any previous**
- 25     **fiscal year.**
- 26     **(5) All other funds appropriated or made available to the department of transportation**
- 27     **by the general assembly.**

28

29     **If funds from sources set out above for the department of transportation exceed appropriations**

30     **from those sources to the department, the excess amount is hereby appropriated to**

31     **be used for formal contracts with approval of the governor and the budget agency.**

32

33     **If there is a change in a statute reducing or increasing revenue for department use,**

34     **the budget agency shall notify the auditor of state to adjust the above appropriations**

35     **to reflect the estimated increase or decrease. Upon the request of the department,**

36     **the budget agency, with the approval of the governor, may allot any increase in appropriations**

37     **to the department for formal contracts.**

38

39     **If the department of transportation finds that an emergency exists or that an appropriation**

40     **will be insufficient to cover expenses incurred in the normal operation of the department,**

41     **the budget agency may, upon request of the department, and with the approval of the**

42     **governor, transfer funds from revenue sources set out above from one (1) appropriation**

43     **to the deficient appropriation. No appropriation from the state highway fund may**

44     **be used to fund any toll road or toll bridge project except as specifically provided**

45     **for under IC 8-15-2-20.**

46

47            **HIGHWAY PLANNING AND RESEARCH PROGRAM**

48            **State Highway Fund (IC 8-23-9-54)**

49 <b>Total Operating Expense</b>	<b>2,500,000</b>	<b>2,500,000</b>
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**STATE HIGHWAY ROAD CONSTRUCTION AND IMPROVEMENT PROGRAM**

**State Highway Road Construction Improvement Fund (IC 8-14-10-5)**

Lease Rental Payments Expense	61,524,711	62,139,958
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Augmentation allowed.

The above appropriations for the state highway road construction and improvement program are appropriated from the state highway road construction and improvement fund provided in IC 8-14-10-5 and may include any unencumbered funds carried forward from any previous fiscal year. The funds shall be first used for payment of rentals and leases relating to projects under IC 8-14.5. If any funds remain, the funds may be used for the following purposes:

- (1) road and bridge construction, reconstruction, or replacement;
- (2) construction, reconstruction, or replacement of travel lanes, intersections, and grade separations;
- (3) relocation and modernization of existing roads; and
- (4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects.

**CROSSROADS 2000 PROGRAM**

**Crossroads 2000 Fund (IC 8-14-10-9)**

Lease Rental Payment Expense	46,142,787	38,517,564
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Augmentation allowed.

The above appropriations for the crossroads 2000 program are appropriated from the crossroads 2000 fund provided in IC 8-14-10-9 and may include any unencumbered funds carried forward from any previous fiscal year. The funds shall be first used for payment of rentals and leases relating to projects under IC 8-14-10-9. If any funds remain, the funds may be used for the following purposes:

- (1) road and bridge construction, reconstruction, or replacement;
- (2) construction, reconstruction, or replacement of travel lanes, intersections, and grade separations;
- (3) relocation and modernization of existing roads; and
- (4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects.

**MAJOR MOVES CONSTRUCTION PROGRAM**

**Major Moves Construction Fund (IC 8-14-14-5)**

Formal Contracts Expense	545,000,000	535,000,000
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Augmentation allowed.

**FEDERAL APPORTIONMENT**

Right-of-Way Expense	174,250,000	113,100,000
Formal Contracts Expense	426,642,292	502,792,291
Consulting Engineers Expense	84,500,000	69,500,000
Highway Planning and Research	12,807,708	12,807,709
Local Government Revolving Acct.	266,000,000	266,000,000

The department may establish an account to be known as the "local government revolving account". The account is to be used to administer the federal-local highway construction

1 program. All contracts issued and all funds received for federal-local projects under  
2 this program shall be entered into this account.

3  
4 If the federal apportionments for the fiscal years covered by this act exceed the  
5 above estimated appropriations for the department or for local governments, the excess  
6 federal apportionment is hereby appropriated for use by the department with the approval  
7 of the governor and the budget agency.

8  
9 The department shall bill, in a timely manner, the federal government for all department  
10 payments that are eligible for total or partial reimbursement.

11  
12 The department may let contracts and enter into agreements for construction and preliminary  
13 engineering during each year of the 2009-2011 biennium that obligate not more than  
14 one-third (1/3) of the amount of state funds estimated by the department to be available  
15 for appropriation in the following year for formal contracts and consulting engineers  
16 for the capital improvements program.

17  
18 Under IC 8-23-5-7(a), the department, with the approval of the governor, may construct  
19 and maintain roadside parks and highways where highways will connect any state highway  
20 now existing, or hereafter constructed, with any state park, state forest preserve,  
21 state game preserve, or the grounds of any state institution. There is appropriated  
22 to the department of transportation an amount sufficient to carry out the provisions  
23 of this paragraph. Under IC 8-23-5-7(d), such appropriations shall be made from  
24 the motor vehicle highway account before distribution to local units of government.

25  
26 **LOCAL TECHNICAL ASSISTANCE AND RESEARCH**

27  
28 Under IC 8-14-1-3(6), there is appropriated to the department of transportation an  
29 amount sufficient for:

- 30 (1) the program of technical assistance under IC 8-23-2-5(6); and  
31 (2) the research and highway extension program conducted for local government under  
32 IC 8-17-7-4.

33  
34 The department shall develop an annual program of work for research and extension  
35 in cooperation with those units being served, listing the types of research and educational  
36 programs to be undertaken. The commissioner of the department of transportation may  
37 make a grant under this appropriation to the institution or agency selected to conduct  
38 the annual work program. Under IC 8-14-1-3(6), appropriations for the program of  
39 technical assistance and for the program of research and extension shall be taken  
40 from the local share of the motor vehicle highway account.

41  
42 Under IC 8-14-1-3(7) there is hereby appropriated such sums as are necessary to maintain  
43 a sufficient working balance in accounts established to match federal and local money  
44 for highway projects. These funds are appropriated from the following sources in  
45 the proportion specified:

- 46 (1) one-half (1/2) from the forty-seven percent (47%) set aside of the motor vehicle  
47 highway account under IC 8-14-1-3(7); and  
48 (2) for counties and for those cities and towns with a population greater than five  
49 thousand (5,000), one-half (1/2) from the distressed road fund under IC 8-14-8-2.

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**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

**There is apportioned to the department of transportation the following sums for the periods and purposes designated under the American Recovery and Reinvestment Act (ARRA) of 2009.**

**FOR THE DEPARTMENT OF TRANSPORTATION**

<b>Highway Capital Improvements</b>		
<b>Formal Contracts Expense</b>		<b>440,838,364</b>
<b>Augmentation allowed</b>		
<b>Transportation Enhancements</b>		
<b>Formal Contracts Expense</b>		<b>19,739,031</b>
<b>Augmentation allowed</b>		
<b>Highway Capital Improvements - Metro Planning Organizations, Cities, Towns, and Counties</b>		<b>197,390,312</b>
<b>Augmentation allowed</b>		
<b>Rural Transit Funds</b>		<b>20,316,134</b>
<b>Augmentation allowed</b>		

**As soon as practical after passage of this act, the department with the approval of the governor shall prepare a plan for the allocation and expenditure of the appropriations listed above. The plan shall list the projects to be funded. The department shall present the plan to the state budget committee for review under IC 4-12-1-11.5.**

**In preparing that portion of the plan for expenditure for Highway Capital Improvements and Transportation Enhancements, the department shall adhere to the following goals to the extent practical:**

- (1) The plan shall comply with all applicable federal statutes, rules, and policies as necessary to ensure eligibility for the maximum level of federal funding.**
- (2) The plan shall be designed to obligate the federal funds and begin construction as soon as practical.**
- (3) The plan shall be designed to minimize the likelihood that any funding apportioned to Indiana will have to be returned to the federal government.**
- (4) The plan shall strive to make Indiana eligible for any increased funding that may become available as a result of reallocation from other states.**
- (5) The plan shall reasonably allocate funding to projects located across all areas of the state, with an emphasis on areas determined by the department to be economically distressed.**
- (6) The department may hold special lettings for contracts using the above appropriations. The department shall strive to limit each contract to a maximum of \$10,000,000.**
- (7) The department shall strive to diversify the type of work using the above appropriations.**

**In preparing that portion of the plan for expenditure for Highway Capital Improvements**

1     **- Local Government and Highway Capital Improvements - Metro Planning Organizations,**  
2     **Cities, Towns, and Counties, the department shall adhere to the following guidelines**  
3     **to the extent practical:**

- 4
- 5     **(1) The plan shall comply with all applicable federal statutes, rules, and policies**  
6     **as necessary to ensure eligibility for the maximum level of federal funding.**
- 7     **(2) The plan shall be designed to obligate the federal funds and begin construction**  
8     **as soon as practical.**
- 9     **(3) The plan shall be designed to minimize the likelihood that any funding apportioned**  
10    **to Indiana will have to be returned to the federal government.**
- 11    **(4) The plan shall strive to make Indiana eligible for any increased funding that**  
12    **may become available as a result of reallocation from other states.**
- 13    **(5) The plan shall reasonably allocate funds to projects located across all areas**  
14    **of the state. However, if the department cannot identify local government projects**  
15    **that can be obligated within the established time frames the department may allocate**  
16    **funds as necessary to fully obligate all federal funding.**
- 17    **(6) For Highway Capital Improvements for Metro Planning Organizations the plan shall**  
18    **include projects selected by the respective metropolitan planning organizations.**  
19    **However, if the metropolitan planning organizations cannot identify projects that**  
20    **can be obligated within the established time frames, the department may select alternate**  
21    **projects as necessary to fully obligate all federal funding.**
- 22    **(7) The department may hold special lettings for contracts using the above appropriations.**  
23    **The department shall strive to limit each contract for Highway Capital Improvements**  
24    **for Cities, Towns, and Counties to a maximum of \$7,000,000.**

25

26    **The department shall establish reasonable policies and guidelines for cities, towns,**  
27    **and counties and metropolitan planning organizations to follow to help ensure reasonable**  
28    **access and timely obligation of funds. The department shall provide reasonable assistance**  
29    **to cities, towns, and counties and metropolitan planning organizations in meeting**  
30    **deadlines established to ensure timely obligation of funding.**

31

32    **If the governor finds that any of the above goals conflict with another goal, the**  
33    **governor shall determine the appropriate weight to give to each goal. Actions taken**  
34    **by the governor or the department with respect to allocation, obligation, or expenditure**  
35    **of the above appropriations before passage of this act is deemed to have satisfied**  
36    **the requirement for budget committee review providing such actions were taken to**  
37    **conform to the plan or to comply with laws, policies, or direction issued by the**  
38    **United States Department of Transportation or any other federal agency as a condition**  
39    **to qualifying for the federal funds.**

40

41    **The department with the approval of the governor may adjust the above appropriations**  
42    **for Highway Capital Improvements, Transportation Enhancements, Highway Capital Improvements**  
43    **- Metropolitan Planning Organizations, Cities, Towns, and Counties as necessary to**  
44    **comply with federal law, policies, or direction established to ensure continuing**  
45    **eligibility for federal funding.**

46

47    **The department shall submit reports to the budget committee and legislative council**  
48    **by December 31 of 2009, 2010, and 2011 detailing the status of the appropriations**  
49    **and projects funded under the plan. The department may submit copies of reports required**

1      **to be submitted to the federal government to fulfill this requirement.**

2

3      **The above appropriations do not revert but remain in effect until obligated.**

4

5      **SECTION 8. [EFFECTIVE JULY 1, 2009]**

6

7      **FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS**

8

9      **A. FAMILY AND SOCIAL SERVICES**

10

11      **FOR THE FAMILY AND SOCIAL SERVICES ADMINISTRATION**

12

13      **INDIANA PRESCRIPTION DRUG PROGRAM**

14      **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

15      **Total Operating Expense                      1,117,830                      1,117,830**

16      **CHILDREN'S HEALTH INSURANCE PROGRAM**

17      **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

18      **Total Operating Expense                      34,918,921                      36,984,511**

19      **FAMILY AND SOCIAL SERVICES ADMINISTRATION**

20      **Total Operating Expense                      19,764,734                      19,764,734**

21      **OFFICE OF MEDICAID POLICY AND PLANNING - ADMINISTRATION**

22      **Total Operating Expense                      6,061,868                      6,062,487**

23      **MEDICAID ADMINISTRATION**

24      **Total Operating Expense                      36,427,564                      36,427,564**

25      **MEDICAID - CURRENT OBLIGATIONS**

26      **General Fund**

27      **Total Operating Expense                      1,116,000,000                      1,428,800,000**

28

29      **The foregoing appropriations for Medicaid current obligations and for Medicaid administration**  
30      **are for the purpose of enabling the office of Medicaid policy and planning to carry**  
31      **out all services as provided in IC 12-8-6. In addition to the above appropriations,**  
32      **all money received from the federal government and paid into the state treasury as**  
33      **a grant or allowance is appropriated and shall be expended by the office of Medicaid**  
34      **policy and planning for the respective purposes for which the money was allocated**  
35      **and paid to the state. Subject to the provisions of P.L.46-1995, if the sums herein**  
36      **appropriated for Medicaid current obligations and for Medicaid administration are**  
37      **insufficient to enable the office of Medicaid policy and planning to meet its obligations,**  
38      **then there is appropriated from the general fund such further sums as may be**  
39      **necessary for that purpose, subject to the approval of the governor and the budget**  
40      **agency.**

41

42      **INDIANA CHECK-UP PLAN (EXCLUDING IMMUNIZATION)**

43      **Indiana Check-Up Plan Trust Fund (IC 12-15-44.2-17)**

44      **Total Operating Expense                      137,466,043                      157,766,043**

45      **HOSPITAL CARE FOR THE INDIGENT FUND**

46      **Total Operating Expense                      61,500,000                      61,500,000**

47      **MEDICAID DISABILITY ELIGIBILITY EXAMS**

48      **Total Operating Expense                      937,000                      937,000**

49      **MEDICAL ASSISTANCE TO WARDS (MAW)**

1	<b>Total Operating Expense</b>	<b>13,100,000</b>	<b>13,100,000</b>
2	<b>MARION COUNTY HEALTH AND HOSPITAL CORPORATION</b>		
3	<b>Total Operating Expense</b>	<b>38,000,000</b>	<b>38,000,000</b>
4	<b>MENTAL HEALTH ADMINISTRATION</b>		
5	<b>Other Operating Expense</b>	<b>4,059,047</b>	<b>4,059,047</b>

6  
7 **Two hundred seventy-five thousand dollars (\$275,000) of the above appropriation for**  
8 **the state fiscal year beginning July 1, 2009, and ending June 30, 2010, and two hundred**  
9 **seventy-five thousand dollars (\$275,000) of the above appropriation for the state**  
10 **fiscal year beginning July 1, 2010, and ending June 30, 2011, shall be distributed in**  
11 **the state fiscal year to neighborhood based community service programs.**

12	<b>CHILD PSYCHIATRIC SERVICES FUND</b>		
13	<b>Total Operating Expense</b>	<b>20,423,760</b>	<b>20,423,760</b>
14	<b>SERIOUSLY EMOTIONALLY DISTURBED</b>		
15	<b>Total Operating Expense</b>	<b>15,975,408</b>	<b>15,975,408</b>
16	<b>SERIOUSLY MENTALLY ILL</b>		
17	<b>General Fund</b>		
18	<b>Total Operating Expense</b>	<b>91,046,702</b>	<b>91,046,702</b>
19	<b>Mental Health Centers Fund (IC 6-7-1-32.1)</b>		
20	<b>Total Operating Expense</b>	<b>4,311,650</b>	<b>4,311,650</b>
21	<b>Augmentation allowed.</b>		
22	<b>COMMUNITY MENTAL HEALTH CENTERS</b>		
23	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
24	<b>Total Operating Expense</b>	<b>7,000,000</b>	<b>7,000,000</b>

25  
26  
27 **The above appropriation from the Tobacco Master Settlement Agreement Fund is in addition**  
28 **to other funds. The above appropriations for comprehensive community mental health**  
29 **services include the intragovernmental transfers necessary to provide the nonfederal**  
30 **share of reimbursement under the Medicaid rehabilitation option.**

31  
32 **The comprehensive community mental health centers shall submit their proposed annual**  
33 **budgets (including income and operating statements) to the budget agency on or before**  
34 **August 1 of each year. All federal funds shall be applied in augmentation of the**  
35 **foregoing funds rather than in place of any part of the funds. The office of the**  
36 **secretary, with the approval of the budget agency, shall determine an equitable allocation**  
37 **of the appropriation among the mental health centers.**

38	<b>GAMBLERS' ASSISTANCE</b>		
39	<b>Gamblers' Assistance Fund (IC 4-33-12-6)</b>		
40	<b>Total Operating Expense</b>	<b>4,490,809</b>	<b>4,490,809</b>
41	<b>MVOV CONFERENCE</b>		
42	<b>Gamblers' Assistance Fund (IC 4-33-12-6)</b>		
43	<b>Total Operating Expense</b>	<b>199,763</b>	<b>199,763</b>
44	<b>SUBSTANCE ABUSE TREATMENT</b>		
45	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
46	<b>Total Operating Expense</b>	<b>4,855,820</b>	<b>4,855,820</b>
47	<b>QUALITY ASSURANCE/RESEARCH</b>		
48	<b>Total Operating Expense</b>	<b>812,860</b>	<b>812,860</b>
49			

1	<b>PREVENTION</b>		
2	<b>Gamblers' Assistance Fund (IC 4-33-12-6)</b>		
3	<b>Total Operating Expense</b>	2,858,528	2,858,528
4	Augmentation allowed.		
5	<b>METHADONE DIVERSION CONTROL AND OVERSIGHT (MDCO) PROGRAM</b>		
6	<b>MDCO Fund (IC 12-23-18)</b>		
7	<b>Total Operating Expense</b>	243,486	243,486
8	Augmentation allowed.		
9	<b>DMHA YOUTH TOBACCO REDUCTION SUPPORT PROGRAM</b>		
10	<b>DMHA Youth Tobacco Reduction Support Program (IC 4-33-12-6)</b>		
11	<b>Total Operating Expense</b>	250,000	250,000
12	Augmentation allowed.		
13	<b>EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER</b>		
14	<b>Personal Services</b>	496,318	473,948
15	<b>Other Operating Expense</b>	123,252	123,252
16	<b>EVANSVILLE STATE HOSPITAL</b>		
17	<b>From the General Fund</b>		
18		20,276,654	20,340,477
19	<b>From the Mental Health Fund (IC 12-24-14-4)</b>		
20		677,943	678,778
21	Augmentation allowed.		

23 The amounts specified from the general fund and the mental health fund are for the  
 24 following purposes:

25			
26	<b>Personal Services</b>	15,636,749	15,701,407
27	<b>Other Operating Expense</b>	5,317,848	5,317,848

28			
29	<b>LARUE CARTER MEMORIAL HOSPITAL</b>		
30	<b>From the General Fund</b>		
31		22,483,147	22,534,726
32	<b>From the Mental Health Fund (IC 12-24-14-4)</b>		
33		476,465	472,254
34	Augmentation allowed.		

36 The amounts specified from the general fund and the mental health fund are for the  
 37 following purposes:

38			
39	<b>Personal Services</b>	16,020,593	16,067,961
40	<b>Other Operating Expense</b>	6,939,019	6,939,019

41			
42	<b>LOGANSPORT STATE HOSPITAL</b>		
43	<b>From the General Fund</b>		
44		40,772,672	40,769,722
45	<b>From the Mental Health Fund (IC 12-24-14-4)</b>		
46		1,378,232	1,378,232
47	Augmentation allowed.		

49 The amounts specified from the general fund and the mental health fund are for the

1 following purposes:

2			
3	Personal Services	32,407,597	32,404,647
4	Other Operating Expense	9,743,307	9,743,307

5

6 **MADISON STATE HOSPITAL**

7	From the General Fund		
8	16,403,876	16,402,626	
9	From the Mental Health Fund (IC 12-24-14-4)		
10	666,308	666,308	

11 Augmentation allowed.

12

13 The amounts specified from the general fund and the mental health fund are for the

14 following purposes:

15			
16	Personal Services	13,135,516	13,134,266
17	Other Operating Expense	3,934,668	3,934,668

18

19 **RICHMOND STATE HOSPITAL**

20	From the General Fund		
21	37,112,498	37,096,244	
22	From the Mental Health Fund (IC 12-24-14-4)		
23	650,335	650,335	

24 Augmentation allowed.

25

26 The amounts specified from the general fund and the mental health fund are for the

27 following purposes:

28			
29	Personal Services	29,512,684	29,496,430
30	Other Operating Expense	8,250,149	8,250,149

31

32 **PATIENT PAYROLL**

33	Total Operating Expense	285,785	285,785
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34

35 The federal share of revenue accruing to the state mental health institutions under

36 IC 12-15, based on the applicable Federal Medical Assistance Percentage (FMAP),

37 shall be deposited in the mental health fund established by IC 12-24-14-1, and the

38 remainder shall be deposited in the general fund.

39

40 In addition to the above appropriations, each institution may qualify for an additional

41 appropriation, or allotment, subject to approval of the governor and the budget agency,

42 from the mental health fund of up to twenty percent (20%), but not to exceed \$50,000

43 in each fiscal year, of the amount by which actual net collections exceed an amount

44 specified in writing by the division of mental health and addiction before July 1

45 of each year beginning July 1, 2009.

46

47 **DIVISION OF FAMILY RESOURCES ADMINISTRATION**

48	Personal Services	6,061,903	6,061,903
49	Other Operating Expense	1,963,063	1,963,063

1	<b>COMMISSION ON THE SOCIAL STATUS OF BLACK MALES</b>		
2	<b>Total Operating Expense</b>	<b>173,179</b>	<b>173,179</b>
3	<b>CHILD CARE LICENSING FUND</b>		
4	<b>Child Care Fund (IC 12-17.2-2-3)</b>		
5	<b>Total Operating Expense</b>	<b>100,000</b>	<b>100,000</b>
6	<b>Augmentation allowed.</b>		
7	<b>ELECTRONIC BENEFIT TRANSFER PROGRAM</b>		
8	<b>Total Operating Expense</b>	<b>2,529,915</b>	<b>2,529,915</b>

9

10 **The foregoing appropriations for the division of family resources Title IV-D of**

11 **the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.**

12

13	<b>STATE WELFARE - COUNTY ADMINISTRATION</b>		
14	<b>Total Operating Expense</b>	<b>56,464,688</b>	<b>56,464,688</b>
15	<b>INDIANA CLIENT ELIGIBILITY SYSTEM (ICES)</b>		
16	<b>Total Operating Expense</b>	<b>7,402,387</b>	<b>7,402,387</b>
17	<b>IMPACT PROGRAM</b>		
18	<b>Total Operating Expense</b>	<b>689,001</b>	<b>689,001</b>
19	<b>TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)</b>		
20	<b>Total Operating Expense</b>	<b>31,776,757</b>	<b>31,776,757</b>
21	<b>IMPACT - TANF</b>		
22	<b>Total Operating Expense</b>	<b>1,880,252</b>	<b>1,880,252</b>
23	<b>CHILD CARE &amp; DEVELOPMENT FUND</b>		
24	<b>Total Operating Expense</b>	<b>34,418,255</b>	<b>34,418,255</b>

25

26 **The foregoing appropriations for information systems/technology, education and training,**

27 **Temporary Assistance to Needy Families (TANF), and child care services are for the**

28 **purpose of enabling the division of family resources to carry out all services as**

29 **provided in IC 12-14. In addition to the above appropriations, all money received from the**

30 **federal government and paid into the state treasury as a grant or allowance is**

31 **appropriated and shall be expended by the division of family resources for the**

32 **respective purposes for which such money was allocated and paid to the state.**

33

34	<b>BURIAL EXPENSES</b>		
35	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
36	<b>Total Operating Expense</b>	<b>1,607,219</b>	<b>1,607,219</b>
37	<b>SCHOOL AGE CHILD CARE PROJECT FUND</b>		
38	<b>Total Operating Expense</b>	<b>955,780</b>	<b>955,780</b>
39	<b>DIVISION OF AGING ADMINISTRATION</b>		
40	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
41	<b>Personal Services</b>	<b>594,659</b>	<b>594,659</b>
42	<b>Other Operating Expense</b>	<b>852,751</b>	<b>852,751</b>

43

44 **The above appropriations for the division of aging administration are for administrative**

45 **expenses. Any federal fund reimbursements received for such purposes are to be deposited**

46 **in the general fund.**

47

48	<b>ROOM AND BOARD ASSISTANCE (R-CAP)</b>		
49	<b>Total Operating Expense</b>	<b>13,477,844</b>	<b>13,477,844</b>

1           **C.H.O.I.C.E. IN-HOME SERVICES**

2 <b>Total Operating Expense</b>	48,765,643	48,765,643	
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3

4           **The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental**  
5           **transfers to provide the nonfederal share of the Medicaid aged and disabled waiver.**  
6           **The intragovernmental transfers for use in the Medicaid aged and disabled waiver**  
7           **may not exceed in the state fiscal year beginning July 1, 2009, and ending June 30,**  
8           **2010, \$12,900,000. The intragovernmental transfers for use in the Medicaid aged and**  
9           **disabled waiver may not exceed in the state fiscal year beginning July 1, 2010, and**  
10           **ending June 30, 2011, \$12,900,000. After July 1, 2009, and before August 1, 2010,**  
11           **the office of the secretary (as defined in IC 12-7-2-135) shall submit a report to**  
12           **the legislative council in an electronic format under IC 5-14-6 and the governor**  
13           **in each July, October, January, and April specifying the number of persons on the**  
14           **waiting list for C.H.O.I.C.E. In-Home Services at the end of the month preceding**  
15           **the date of the report, a schedule indicating the length of time persons have been**  
16           **on the waiting list, a description of the conditions or problems that contribute**  
17           **to the waiting list, the plan in the next six (6) months after the end of the reporting**  
18           **period to reduce the waiting list, and any other information that is necessary or**  
19           **appropriate to interpret the information provided in the report.**

20

21           **The division of aging shall conduct an annual evaluation of the cost effectiveness**  
22           **of providing home care. Before January of each year, the division shall submit a**  
23           **report to the budget committee, the budget agency, and the legislative council that**  
24           **covers all aspects of the division's evaluation and such other information pertaining**  
25           **thereto as may be requested by the budget committee, the budget agency, or the legislative**  
26           **council, including the following:**

- 27           **(1) the number and demographic characteristics of the recipients of home care during**  
28           **the preceding fiscal year;**  
29           **(2) the total cost and per recipient cost of providing home care services during**  
30           **the preceding fiscal year;**  
31           **(3) the number of recipients of home care services who would have been placed in**  
32           **long term care facilities had they not received home care services; and**  
33           **(4) the total cost savings during the preceding fiscal year realized by the state**  
34           **due to recipients of home care services (including Medicaid) being diverted from**  
35           **long term care facilities.**

36

37           **The division shall obtain from providers of services data on their costs and expenditures**  
38           **regarding implementation of the program and report the findings to the budget committee,**  
39           **the budget agency, and the legislative council. The report to the legislative council**  
40           **must be in an electronic format under IC 5-14-6.**

41

42           **The foregoing appropriations for C.H.O.I.C.E. In-Home Services do not revert to the**  
43           **state general fund or any other fund at the close of any state fiscal year but remain**  
44           **available for the purposes of C.H.O.I.C.E. In-Home Services in subsequent state fiscal**  
45           **years.**

46

47           **OLDER HOOSIERS ACT**

48 <b>Total Operating Expense</b>	1,573,446	1,573,446	
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49           **ADULT PROTECTIVE SERVICES**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>1,956,528</b>	<b>1,956,528</b>
2	<b>ADULT GUARDIANSHIP SERVICES</b>		
3	<b>Total Operating Expense</b>	<b>477,135</b>	<b>477,135</b>
4	<b>TITLE V EMPLOYMENT GRANT (OLDER WORKERS)</b>		
5	<b>Total Operating Expense</b>	<b>229,034</b>	<b>229,034</b>
6	<b>MEDICAID WAIVER</b>		
7	<b>Total Operating Expense</b>	<b>322,275</b>	<b>322,275</b>
8	<b>OBRA/PASSARR</b>		
9	<b>Total Operating Expense</b>	<b>91,108</b>	<b>91,108</b>
10	<b>TITLE III ADMINISTRATION GRANT</b>		
11	<b>Total Operating Expense</b>	<b>252,163</b>	<b>252,163</b>
12	<b>OMBUDSMAN</b>		
13	<b>Total Operating Expense</b>	<b>310,124</b>	<b>310,124</b>
14			
15	<b>DIVISION OF DISABILITY AND REHABILITATIVE SERVICES ADMINISTRATION</b>		
16	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
17	<b>Total Operating Expense</b>	<b>360,764</b>	<b>360,764</b>
18			
19	<b>VOCATIONAL REHABILITATION SERVICES</b>		
20	<b>Personal Services</b>	<b>3,525,457</b>	<b>3,525,457</b>
21	<b>Other Operating Expense</b>	<b>12,348,257</b>	<b>12,348,257</b>
22	<b>AID TO INDEPENDENT LIVING</b>		
23	<b>Total Operating Expense</b>	<b>46,927</b>	<b>46,927</b>
24			
25	<b>INDIANAPOLIS RESOURCE CENTER FOR INDEPENDENT LIVING</b>		
26	<b>Total Operating Expense</b>	<b>87,665</b>	<b>87,665</b>
27	<b>SOUTHERN INDIANA CENTER FOR INDEPENDENT LIVING</b>		
28	<b>Total Operating Expense</b>	<b>87,665</b>	<b>87,665</b>
29	<b>ATTIC, INCORPORATED</b>		
30	<b>Total Operating Expense</b>	<b>87,665</b>	<b>87,665</b>
31	<b>LEAGUE FOR THE BLIND AND DISABLED</b>		
32	<b>Total Operating Expense</b>	<b>87,665</b>	<b>87,665</b>
33	<b>FUTURE CHOICES, INC.</b>		
34	<b>Total Operating Expense</b>	<b>158,113</b>	<b>158,113</b>
35	<b>THE WABASH INDEPENDENT LIVING AND LEARNING CENTER, INC.</b>		
36	<b>Total Operating Expense</b>	<b>158,113</b>	<b>158,113</b>
37	<b>INDEPENDENT LIVING CENTER OF EASTERN INDIANA</b>		
38	<b>Total Operating Expense</b>	<b>158,113</b>	<b>158,113</b>
39			
40	<b>OFFICE OF DEAF AND HEARING IMPAIRED</b>		
41	<b>Personal Services</b>	<b>185,104</b>	<b>185,104</b>
42	<b>Other Operating Expense</b>	<b>131,670</b>	<b>131,670</b>
43	<b>BLIND VENDING OPERATIONS</b>		
44	<b>Total Operating Expense</b>	<b>129,905</b>	<b>129,905</b>
45	<b>DEVELOPMENTAL DISABILITY RESIDENTIAL FACILITIES COUNCIL</b>		
46	<b>Personal Services</b>	<b>2,970</b>	<b>2,970</b>
47	<b>Other Operating Expense</b>	<b>12,038</b>	<b>12,038</b>
48	<b>OFFICE OF SERVICES FOR THE BLIND AND VISUALLY IMPAIRED</b>		
49	<b>Personal Services</b>	<b>56,751</b>	<b>56,751</b>

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Other Operating Expense	24,985	24,985
2	<b>EMPLOYEE TRAINING</b>		
3	Total Operating Expense	6,112	6,112
4	<b>BUREAU OF QUALITY IMPROVEMENT SERVICES - BQIS</b>		
5	Total Operating Expense	3,936,983	3,936,983
6	<b>DAY SERVICES - DEVELOPMENTALLY DISABLED</b>		
7	Other Operating Expense	11,759,384	11,759,384
8	<b>DIAGNOSIS AND EVALUATION</b>		
9	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
10	Other Operating Expense	400,125	400,125
11	<b>FEDERAL EARLY INTERVENTION</b>		
12	Total Operating Expense	6,149,513	6,149,513
13	<b>SUPPORTED EMPLOYMENT</b>		
14	Other Operating Expense	3,880,000	3,880,000
15	<b>EPILEPSY PROGRAM</b>		
16	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
17	Other Operating Expense	463,758	463,758
18	<b>CAREGIVER SUPPORT</b>		
19	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
20	Other Operating Expense	809,500	809,500
21	<b>BDDS OPERATING</b>		
22	General Fund		
23	Total Operating Expense	5,286,709	5,286,709
24	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
25	Total Operating Expense	1,869,887	1,869,887
26	Augmentation allowed.		
27	<b>OASIS - OBJECTIVE ASSISTANCE SYSTEM FROM INDEPENDENT SERVICES</b>		
28	Total Operating Expense	5,529,000	5,529,000
29	<b>CRISIS MANAGEMENT</b>		
30	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
31	Total Operating Expense	4,136,080	4,136,080
32	Augmentation allowed.		
33	<b>OUTREACH - STATE OPERATING SERVICES</b>		
34	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
35	Total Operating Expense	2,232,973	2,232,973
36	Augmentation allowed.		
37	<b>RESIDENTIAL SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS</b>		
38	General Fund		
39	Total Operating Expense	91,996,290	91,996,290
40	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
41	Total Operating Expense	17,229,000	17,229,000
42			

43 The above appropriations for client services include the intragovernmental transfers  
44 necessary to provide the nonfederal share of reimbursement under the Medicaid program  
45 for day services provided to residents of group homes and nursing facilities.

46  
47 In the development of new community residential settings for persons with developmental  
48 disabilities, the division of disability and rehabilitative services must give priority  
49 to the appropriate placement of such persons who are eligible for Medicaid and currently

1 residing in intermediate care or skilled nursing facilities and, to the extent permitted  
 2 by law, such persons who reside with aged parents or guardians or families in crisis.

3  
 4 **FOR THE DEPARTMENT OF CHILD SERVICES**

5 **DEPARTMENT OF CHILD SERVICES - ADMINISTRATION**

6	Personal Services	89,445,563	89,445,563
7	Other Operating Expense	20,582,245	20,582,245

8  
 9 **DEPARTMENT OF CHILD SERVICES - STATE ADMINISTRATION**

10	Personal Services	14,689,383	14,689,383
11	Other Operating Expense	3,636,219	3,636,219

12 **CHILD WELFARE SERVICES STATE GRANTS**

13 **General Fund**

14	Total Operating Expense	7,500,000	7,500,000
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15 **Excise and Financial Institution Taxes**

16	Total Operating Expense	6,275,000	6,275,000
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17 **Augmentation allowed.**

18 **TITLE IV-D OF THE FEDERAL SOCIAL SECURITY ACT (STATE MATCH)**

19	Total Operating Expense	5,598,019	5,598,019
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20  
 21 **The foregoing appropriations for the department of child services Title IV-D of**  
 22 **the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.**

23  
 24 **FAMILY AND CHILDREN FUND**

25 **General Fund**

26	Total Operating Expense	445,406,171	445,406,171
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27 **Augmentation allowed.**

28 **Family and Children Reimbursement (IC 31-40-1-3)**

29	Total Operating Expense	8,782,173	8,782,173
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30 **Augmentation allowed.**

31 **YOUTH SERVICE BUREAU**

32	Total Operating Expense	1,528,000	1,528,000
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33 **PROJECT SAFEPLACE**

34	Total Operating Expense	125,000	125,000
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35 **HEALTHY FAMILIES INDIANA**

36	Total Operating Expense	6,826,935	6,826,935
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37 **CHILD WELFARE TRAINING**

38	Total Operating Expense	1,729,473	1,729,473
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39 **SPECIAL NEEDS ADOPTION II**

40	Personal Services	243,060	243,060
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41	Other Operating Expense	456,540	456,540
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42 **ADOPTION ASSISTANCE**

43	Total Operating Expense	14,307,971	14,307,971
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44 **NON-RECURRING ADOPTION ASSISTANCE**

45	Total Operating Expense	921,500	921,500
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46 **INDIANA SUPPORT ENFORCEMENT TRACKING (ISETS)**

47	Total Operating Expense	4,804,602	4,804,602
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48 **CHILD PROTECTION AUTOMATION PROJECT (ICWIS)**

49	Total Operating Expense	4,224,334	4,224,334
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**SOCIAL SERVICES BLOCK GRANT (SSBG)**

<b>Total Operating Expense</b>	<b>4,012,083</b>	<b>4,012,083</b>
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The funds appropriated above to the social services block grant are allocated in the following manner during the biennium:

<b>Division of Disability and Rehabilitative Services</b>		
	343,481	343,481
<b>Division of Family Resources</b>		
	1,100,000	1,100,000
<b>Division of Aging</b>		
	687,396	687,396
<b>Department of Child Services</b>		
	289,352	289,352
<b>Department of Health</b>		
	296,504	296,504
<b>Department of Correction</b>		
	1,295,350	1,295,350

**FOR THE DEPARTMENT OF ADMINISTRATION  
DEPARTMENT OF CHILD SERVICES OMBUDSMAN BUREAU**

<b>Total Operating Expense</b>	<b>145,400</b>	<b>145,400</b>
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**B. PUBLIC HEALTH**

**FOR THE STATE DEPARTMENT OF HEALTH**

<b>Personal Services</b>	<b>21,315,999</b>	<b>21,315,999</b>
<b>Other Operating Expense</b>	<b>7,410,840</b>	<b>7,410,840</b>

All receipts to the state department of health from licenses or permit fees shall be deposited in the state general fund. Augmentation allowed in amounts not to exceed revenue from penalties or fees collected by the state department of health.

The above appropriations for the state department of health include funds to establish a medical adverse events reporting system by making a grant to or an agreement with an appropriate agency.

**AREA HEALTH EDUCATION CENTERS**

<b>Total Operating Expense</b>	<b>1,387,500</b>	<b>1,387,500</b>
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**CANCER REGISTRY**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

<b>Total Operating Expense</b>	<b>610,647</b>	<b>610,647</b>
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**MINORITY HEALTH INITIATIVE**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

<b>Total Operating Expense</b>	<b>3,000,000</b>	<b>3,000,000</b>
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The foregoing appropriations shall be allocated to the Indiana Minority Health Coalition to work with the state department on the implementation of IC 16-46-11.

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**SICKLE CELL**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Total Operating Expense</b>	<b>250,000</b>	<b>250,000</b>

**AID TO COUNTY TUBERCULOSIS HOSPITALS**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Total Operating Expense</b>	<b>96,883</b>	<b>96,883</b>

These funds shall be used for eligible expenses according to IC 16-21-7-3 for tuberculosis patients for whom there are no other sources of reimbursement, including patient resources, health insurance, medical assistance payments, and hospital care for the indigent.

**MEDICARE-MEDICAID CERTIFICATION**

<b>Total Operating Expense</b>	<b>6,269,426</b>	<b>6,269,426</b>
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Personal services augmentation allowed in amounts not to exceed revenue from health facilities license fees or from health care providers (as defined in IC 16-18-2-163) fee increases or those adopted by the Executive Board of the Indiana State Department of health pursuant to IC 16-19-3.

**AIDS EDUCATION**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Personal Services</b>	<b>286,161</b>	<b>286,161</b>
<b>Other Operating Expense</b>	<b>531,084</b>	<b>531,084</b>

**HIV/AIDS SERVICES**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Total Operating Expense</b>	<b>2,162,254</b>	<b>2,162,254</b>

**TEST FOR DRUG AFFLICTED BABIES**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Total Operating Expense</b>	<b>58,121</b>	<b>58,121</b>

**STATE CHRONIC DISEASES**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Personal Services</b>	<b>120,459</b>	<b>120,459</b>
<b>Other Operating Expense</b>	<b>957,968</b>	<b>957,968</b>

At least \$82,560 of the above appropriations shall be for grants to community groups and organizations as provided in IC 16-46-7-8.

**WOMEN, INFANTS, AND CHILDREN SUPPLEMENT**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Total Operating Expense</b>	<b>190,000</b>	<b>190,000</b>

**MATERNAL AND CHILD HEALTH SUPPLEMENT**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
<b>Total Operating Expense</b>	<b>190,000</b>	<b>190,000</b>

**CANCER EDUCATION AND DIAGNOSIS - BREAST CANCER**

<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
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	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>86,490</b>	<b>86,490</b>
2	<b>CANCER EDUCATION AND DIAGNOSIS - PROSTATE CANCER</b>		
3	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
4	<b>Total Operating Expense</b>	<b>93,000</b>	<b>93,000</b>
5	<b>ADOPTION HISTORY</b>		
6	<b>Adoption History Fund (IC 31-19-18-6)</b>		
7	<b>Total Operating Expense</b>	<b>215,543</b>	<b>215,543</b>
8	<b>Augmentation allowed.</b>		
9	<b>CHILDREN WITH SPECIAL HEALTH CARE NEEDS</b>		
10	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
11	<b>Total Operating Expense</b>	<b>13,862,070</b>	<b>13,862,070</b>
12	<b>Augmentation allowed.</b>		
13	<b>NEWBORN SCREENING PROGRAM</b>		
14	<b>Newborn Screening Fund (IC 16-41-17-11)</b>		
15	<b>Personal Services</b>	<b>366,971</b>	<b>366,971</b>
16	<b>Other Operating Expense</b>	<b>2,294,672</b>	<b>2,294,672</b>
17	<b>Augmentation allowed.</b>		
18	<b>RADON GAS TRUST FUND</b>		
19	<b>Radon Gas Trust Fund (IC 16-41-38-8)</b>		
20	<b>Total Operating Expense</b>	<b>11,458</b>	<b>11,458</b>
21	<b>Augmentation allowed.</b>		
22	<b>BIRTH PROBLEMS REGISTRY</b>		
23	<b>Birth Problems Registry Fund (IC 16-38-4-17)</b>		
24	<b>Personal Services</b>	<b>62,071</b>	<b>62,071</b>
25	<b>Other Operating Expense</b>	<b>62,389</b>	<b>62,389</b>
26	<b>Augmentation allowed.</b>		
27	<b>MOTOR FUEL INSPECTION PROGRAM</b>		
28	<b>Motor Fuel Inspection Fund (IC 16-44-3-10)</b>		
29	<b>Total Operating Expense</b>	<b>174,464</b>	<b>174,464</b>
30	<b>Augmentation allowed.</b>		
31	<b>PROJECT RESPECT</b>		
32	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
33	<b>Total Operating Expense</b>	<b>537,904</b>	<b>537,904</b>
34	<b>DONATED DENTAL SERVICES</b>		
35	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
36	<b>Total Operating Expense</b>	<b>42,932</b>	<b>42,932</b>
37			
38	<b>The above appropriation shall be used by the Indiana foundation for dentistry for</b>		
39	<b>the handicapped.</b>		
40			
41	<b>OFFICE OF WOMEN'S HEALTH</b>		
42	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
43	<b>Total Operating Expense</b>	<b>121,248</b>	<b>121,248</b>
44	<b>SPINAL CORD AND BRAIN INJURY</b>		
45	<b>Spinal Cord and Brain Injury Fund (IC 16-41-42.2-3)</b>		
46	<b>Total Operating Expense</b>	<b>1,175,770</b>	<b>1,175,770</b>
47	<b>INDIANA CHECK-UP PLAN - IMMUNIZATIONS</b>		
48	<b>Indiana Check-Up Plan Trust Fund (IC 12-15-44.2-17)</b>		
49	<b>Total Operating Expense</b>	<b>11,000,000</b>	<b>11,000,000</b>

1	<b>WEIGHTS AND MEASURES FUND</b>		
2	<b>Weights and Measures Fund (IC 16-19-5-4)</b>		
3	<b>Total Operating Expense</b>	<b>22,824</b>	<b>22,824</b>
4	<b>Augmentation allowed.</b>		
5	<b>MINORITY EPIDEMIOLOGY</b>		
6	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
7	<b>Total Operating Expense</b>	<b>750,000</b>	<b>750,000</b>
8	<b>COMMUNITY HEALTH CENTERS</b>		
9	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
10	<b>Total Operating Expense</b>	<b>17,500,000</b>	<b>20,000,000</b>
11	<b>PRENATAL SUBSTANCE USE &amp; PREVENTION</b>		
12	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
13	<b>Total Operating Expense</b>	<b>150,000</b>	<b>150,000</b>
14	<b>LOCAL HEALTH MAINTENANCE FUND</b>		
15	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
16	<b>Total Operating Expense</b>	<b>3,860,000</b>	<b>3,860,000</b>
17	<b>Augmentation allowed.</b>		

18

19     **The amount appropriated from the tobacco master settlement agreement fund is in lieu of**

20     **the appropriation provided for this purpose in IC 6-7-1-30.5 or any other law. Of the above**

21     **appropriations for the local health maintenance fund, \$60,000 each year shall be used to**

22     **provide additional funding to adjust funding through the formula in IC 16-46-10 to reflect**

23     **population increases in various counties. Money appropriated to the local health**

24     **maintenance fund must be allocated under the following schedule each year to each local**

25     **board of health whose application for funding is approved by the state department of health:**

26			
27	<b>COUNTY POPULATION</b>	<b>AMOUNT OF GRANT</b>	
28	over 499,999	94,112	
29	100,000 - 499,999	72,672	
30	50,000 - 99,999	48,859	
31	under 50,000	33,139	

32			
33	<b>LOCAL HEALTH DEPARTMENT ACCOUNT</b>		
34	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
35	<b>Total Operating Expense</b>	<b>3,000,000</b>	<b>3,000,000</b>

36

37     **The foregoing appropriations for the local health department account are statutory**

38     **distributions pursuant to IC 4-12-7.**

39			
40	<b>FOR THE TOBACCO USE PREVENTION AND CESSATION BOARD</b>		
41	<b>TOBACCO USE PREVENTION AND CESSATION PROGRAM</b>		
42	<b>Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)</b>		
43	<b>Total Operating Expense</b>	<b>10,859,308</b>	<b>10,859,308</b>

44

45     **A minimum of 75% of the above appropriations shall be used for grants to local agencies**

46     **and other entities with programs designed to reduce smoking.**

47			
48	<b>FOR THE INDIANA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED</b>		
49	<b>Personal Services</b>	<b>10,525,311</b>	<b>10,524,650</b>

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Other Operating Expense	1,028,728	1,029,396
2			
3	<b>FOR THE INDIANA SCHOOL FOR THE DEAF</b>		
4	Personal Services	16,817,364	16,822,021
5	Other Operating Expense	1,959,367	1,959,367
6			
7	<b>C. VETERANS' AFFAIRS</b>		
8			
9	<b>FOR THE INDIANA DEPARTMENT OF VETERANS' AFFAIRS</b>		
10	Personal Services	538,944	538,944
11	Other Operating Expense	80,108	80,108
12			
13	<b>DISABLED AMERICAN VETERANS OF WORLD WARS</b>		
14	Total Operating Expense	40,000	40,000
15	<b>AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM</b>		
16	Total Operating Expense	30,000	30,000
17	<b>VETERANS OF FOREIGN WARS</b>		
18	Total Operating Expense	30,000	30,000
19	<b>VIETNAM VETERANS OF AMERICA</b>		
20	Total Operating Expense		20,000
21	<b>MILITARY FAMILY RELIEF FUND</b>		
22	Military Family Relief Fund (IC 10-17-12-8)		
23	Total Operating Expense	450,000	450,000
24			
25	<b>INDIANA VETERANS' HOME</b>		
26	From the General Fund		
27	12,815,594 12,815,594		
28	From the Comfort and Welfare Fund (IC 10-17-9-7(c))		
29	9,381,362 9,381,362		
30	Augmentation allowed from the Comfort and Welfare Fund in amounts not		
31	to exceed revenue collected for Medicaid and Medicare reimbursement.		
32			
33	The amounts specified from the General Fund and the Comfort and Welfare Fund are for the		
34	following purposes:		
35			
36	Personal Services	16,956,676	16,956,676
37	Other Operating Expense	5,240,280	5,240,280
38			
39	<b>COMFORT AND WELFARE PROGRAM</b>		
40	Comfort and Welfare Fund (IC 10-17-9-7(c))		
41	Total Operating Expense	10,127,221	10,127,221
42	Augmentation allowed.		
43			
44	<b>SECTION 9. [EFFECTIVE JULY 1, 2009]</b>		
45			
46	<b>EDUCATION</b>		
47			
48	<b>A. HIGHER EDUCATION</b>		
49			

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>FOR INDIANA UNIVERSITY</b>		
2	<b>BLOOMINGTON CAMPUS</b>		
3	<b>Total Operating Expense</b>	<b>194,908,592</b>	<b>190,670,086</b>
4	<b>Fee Replacement</b>	<b>26,901,091</b>	<b>39,480,478</b>
5			
6	<b>FOR INDIANA UNIVERSITY REGIONAL CAMPUSES</b>		
7	<b>EAST</b>		
8	<b>Total Operating Expense</b>	<b>7,978,684</b>	<b>7,896,005</b>
9	<b>Fee Replacement</b>	<b>1,896,844</b>	<b>1,400,591</b>
10			
11	<b>KOKOMO</b>		
12	<b>Total Operating Expense</b>	<b>10,409,563</b>	<b>10,345,995</b>
13	<b>Fee Replacement</b>	<b>2,103,973</b>	<b>1,553,532</b>
14			
15	<b>NORTHWEST</b>		
16	<b>Total Operating Expense</b>	<b>17,243,776</b>	<b>16,949,512</b>
17	<b>Fee Replacement</b>	<b>3,899,173</b>	<b>2,879,072</b>
18			
19	<b>SOUTH BEND</b>		
20	<b>Total Operating Expense</b>	<b>22,157,280</b>	<b>21,772,918</b>
21	<b>Fee Replacement</b>	<b>5,658,917</b>	<b>4,178,432</b>
22			
23	<b>SOUTHEAST</b>		
24	<b>Total Operating Expense</b>	<b>20,002,235</b>	<b>19,846,717</b>
25	<b>Fee Replacement</b>	<b>5,048,022</b>	<b>3,727,359</b>
26			
27	<b>TOTAL APPROPRIATION - INDIANA UNIVERSITY REGIONAL CAMPUSES</b>		
28	<b>96,398,467</b>	<b>90,550,133</b>	
29			
30	<b>FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY</b>		
31	<b>AT INDIANAPOLIS (IUPUI)</b>		
32	<b>HEALTH DIVISIONS</b>		
33	<b>Total Operating Expense</b>	<b>104,111,058</b>	<b>102,027,773</b>
34	<b>Fee Replacement</b>	<b>4,189,020</b>	<b>4,160,100</b>
35			
36	<b>FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE ON</b>		
37	<b>THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA</b>		
38	<b>Total Operating Expense</b>	<b>1,565,404</b>	<b>1,603,670</b>
39			
40	<b>THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE</b>		
41	<b>Total Operating Expense</b>	<b>1,440,072</b>	<b>1,475,274</b>
42			
43	<b>THE CAMPUS OF INDIANA UNIVERSITY-NORTHWEST</b>		
44	<b>Total Operating Expense</b>	<b>2,045,819</b>	<b>2,095,829</b>
45			
46	<b>THE CAMPUS OF PURDUE UNIVERSITY</b>		
47	<b>Total Operating Expense</b>	<b>1,826,182</b>	<b>1,870,823</b>
48			
49	<b>THE CAMPUS OF BALL STATE UNIVERSITY</b>		

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>1,642,036</b>	<b>1,682,175</b>
2			
3	<b>THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME</b>		
4	<b>Total Operating Expense</b>	<b>1,522,791</b>	<b>1,560,016</b>
5			
6	<b>THE CAMPUS OF INDIANA STATE UNIVERSITY</b>		
7	<b>Total Operating Expense</b>	<b>1,815,496</b>	<b>1,859,876</b>
8			
9	<b>The Indiana University School of Medicine - Indianapolis shall submit to the Indiana</b>		
10	<b>commission for higher education before May 15 of each year an accountability report</b>		
11	<b>containing data on the number of medical school graduates who entered primary care</b>		
12	<b>physician residencies in Indiana from the school's most recent graduating class.</b>		
13			
14	<b>FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)</b>		
15	<b>GENERAL ACADEMIC DIVISIONS</b>		
16	<b>Total Operating Expense</b>	<b>80,314,605</b>	<b>80,232,626</b>
17	<b>Fee Replacement</b>	<b>20,004,544</b>	<b>13,472,705</b>
18			
19	<b>TOTAL APPROPRIATIONS - IUPUI</b>		
20	<b>220,477,027</b>	<b>212,040,867</b>	
21			
22	<b>Transfers of allocations between campuses to correct for errors in allocation among</b>		
23	<b>the campuses of Indiana University can be made by the institution with the approval</b>		
24	<b>of the commission for higher education and the budget agency. Indiana University</b>		
25	<b>shall maintain current operations at all statewide medical education sites.</b>		
26			
27	<b>FOR INDIANA UNIVERSITY</b>		
28	<b>ABILENE NETWORK OPERATIONS CENTER</b>		
29	<b>Total Operating Expense</b>	<b>832,596</b>	<b>832,596</b>
30			
31	<b>SPINAL CORD AND HEAD INJURY RESEARCH CENTER</b>		
32	<b>Spinal Cord and Brain Injury Fund (IC 16-41-42.2-3)</b>		
33	<b>Total Operating Expense</b>	<b>524,230</b>	<b>524,230</b>
34			
35	<b>STATE DEPARTMENT OF TOXICOLOGY</b>		
36	<b>Total Operating Expense</b>	<b>2,463,380</b>	<b>2,463,380</b>
37			
38	<b>INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES</b>		
39	<b>Total Operating Expense</b>	<b>2,477,440</b>	<b>2,477,440</b>
40			
41	<b>GEOLOGICAL SURVEY</b>		
42	<b>Total Operating Expense</b>	<b>3,102,244</b>	<b>3,102,244</b>
43			
44	<b>LOCAL GOVERNMENT ADVISORY COMMISSION</b>		
45	<b>Total Operating Expense</b>	<b>56,543</b>	<b>56,543</b>
46			
47	<b>I-LIGHT NETWORK OPERATIONS</b>		
48	<b>Build Indiana Fund (IC 4-30-17)</b>		
49	<b>Total Operating Expense</b>	<b>2,000,000</b>	<b>2,000,000</b>

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**FOR PURDUE UNIVERSITY**

**WEST LAFAYETTE**

<b>Total Operating Expense</b>	<b>248,053,173</b>	<b>241,119,044</b>
<b>Fee Replacement</b>	<b>26,722,911</b>	<b>27,614,524</b>

**FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES**

**CALUMET**

<b>Total Operating Expense</b>	<b>27,028,286</b>	<b>26,750,801</b>
<b>Fee Replacement</b>	<b>1,491,261</b>	<b>1,491,824</b>

**NORTH CENTRAL**

<b>Total Operating Expense</b>	<b>11,847,744</b>	<b>12,299,238</b>
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**TOTAL APPROPRIATION - PURDUE UNIVERSITY REGIONAL CAMPUSES**

**40,367,291    40,541,863**

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY**

**AT FORT WAYNE (IPFW)**

<b>Total Operating Expense</b>	<b>37,378,801</b>	<b>37,816,896</b>
<b>Fee Replacement</b>	<b>5,995,241</b>	<b>5,980,642</b>

Transfers of allocations between campuses to correct for errors in allocation among the campuses of Purdue University can be made by the institution with the approval of the commission for higher education and the budget agency.

**FOR PURDUE UNIVERSITY**

**ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM**

<b>Total Operating Expense</b>	<b>3,449,706</b>	<b>3,449,706</b>
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The above appropriations shall be used to fund the animal disease diagnostic laboratory system (ADDL), which consists of the main ADDL at West Lafayette, the bangs disease testing service at West Lafayette, and the southern branch of ADDL Southern Indiana Purdue Agricultural Center (SIPAC) in Dubois County. The above appropriations are in addition to any user charges that may be established and collected under IC 21-46-3-5. Notwithstanding IC 21-46-3-4, the trustees of Purdue University may approve reasonable charges for testing for pseudorabies.

**STATEWIDE TECHNOLOGY**

<b>Total Operating Expense</b>	<b>6,433,939</b>	<b>6,433,939</b>
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**COUNTY AGRICULTURAL EXTENSION EDUCATORS**

<b>Total Operating Expense</b>	<b>7,234,605</b>	<b>7,234,605</b>
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**AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS**

<b>Total Operating Expense</b>	<b>7,238,961</b>	<b>7,238,961</b>
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**CENTER FOR PARALYSIS RESEARCH**

<b>Total Operating Expense</b>	<b>522,558</b>	<b>522,558</b>
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1			
2	<b>UNIVERSITY-BASED BUSINESS ASSISTANCE</b>		
3	<b>Total Operating Expense</b>	<b>1,889,039</b>	<b>1,889,039</b>
4			
5	<b>FOR INDIANA STATE UNIVERSITY</b>		
6	<b>Total Operating Expense</b>	<b>72,442,778</b>	<b>71,536,249</b>
7	<b>Fee Replacement</b>	<b>8,231,452</b>	<b>9,455,023</b>
8			
9	<b>NURSING PROGRAM</b>		
10	<b>Total Operating Expense</b>	<b>240,000</b>	<b>240,000</b>
11			
12	<b>FOR UNIVERSITY OF SOUTHERN INDIANA</b>		
13	<b>Total Operating Expense</b>	<b>39,044,222</b>	<b>39,172,365</b>
14	<b>Fee Replacement</b>	<b>11,920,469</b>	<b>11,119,519</b>
15			
16	<b>HISTORIC NEW HARMONY</b>		
17	<b>Total Operating Expense</b>	<b>553,428</b>	<b>553,428</b>
18			
19	<b>FOR BALL STATE UNIVERSITY</b>		
20	<b>Total Operating Expense</b>	<b>125,529,452</b>	<b>125,182,828</b>
21	<b>Fee Replacement</b>	<b>11,543,674</b>	<b>14,296,955</b>
22			
23	<b>ENTREPRENEURIAL COLLEGE</b>		
24	<b>From the General Fund</b>		
25	<b>960,000</b>	<b>960,000</b>	
26	<b>From the ARRA State Fiscal Stabilization Fund (Section 14002(b))</b>		
27	<b>1,000,000</b>	<b>1,000,000</b>	
28			
29	<b>The amounts specified from the General Fund and the American Recovery and Reinvestment</b>		
30	<b>Act are for the following purposes:</b>		
31	<b>Total Operating Expense</b>	<b>1,960,000</b>	<b>1,960,000</b>
32			
33	<b>ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES</b>		
34	<b>Total Operating Expense</b>	<b>4,273,836</b>	<b>4,273,836</b>
35			
36	<b>FOR VINCENNES UNIVERSITY</b>		
37	<b>Total Operating Expense</b>	<b>37,420,510</b>	<b>37,190,537</b>
38	<b>Fee Replacement</b>	<b>5,275,650</b>	<b>5,282,662</b>
39			
40	<b>FOR IVY TECH COMMUNITY COLLEGE</b>		
41	<b>Total Operating Expense</b>	<b>164,419,166</b>	<b>175,842,161</b>
42	<b>Fee Replacement</b>	<b>26,656,511</b>	<b>31,178,968</b>
43			
44	<b>VALPO NURSING PARTNERSHIP</b>		
45	<b>Total Operating Expense</b>	<b>100,484</b>	<b>100,484</b>
46			
47	<b>FT. WAYNE PUBLIC SAFETY TRAINING CENTER</b>		
48	<b>Total Operating Expense</b>	<b>1,000,000</b>	<b>1,000,000</b>
49			

1 **FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)**

2 **Build Indiana Fund (IC 4-30-17)**

3 **Total Operating Expense 600,000 600,000**

4  
5 **The above appropriations do not include funds for the course development grant program.**

6  
7 **The sums herein appropriated to Indiana University, Purdue University, Indiana State**  
8 **University, University of Southern Indiana, Ball State University, Vincennes University,**  
9 **Ivy Tech Community College, and the Indiana Higher Education Telecommunications System**  
10 **(IHETS) are in addition to all income of said institutions and IHETS, respectively,**  
11 **from all permanent fees and endowments and from all land grants, fees, earnings,**  
12 **and receipts, including gifts, grants, bequests, and devises, and receipts from any**  
13 **miscellaneous sales from whatever source derived.**

14  
15 **All such income and all such fees, earnings, and receipts on hand June 30, 2009,**  
16 **and all such income and fees, earnings, and receipts accruing thereafter are hereby**  
17 **appropriated to the boards of trustees or directors of the aforementioned institutions**  
18 **and IHETS and may be expended for any necessary expenses of the respective institutions**  
19 **and IHETS, including university hospitals, schools of medicine, nurses' training**  
20 **schools, schools of dentistry, and agricultural extension and experimental stations.**  
21 **However, such income, fees, earnings, and receipts may be used for land and structures**  
22 **only if approved by the governor and the budget agency.**

23  
24 **The foregoing appropriations to Indiana University, Purdue University, Indiana State**  
25 **University, University of Southern Indiana, Ball State University, Vincennes University,**  
26 **Ivy Tech Community College, and IHETS include the employers' share of Social Security**  
27 **payments for university and IHETS employees under the public employees' retirement**  
28 **fund, or institutions covered by the Indiana state teachers' retirement fund. The**  
29 **funds appropriated also include funding for the employers' share of payments to the**  
30 **public employees' retirement fund and to the Indiana state teachers' retirement fund**  
31 **at a rate to be established by the retirement funds for both fiscal years for each**  
32 **institution and for IHETS employees covered by these retirement plans.**

33  
34 **The treasurers of Indiana University, Purdue University, Indiana State University,**  
35 **University of Southern Indiana, Ball State University, Vincennes University, and**  
36 **Ivy Tech Community College shall, at the end of each three (3) month period, prepare**  
37 **and file with the auditor of state a financial statement that shall show in total**  
38 **all revenues received from any source, together with a consolidated statement of**  
39 **disbursements for the same period. The budget director shall establish the requirements**  
40 **for the form and substance of the reports.**

41  
42 **The reports of the treasurer also shall contain in such form and in such detail as**  
43 **the governor and the budget agency may specify, complete information concerning receipts**  
44 **from all sources, together with any contracts, agreements, or arrangements with any**  
45 **federal agency, private foundation, corporation, or other entity from which such**  
46 **receipts accrue.**

47  
48 **All such treasurers' reports are matters of public record and shall include without**  
49 **limitation a record of the purposes of any and all gifts and trusts with the sole**

1    **exception of the names of those donors who request to remain anonymous.**

2

3    **Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers**  
4    **of Indiana University, Purdue University, Indiana State University, University of**  
5    **Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community**  
6    **College on the basis of vouchers stating the total amount claimed against each fund**  
7    **or account, or both, but not to exceed the legally made appropriations.**

8

9    **Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or**  
10    **in part by state funds, grant applications and lists of applications need only be**  
11    **submitted upon request to the budget agency for review and approval or disapproval**  
12    **and, unless disapproved by the budget agency, federal grant funds may be requested**  
13    **and spent without approval by the budget agency. Each institution shall retain the**  
14    **applications for a reasonable period of time and submit a list of all grant applications,**  
15    **at least monthly, to the commission for higher education for informational purposes.**

16

17    **For all university special appropriations, an itemized list of intended expenditures,**  
18    **in such form as the governor and the budget agency may specify, shall be submitted**  
19    **to support the allotment request. All budget requests for university special appropriations**  
20    **shall be furnished in a like manner and as a part of the operating budgets of the**  
21    **state universities.**

22

23    **The trustees of Indiana University, the trustees of Purdue University, the trustees**  
24    **of Indiana State University, the trustees of University of Southern Indiana, the**  
25    **trustees of Ball State University, the trustees of Vincennes University, the trustees**  
26    **of Ivy Tech Community College and the directors of IHETS are hereby authorized to**  
27    **accept federal grants, subject to IC 4-12-1.**

28

29    **Fee replacement funds are to be distributed as requested by each institution, on**  
30    **payment due dates, subject to available appropriations.**

31

32    **FOR THE MEDICAL EDUCATION BOARD**

33    **FAMILY PRACTICE RESIDENCY FUND**

<b>Total Operating Expense</b>	<b>2,247,056</b>	<b>2,247,056</b>
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35

36    **Of the foregoing appropriations for the medical education board-family practice residency**  
37    **fund, \$1,000,000 each year shall be used for grants for the purpose of improving**  
38    **family practice residency programs serving medically underserved areas.**

39

40    **FOR THE COMMISSION FOR HIGHER EDUCATION**

<b>Total Operating Expense</b>	<b>1,476,735</b>	<b>1,476,735</b>
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42

43    **STATEWIDE TRANSFER WEB SITE**

<b>Total Operating Expense</b>	<b>644,293</b>	<b>644,293</b>
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46    **FOR THE DEPARTMENT OF ADMINISTRATION**

47    **ANIMAL DISEASE DIAGNOSTIC LABORATORY LEASE RENTAL**

<b>Total Operating Expense</b>	<b>1,045,098</b>	<b>1,046,630</b>
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49

1           **COLUMBUS LEARNING CENTER LEASE PAYMENT**  
2           **Total Operating Expense           4,988,000           4,934,000**

3  
4           **FOR THE STATE BUDGET AGENCY**  
5           **MEDICAL EDUCATION CENTER EXPANSION**

6           **Total Operating Expense           3,000,000           3,000,000**

7  
8           **The above appropriations for medical education center expansion are intended to help**  
9           **increase medical school class size on a statewide basis. The funds shall be used**  
10          **to help increase enrollment for years 1 and 2 and to provide clinical instruction**  
11          **for years 3 and 4. The funds shall be distributed to the nine (9) existing medical**  
12          **education centers in proportion to the increase in enrollment for each center. The**  
13          **budget agency shall release the funds after a plan is submitted and favorably reviewed**  
14          **by the budget committee.**

15  
16          **TECHNICAL ASSISTANCE AND ADVANCED MANUFACTURING**

17          **Total Operating Expense           2,000,000           2,000,000**

18  
19          **The above appropriation for technical assistance and advanced manufacturing is intended**  
20          **to be used to expand post graduate pharmacy residency training and post graduate**  
21          **biomedical engineering specialization and for a technical assistance program for**  
22          **cost containment through the healthcare technology assistance program at Purdue University.**  
23          **Funds shall be released after favorable review by the budget committee.**

24  
25          **CORE RESEARCH**

26          **Total Operating Expense           5,000,000           5,000,000**

27  
28          **The above appropriations for core research are intended to fund facilities, equipment,**  
29          **researchers, and related expenses at Purdue University and Indiana University to**  
30          **conduct basic research in the core life sciences that are aligned with Indiana's**  
31          **major bioscience employment sectors. Those sectors include pharmaceutical, biotech,**  
32          **medical devices and equipment, orthopedics, and agricultural feedstock and chemicals.**  
33          **Funds shall be released after favorable review by the budget committee. Purdue University**  
34          **and Indiana University shall report to the budget committee on the status of the**  
35          **program one (1) year after the funds are released.**

36  
37          **GIGAPOP PROJECT**

38          **Build Indiana Fund (IC 4-30-17)**  
39          **Total Operating Expense           771,951           771,951**

40  
41          **SOUTH CENTRAL EDUCATIONAL ALLIANCE - BEDFORD SERVICE AREA**

42          **Build Indiana Fund (IC 4-30-17)**  
43          **Total Operating Expense           395,266           395,266**

44  
45          **SOUTHEAST INDIANA EDUCATION SERVICES**

46          **Build Indiana Fund (IC 4-30-17)**  
47          **Total Operating Expense           695,226           695,226**

48  
49          **DEGREE LINK**

1	<b>Build Indiana Fund (IC 4-30-17)</b>		
2	<b>Total Operating Expense</b>	<b>541,465</b>	<b>541,465</b>

3

4 **The above appropriations shall be used for the delivery of Indiana State University**

5 **baccalaureate degree programs at Ivy Tech Community College and Vincennes University**

6 **locations through Degree Link.**

8	<b>WORKFORCE CENTERS</b>		
9	<b>Build Indiana Fund (IC 4-30-17)</b>		
10	<b>Total Operating Expense</b>	<b>862,110</b>	<b>862,110</b>

12	<b>MIDWEST HIGHER EDUCATION COMMISSION</b>		
13	<b>Build Indiana Fund (IC 4-30-17)</b>		
14	<b>Total Operating Expense</b>	<b>95,000</b>	<b>95,000</b>

16	<b>HIGHER EDUCATION FEE REPLACEMENT</b>		
17	<b>Total Operating Expense</b>	<b>0</b>	<b>16,500,000</b>

18

19 **The state budget agency shall transfer fee replacement as needed for higher education**

20 **capital projects approved by the budget committee.**

22	<b>FOR THE STATE STUDENT ASSISTANCE COMMISSION</b>		
23	<b>Total Operating Expense</b>	<b>1,073,337</b>	<b>1,073,337</b>

24	<b>FREEDOM OF CHOICE GRANTS</b>		
25	<b>Total Operating Expense</b>	<b>50,660,522</b>	<b>52,130,838</b>

26	<b>HIGHER EDUCATION AWARD PROGRAM</b>		
27	<b>Total Operating Expense</b>	<b>148,575,712</b>	<b>152,886,733</b>

28	<b>NURSING SCHOLARSHIP PROGRAM</b>		
29	<b>Total Operating Expense</b>	<b>418,389</b>	<b>418,389</b>

30	<b>HOOSIER SCHOLAR PROGRAM</b>		
31	<b>Total Operating Expense</b>	<b>404,500</b>	<b>404,500</b>

32

33 **For the higher education awards and freedom of choice grants made for the 2009-2011**

34 **biennium, the following guidelines shall be used, notwithstanding current administrative**

35 **rule or practice:**

- 36 **(1) Financial Need: For purposes of these awards, financial need shall be limited**
- 37 **to actual undergraduate tuition and fees for the prior academic year as established**
- 38 **by the commission.**
- 39 **(2) Maximum Base Award: The maximum award shall not exceed the lesser of:**
- 40 **(A) eighty percent (80%) of actual prior academic year undergraduate tuition and**
- 41 **fees; or**
- 42 **(B) eighty percent (80%) of the sum of the highest prior academic year undergraduate**
- 43 **tuition and fees at any public institution of higher education and the lowest appropriation**
- 44 **per full-time equivalent (FTE) undergraduate student at any public institution of**
- 45 **higher education.**
- 46 **(3) Minimum Award: No actual award shall be less than \$400.**
- 47 **(4) Award Size: A student's maximum award shall be reduced one (1) time:**
- 48 **(A) for dependent students, by the expected contribution from parents based upon**
- 49 **information submitted on the financial aid application form; and**

1    **(B) for independent students, by the expected contribution derived from information**  
2    **submitted on the financial aid application form.**

3    **(5) Award Adjustment: The maximum base award may be adjusted by the commission, for**  
4    **any eligible recipient who fulfills college preparation requirements defined by the**  
5    **commission.**

6    **(6) Adjustment:**

7    **(A) If the dollar amounts of eligible awards exceed appropriations and program reserves,**  
8    **all awards may be adjusted by the commission by reducing the maximum award under**  
9    **subdivision (2)(A) or (2)(B).**

10    **(B) If appropriations and program reserves are sufficient and the maximum awards**  
11    **are not at the levels described in subdivision (2)(A) and (2)(B), all awards may**  
12    **be adjusted by the commission by proportionally increasing the awards to the maximum**  
13    **award under that subdivision so that parity between those maxima is maintained but**  
14    **not exceeded.**

15  
16    **For the Hoosier scholar program for the 2009-2011 biennium, each award shall not**  
17    **exceed five hundred dollars (\$500) and shall be made available for one (1) year only.**  
18    **Receipt of this award shall not reduce any other award received under any state funded**  
19    **student assistance program.**

20  
21    **STATUTORY FEE REMISSION**

<b>Total Operating Expense</b>	<b>20,557,932</b>	<b>20,557,932</b>
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22  
23  
24    **PART-TIME STUDENT GRANT DISTRIBUTION**

<b>Total Operating Expense</b>	<b>5,462,100</b>	<b>5,462,100</b>
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25  
26  
27    **Priority for awards made from the above appropriation shall be given first to eligible**  
28    **students meeting TANF income eligibility guidelines as determined by the family and**  
29    **social services administration and second to eligible students who received awards**  
30    **from the part-time grant fund during the school year associated with the biennial budget**  
31    **year. Funds remaining shall be distributed according to procedures established by the**  
32    **commission. The maximum grant that an applicant may receive for a particular academic**  
33    **term shall be established by the commission but shall in no case be greater than a grant**  
34    **for which an applicant would be eligible under IC 21-12-3 if the applicant were a**  
35    **full-time student. The commission shall collect and report to the family and social**  
36    **services administration (FSSA) all data required for FSSA to meet the data collection**  
37    **and reporting requirements in 45 CFR Part 265.**

38  
39    **The family and social services administration, division of family resources, shall**  
40    **apply all qualifying expenditures for the part-time grant program toward Indiana's**  
41    **maintenance of effort under the federal Temporary Assistance for Needy Families (TANF)**  
42    **program (45 CFR 260 et seq.).**

43  
44    **CONTRACT FOR INSTRUCTIONAL OPPORTUNITIES IN SOUTHEASTERN INDIANA**

<b>Total Operating Expense</b>	<b>458,253</b>	<b>458,253</b>
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45  
46    **MINORITY TEACHER SCHOLARSHIP FUND**

<b>Total Operating Expense</b>	<b>415,919</b>	<b>415,919</b>
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47  
48    **COLLEGE WORK STUDY PROGRAM**

<b>Total Operating Expense</b>	<b>837,719</b>	<b>837,719</b>
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1       **21ST CENTURY ADMINISTRATION**

2           **Total Operating Expense                   2,102,648           2,102,648**

3       **21ST CENTURY SCHOLAR AWARDS**

4           **Total Operating Expense                   28,289,852           29,109,298**

5           **Augmentation for 21st Century Scholar Awards allowed from the general fund.**

6

7       **The commission shall collect and report to the family and social services administration**  
8       **(FSSA) all data required for FSSA to meet the data collection and reporting requirements**  
9       **in 45 CFR 265.**

10

11       **Family and social services administration, division of family resources, shall apply**  
12       **all qualifying expenditures for the 21st century scholars program toward Indiana's**  
13       **maintenance of effort under the federal Temporary Assistance for Needy Families (TANF)**  
14       **program (45 CFR 260 et seq.)**

15

16       **NATIONAL GUARD SCHOLARSHIP**

17           **Total Operating Expense                   2,874,264           2,874,264**

18

19       **The above appropriations for national guard scholarship and any program reserves**  
20       **existing on June 30, 2009, shall be the total allowable state expenditure for the**  
21       **program in the 2009-2011 biennium. If the dollar amounts of eligible awards exceed**  
22       **appropriations and program reserves, the state student assistance commission shall**  
23       **develop a plan to ensure that the total dollar amount does not exceed the above appropriations**  
24       **and any program reserves.**

25

26       **INSURANCE EDUCATION SCHOLARSHIPS**

27           **Insurance Education Scholarship Fund (IC 21-12-9-5)**

28           **Total Operating Expense                   100,000           100,000**

29           **Augmentation allowed.**

30

31       **B. ELEMENTARY AND SECONDARY EDUCATION**

32

33       **FOR THE DEPARTMENT OF EDUCATION**

34           **STATE BOARD OF EDUCATION**

35           **Total Operating Expense                   3,144,762           3,144,762**

36

37       **The foregoing appropriations for the Indiana state board of education are for the**  
38       **education roundtable established by IC 20-19-4; for the academic standards project**  
39       **to distribute copies of the academic standards and provide teachers with curriculum**  
40       **frameworks; for special evaluation and research projects including national and international**  
41       **assessments; and for state board and roundtable administrative expenses.**

42

43       **SUPERINTENDENT'S OFFICE**

44           **From the General Fund**

45                           **8,495,125    8,495,125**

46           **From the Professional Standards Fund (IC 20-28-2-8)**

47                           **395,000    395,000**

48           **Augmentation allowed from the Professional Standards Fund.**

49

1 The amounts specified from the General Fund and the Professional Standards Fund are  
 2 for the following purposes:

3			
4	Personal Services	5,895,372	5,895,372
5	Other Operating Expense	2,994,753	2,994,753

6

7 **PUBLIC TELEVISION DISTRIBUTION**

8	Total Operating Expense	3,220,000	3,220,000
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9

10 These appropriations are for grants for public television. The Indiana Public Broadcasting  
 11 Stations, Inc., shall submit a distribution plan for the eight Indiana public education  
 12 television stations that shall be approved by the budget agency after review by the  
 13 budget committee. Of the above appropriations, \$368,000 each year shall be distributed  
 14 equally among all of the public radio stations.

15

16 **SCHOOL IMPROVEMENT PROGRAMS**

17 **ARRA State Fiscal Stabilization Fund (Section 14002(b))**

18	Total Operating Expense		5,000,000
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19

20 The foregoing appropriation shall be used for the Woodrow Wilson teaching fellowship  
 21 program for new math and science teachers in underserved areas and to support start-up  
 22 costs to establish New Tech high schools in Indiana.

23

24 **RILEY HOSPITAL**

25	Total Operating Expense	27,900	27,900
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26 **BEST BUDDIES**

27	Total Operating Expense	250,000	250,000
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28 **MOTORCYCLE OPERATOR SAFETY EDUCATION FUND**

29 **Safety Education Fund (IC 20-30-13-11)**

30	Personal Services	154,388	154,388
31	Other Operating Expense	829,642	829,642

32

33 The foregoing appropriations for the motorcycle operator safety education fund are  
 34 from the motorcycle operator safety education fund created by IC 20-30-13-11.

35

36 **SCHOOL TRAFFIC SAFETY**

37 **Motor Vehicle Highway Account (IC 8-14-1)**

38	Personal Services	224,364	224,364
39	Other Operating Expense	28,119	28,119

40 **Augmentation allowed.**

41 **EDUCATION LICENSE PLATE FEES**

42 **Education License Plate Fees Fund (IC 9-18-31)**

43	Total Operating Expense	141,200	141,200
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44 **ACCREDITATION SYSTEM**

45	Personal Services	566,462	566,462
46	Other Operating Expense	283,966	283,966

47 **SPECIAL EDUCATION (S-5)**

48	Total Operating Expense	24,750,000	24,750,000
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1 The foregoing appropriations for special education are made under IC 20-35-6-2.

2  
3 **SPECIAL EDUCATION EXCISE**

4 **Alcoholic Beverage Excise Tax Funds (IC 20-35-4-4)**

5 <b>Personal Services</b>	386,527	386,527
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6 **Augmentation allowed.**

7 **CAREER AND TECHNICAL EDUCATION**

8 <b>Personal Services</b>	1,390,117	1,390,117
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9 <b>Other Operating Expense</b>	36,828	36,828
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10 **ADVANCED PLACEMENT PROGRAM**

11 <b>Other Operating Expense</b>	953,284	953,284
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12  
13 The above appropriations for the Advanced Placement Program are to provide funding  
14 for students of accredited public and nonpublic schools.

15  
16 **PSAT PROGRAM**

17 <b>Other Operating Expense</b>	717,449	717,449
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18  
19 The above appropriations for the PSAT program are to provide funding for students  
20 of accredited public and nonpublic schools.

21  
22 **EDUCATION SERVICE CENTERS**

23 <b>Total Operating Expense</b>	2,100,000	1,000,000
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24  
25 No appropriation made for an education service center shall be distributed to the  
26 administering school corporation of the center unless each participating school corporation  
27 of the center contracts to pay to the center at least three dollars (\$3) per student  
28 for fiscal year 2009-2010 based on the school corporation's ADM count as reported  
29 for school aid distribution in the fall of 2008 and at least three dollars (\$3) per  
30 student for fiscal year 2010-2011, based on the school corporation's ADM count as  
31 reported for school aid distribution beginning in the fall of 2009. Before notification  
32 of education service centers of the formula and components of the formula for distributing  
33 funds for education service centers, review and approval of the formula and components  
34 must be made by the budget agency.

35  
36 **TRANSFER TUITION (STATE EMPLOYEES' CHILDREN AND ELIGIBLE**  
37 **CHILDREN IN MENTAL HEALTH FACILITIES)**

38 <b>Total Operating Expense</b>	25,000	25,000
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39  
40 The foregoing appropriations for transfer tuition (state employees' children and  
41 eligible children in mental health facilities) are made under IC 20-26-11-8 and  
42 IC 20-26-11-10.

43  
44 **TEACHERS' SOCIAL SECURITY AND RETIREMENT DISTRIBUTION**

45 <b>Total Operating Expense</b>	2,403,792	2,403,792
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46  
47 The foregoing appropriations shall be distributed by the department of education  
48 on a monthly basis and in approximately equal payments to special education cooperatives,  
49 area career and technical education schools, and other governmental entities that

1 received state teachers' Social Security distributions for certified education personnel  
 2 (excluding the certified education personnel funded through federal grants) during  
 3 the fiscal year beginning July 1, 1992, and ending June 30, 1993, and for the units  
 4 under the Indiana state teacher's retirement fund, the amount they received during  
 5 the 2002-2003 state fiscal year for teachers' retirement. If the total amount to  
 6 be distributed is greater than the total appropriation, the department of education  
 7 shall reduce each entity's distribution proportionately.

8  
 9 **DISTRIBUTION FOR TUITION SUPPORT**

<b>Total Operating Expense</b>	<b>6,420,765,650</b>	<b>6,558,700,000</b>
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11  
 12 After July 1, 2009, but before June 30, 2011, the state budget agency shall transfer  
 13 six hundred ten million dollars (\$610,000,000) from the state tuition reserve fund  
 14 to the state general fund to support the foregoing appropriations. The \$610,000,000  
 15 represents the monies under Section 14002(a) of ARRA used to restore state support  
 16 and fund the CY 2009 tuition support distribution pursuant to the school funding  
 17 formula contained in HEA 1001-2007.

18  
 19 The foregoing appropriations for distribution for tuition support are to be distributed  
 20 for tuition support, special education programs, career and technical education programs,  
 21 honors grants, and the primetime program in accordance with a statute enacted  
 22 for this purpose during the 2009 session of the general assembly.

23  
 24 If the above appropriations for distribution for tuition support are more than are  
 25 required under this SECTION, any excess shall revert to the general fund.

26  
 27 The above appropriations for tuition support shall be made each calendar year under  
 28 a schedule set by the budget agency and approved by the governor. However, the schedule  
 29 shall provide for at least twelve (12) payments, that one (1) payment shall be made  
 30 at least every forty (40) days, and the aggregate of the payments in each calendar  
 31 year shall equal the amount required under the statute enacted for the purpose referred  
 32 to above.

33  
 34 **DISTRIBUTION FOR SUMMER SCHOOL**

<b>Other Operating Expense</b>	<b>18,360,000</b>	<b>18,360,000</b>
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35  
 36  
 37 It is the intent of the 2009 general assembly that the above appropriations for summer  
 38 school shall be the total allowable state expenditure for such program. Therefore,  
 39 if the expected disbursements are anticipated to exceed the total appropriation for  
 40 that state fiscal year, then the department of education shall reduce the distributions  
 41 proportionately.

42  
 43 **EARLY INTERVENTION PROGRAM AND READING DIAGNOSTIC ASSESSMENT**

<b>Total Operating Expense</b>	<b>4,720,000</b>	<b>4,720,000</b>
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44  
 45  
 46 The above appropriation for the early intervention program may be used for grants  
 47 to local school corporations for grant proposals for early intervention programs.

48  
 49 The foregoing appropriations may be used by the department for the reading diagnostic

1 assessment and subsequent remedial programs or activities. The reading diagnostic  
 2 assessment program, as approved by the board, is to be made available on a voluntary  
 3 basis to all Indiana public and nonpublic school first and second grade students  
 4 upon the approval of the governing body of school corporations. The board shall determine  
 5 how the funds will be distributed for the assessment and related remediation. The  
 6 department or its representative shall provide progress reports on the assessment  
 7 as requested by the board and the education roundtable.

8  
9        **SCHOOL CIRCUIT BREAKER REPLACEMENT CREDITS**

<b>Total Operating Expense</b>	<b>38,000,000</b>	<b>27,000,000</b>
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10  
11  
12 The above appropriations for school circuit breaker replacement credits replace the  
13 appropriations in HEA 1001-2008, SECTION 857.

14  
15        **ADULT EDUCATION DISTRIBUTION**

<b>Total Operating Expense</b>	<b>14,000,000</b>	<b>14,000,000</b>
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16  
17  
18 It is the intent of the 2009 general assembly that the above appropriations for adult  
19 education shall be the total allowable state expenditure for such program. Therefore,  
20 if the expected disbursements are anticipated to exceed the total appropriation for  
21 a state fiscal year, the department of education shall reduce the distributions proportionately.

22  
23        **NATIONAL SCHOOL LUNCH PROGRAM**

<b>Total Operating Expense</b>	<b>5,400,000</b>	<b>5,400,000</b>
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24  
25        **MARION COUNTY DESEGREGATION COURT ORDER**

<b>Total Operating Expense</b>	<b>18,000,000</b>	<b>18,000,000</b>
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26  
27  
28 The foregoing appropriations for court ordered desegregation costs are made pursuant  
29 to order No. IP 68-C-225-S of the United States District Court for the Southern District  
30 of Indiana. If the sums herein appropriated are insufficient to enable the state  
31 to meet its obligations, then there are hereby appropriated from the state general  
32 fund such further sums as may be necessary for such purpose.

33  
34        **TEXTBOOK REIMBURSEMENT**

<b>Total Operating Expense</b>	<b>39,000,000</b>	<b>39,000,000</b>
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35  
36  
37 Before a school corporation or an accredited nonpublic school may receive a distribution  
38 under the textbook reimbursement program, the school corporation or accredited nonpublic  
39 school shall provide to the department the requirements established in IC 20-33-5-2.  
40 The department shall provide to the family and social services administration (FSSA)  
41 all data required for FSSA to meet the data collection reporting requirement in 45  
42 CFR 265. Family and social services administration, division of family resources,  
43 shall apply all qualifying expenditures for the textbook reimbursement program toward  
44 Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families  
45 (TANF) program (45 CFR 260 et seq.).

46  
47 The foregoing appropriations for textbook reimbursement include the appropriation of the  
48 common school fund interest balance. The remainder of the above appropriations are  
49 provided from the state general fund.

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**FULL-DAY KINDERGARTEN**

<b>Total Operating Expense</b>	<b>58,500,000</b>	<b>58,500,000</b>
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The above appropriations for full day kindergarten are available to school corporations and charter schools that apply to the department of education for funding of full day kindergarten. The amount available to a school corporation or charter school equals the amount appropriated divided by the total full day kindergarten enrollment of all participating school corporations and charter schools (as defined in IC 20-43-1-11) for the current year, and then multiplied by the school corporation's or charter school's full day kindergarten enrollment (as defined in IC 20-43-1-11) for the current year. However, a school corporation or charter school may not receive more than \$2,500 dollars per student for full day kindergarten. A school corporation or charter school that is awarded a grant must provide to the department of education a financial report stating how the funds were spent. Any unspent funds at the end of the biennium must be returned to the state by the school corporation or charter school.

To provide full day kindergarten programs, a school corporation or charter school that determines there is inadequate space to offer a program in the school corporation's or charter school's existing facilities may offer the program in any suitable space located within the geographic boundaries of the school corporation or, in the case of a charter school, a location that is in the general vicinity of the charter school's existing facilities. A full day kindergarten program offered by a school corporation or charter school must meet the academic standards and other requirements of IC 20.

A school corporation or charter school that receives a grant must meet the academic standards and other requirements of IC 20.

In awarding grants from the above appropriations, the department of education may not refuse to make a grant to a school corporation or reduce the award that would otherwise be made to the school corporation because the school corporation used federal grants or loans, including Title I grants, to fund part or all of the school corporation's full day kindergarten program in a school year before the school year in which the grant will be given or because the school corporation intends to use federal grants or loans, including Title I grants, to fund part of the school corporation's full day kindergarten program in a school year in which the grant will be given.

The state board and department shall provide support to school corporations and charter schools in the development and implementation of child centered and learning focused programs using the following methods:

- (1) Targeting professional development funds to provide teachers in kindergarten through grade 3 education in:
  - (A) scientifically proven methods of teaching reading;
  - (B) the use of data to guide instruction; and
  - (C) the use of age appropriate literacy and mathematics assessments.
- (2) Making uniform, predictively valid, observational assessments that:
  - (A) provide frequent information concerning the student's progress to the student's teacher; and



1  
 2    **The grant amount is two hundred dollars (\$200) per pupil. It is the intent of the**  
 3    **2009 general assembly that the above appropriations for the Non-English Speaking**  
 4    **Program shall be the total allowable state expenditure for the program. If the expected**  
 5    **distributions are anticipated to exceed the total appropriations for the state fiscal**  
 6    **year, the department of education shall reduce each school corporation's distribution**  
 7    **proportionately.**

8  
 9        **GIFTED AND TALENTED EDUCATION PROGRAM**

10        Personal Services	148,024	148,024
11        Other Operating Expense	12,788,157	12,788,157

12  
 13        **DISTRIBUTION FOR ADULT VOCATIONAL EDUCATION**

14        Total Operating Expense	250,000	250,000
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15  
 16    **The distribution for adult career and technical education programs shall be made**  
 17    **in accordance with the state plan for vocational education.**

18  
 19        **PRIMETIME**

20        Personal Services	202,136	202,136
21        Other Operating Expense	32,053	32,053

22        **DRUG FREE SCHOOLS**

23        Personal Services	46,203	46,203
24        Other Operating Expense	20,451	20,451

25        **PROFESSIONAL DEVELOPMENT DISTRIBUTION**

26        Other Operating Expense	5,500,000	5,500,000
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27  
 28    **The foregoing appropriation for professional development distribution includes schools**  
 29    **defined under IC 20-31-2-8.**

30  
 31        **ALTERNATIVE EDUCATION**

32        Total Operating Expense	6,580,319	6,580,319
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33  
 34    **The above appropriation includes funding to provide \$5,000 for each child attending**  
 35    **a charter school operated by an accredited hospital specializing in the treatment**  
 36    **of alcohol or drug abuse. This funding is in addition to tuition support for the**  
 37    **charter school.**

38  
 39    **The foregoing appropriation for alternative education may be used for dropout prevention**  
 40    **defined under IC 20-20-37.**

41  
 42        **SENATOR DAVID C. FORD EDUCATIONAL TECHNOLOGY PROGRAM (IC 20-20-13)**

43        **Build Indiana Fund (IC 4-30-17)**

44        Total Operating Expense	3,809,965	3,809,965
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45  
 46    **Of the above appropriations for the Senator David C. Ford Educational Technology**  
 47    **Program, \$825,000 shall be allocated each year to the buddy system. The department**  
 48    **shall use the remaining funds to make grants to school corporations to promote student**  
 49    **learning through the use of technology. Notwithstanding distribution guidelines in**

1 IC 20-20-13, the department shall develop guidelines for distribution of the grants.  
 2 Up to \$200,000 may be used each year to support the operation of the office of the  
 3 special assistant to the superintendent of public instruction for technology.

4  
 5 **PROFESSIONAL STANDARDS DIVISION**

6 **From the General Fund**

7 **2,882,513 2,882,513**

8 **From the Professional Standards Fund (IC 20-28-2-8)**

9 **1,000,000 1,000,000**

10 **Augmentation allowed.**

11  
 12 **The amounts specified from the General Fund and the Professional Standards Fund are for**  
 13 **the following purposes:**

15 <b>Personal Services</b>	<b>2,243,571</b>	<b>2,243,571</b>
16 <b>Other Operating Expense</b>	<b>1,638,942</b>	<b>1,638,942</b>

17  
 18 **The above appropriations for the Professional Standards Division do not include funds**  
 19 **to pay stipends for mentor teachers.**

20  
 21 **FOR THE INDIANA STATE TEACHERS' RETIREMENT FUND**

22 **POSTRETIREMENT PENSION INCREASES**

23 **Other Operating Expense 58,190,084 60,517,687**

24  
 25 **The appropriations for postretirement pension increases are made for those benefits**  
 26 **and adjustments provided in IC 5-10.4 and IC 5-10.2-5.**

27  
 28 **TEACHERS' RETIREMENT FUND DISTRIBUTION**

29 **Other Operating Expense 618,616,164 643,780,810**

30 **Augmentation allowed.**

31  
 32 **If the amount actually required under the pre-1996 account of the teachers' retirement**  
 33 **fund for actual benefits for the Post Retirement Pension Increases that are funded**  
 34 **on a "pay as you go" basis plus the base benefits under the pre-1996 account of the**  
 35 **teachers' retirement fund is:**

- 36 (1) **greater than the above appropriations for a year, after notice to the**  
 37 **governor and the budget agency of the deficiency, the above appropriation for**  
 38 **the year shall be augmented from the general fund. Any augmentation shall**  
 39 **be included in the required pension stabilization calculation under IC 5-10.4; or**  
 40 (2) **less than the above appropriations for a year, the excess shall be retained**  
 41 **in the general fund. The portion of the benefit funded by the annuity account**  
 42 **and the actuarially funded Post Retirement Pension Increases shall not be part**  
 43 **of this calculation.**

44  
 45 **C. OTHER EDUCATION**

46  
 47 **FOR THE EDUCATION EMPLOYMENT RELATIONS BOARD**

48 <b>Personal Services</b>	<b>587,688</b>	<b>587,688</b>
49 <b>Other Operating Expense</b>	<b>52,720</b>	<b>52,720</b>

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**FOR THE STATE LIBRARY**

Personal Services	2,589,615	2,589,615
Other Operating Expense	850,689	850,689

**STATEWIDE LIBRARY SERVICES**

Total Operating Expense	1,593,503	1,593,503
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The foregoing appropriations for statewide library services will be used to provide services to libraries across the state. These services may include, but will not be limited to, programs including Wheels, I\*Ask, and professional development. The state library shall identify statewide library services that are to be provided by a vendor. Those services identified by the library shall be procured through a competitive process using one (1) or more requests for proposals covering the service.

**LIBRARY SERVICES FOR THE BLIND - ELECTRONIC NEWSLINES**

Other Operating Expense	36,400	36,400
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**ACADEMY OF SCIENCE**

Total Operating Expense	8,811	8,811
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**FOR THE ARTS COMMISSION**

Personal Services	418,557	418,557
Other Operating Expense	2,783,811	2,783,811

The foregoing appropriation to the arts commission includes \$325,000 each year to provide grants under IC 4-23-2.5 to:

(1) the arts organizations that have most recently qualified for general operating support as major arts organizations as determined by the arts commission;  
and

(2) the significant regional organizations that have most recently qualified for general operating support as mid-major arts organizations, as determined by the arts commission and its regional re-granting partners.

**FOR THE HISTORICAL BUREAU**

Personal Services	361,055	361,055
Other Operating Expense	10,479	10,479

**HISTORICAL MARKER PROGRAM**

Total Operating Expense		25,444
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**FOR THE COMMISSION ON PROPRIETARY EDUCATION**

Personal Services	299,783	299,783
Other Operating Expense	22,040	22,040

**SECTION 10. [EFFECTIVE JULY 1, 2009]**

**DISTRIBUTIONS**

**FOR THE AUDITOR OF STATE**

**HEA 1001 (2008) HOMESTEAD CREDITS**

Total Operating Expense	110,000,000	40,000,000
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The above appropriations are for additional homestead credits for property taxes paid in 2009 and 2010. ARRA(b) funds determined by the budget agency to be available shall be used to make the distributions.

<b>GAMING TAX</b>		
Total Operating Expense	139,753,902	139,753,902

**SECTION 11. [EFFECTIVE JULY 1, 2009]**

The following allocations of federal funds are available for vocational and technical education under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq. for Vocational and Technical Education) (20 U.S.C. 2371 for Tech Prep Education). These funds shall be received by the department of workforce development, commission on vocational and technical education, and shall be allocated by the budget agency after consultation with the commission on vocational and technical education, the department of education, the commission for higher education, and the department of correction. Funds shall be allocated to these agencies in accordance with the allocations specified below:

<b>STATE PROGRAMS AND LEADERSHIP</b>		
	2,557,290	2,557,290
<b>SECONDARY VOCATIONAL PROGRAMS</b>		
	14,318,661	14,318,661
<b>POSTSECONDARY VOCATIONAL PROGRAMS</b>		
	8,202,039	8,202,039
<b>TECHNOLOGY - PREPARATION EDUCATION</b>		
	2,463,650	2,463,650

**SECTION 12. [EFFECTIVE JULY 1, 2009]**

In accordance with IC 22-4.1-13, the budget agency, with the advice of the commission on vocational and technical education and the budget committee, may augment or reduce an allocation of federal funds made under SECTION 11 of this act.

**SECTION 13. [EFFECTIVE JULY 1, 2009]**

Utility bills for the month of June, travel claims covering the period June 16 to June 30, payroll for the period of the last half of June, any interdepartmental bills for supplies or services for the month of June, and any other miscellaneous expenses incurred during the period June 16 to June 30 shall be charged to the appropriation for the succeeding year. No interdepartmental bill shall be recorded as a refund of expenditure to any current year allotment account for supplies or services rendered or delivered at any time during the preceding June period.

**SECTION 14. [EFFECTIVE JULY 1, 2009]**

The budget agency, under IC 4-10-11, IC 4-12-1-13, and IC 4-13-1, in cooperation with the Indiana department of administration, may fix the amount of reimbursement

1 for traveling expenses (other than transportation) for travel within the limits of  
2 Indiana. This amount may not exceed actual lodging and miscellaneous expenses incurred.  
3 A person in travel status, as defined by the state travel policies and procedures  
4 established by the Indiana department of administration and the budget agency, is  
5 entitled to a meal allowance not to exceed during any twenty-four (24) hour period  
6 the standard meal allowances established by the federal Internal Revenue Service.

7  
8 All appropriations provided by this act or any other statute, for traveling and hotel  
9 expenses for any department, officer, agent, employee, person, trustee, or commissioner,  
10 are to be used only for travel within the state of Indiana, unless those expenses  
11 are incurred in traveling outside the state of Indiana on trips that previously have  
12 received approval as required by the state travel policies and procedures established  
13 by the Indiana department of administration and the budget agency. With the required  
14 approval, a reimbursement for out-of-state travel expenses may be granted in an amount  
15 not to exceed actual lodging and miscellaneous expenses incurred. A person in travel  
16 status is entitled to a meal allowance not to exceed during any twenty-four (24)  
17 hour period the standard meal allowances established by the federal Internal Revenue  
18 Service for properly approved travel within the continental United States and a minimum  
19 of \$50 during any twenty-four (24) hour period for properly approved travel outside  
20 the continental United States. However, while traveling in Japan, the minimum meal  
21 allowance shall not be less than \$90 for any twenty-four (24) hour period. While  
22 traveling in Korea and Taiwan, the minimum meal allowance shall not be less than  
23 \$85 for any twenty-four (24) hour period. While traveling in Singapore, China, Great  
24 Britain, Germany, the Netherlands, and France, the minimum meal allowance shall not  
25 be less than \$65 for any twenty-four (24) hour period.

26  
27 In the case of the state supported institutions of postsecondary education, approval  
28 for out-of-state travel may be given by the chief executive officer of the institution,  
29 or the chief executive officer's authorized designee, for the chief executive officer's  
30 respective personnel.

31  
32 Before reimbursing overnight travel expenses, the auditor of state shall require  
33 documentation as prescribed in the state travel policies and procedures established  
34 by the Indiana department of administration and the budget agency. No appropriation  
35 from any fund may be construed as authorizing the payment of any sum in excess of  
36 the standard mileage rates for personally owned transportation equipment established  
37 by the federal Internal Revenue Service when used in the discharge of state business.  
38 The Indiana department of administration and the budget agency may adopt policies  
39 and procedures relative to the reimbursement of travel and moving expenses of new  
40 state employees and the reimbursement of travel expenses of prospective employees  
41 who are invited to interview with the state.

42  
43 **SECTION 15. [EFFECTIVE JULY 1, 2009]**

44  
45 Notwithstanding IC 4-10-11-2.1, the salary per diem of members of boards, commissions,  
46 and councils who are entitled to a salary per diem is \$50 per day. However, members  
47 of boards, commissions, or councils who receive an annual or a monthly salary paid  
48 by the state are not entitled to the salary per diem provided in IC 4-10-11-2.1.

1 SECTION 16. [EFFECTIVE JULY 1, 2009]

2  
3 No payment for personal services shall be made by the auditor of state unless the  
4 payment has been approved by the budget agency or the designee of the budget agency.  
5

6 SECTION 17. [EFFECTIVE JULY 1, 2009]

7  
8 No warrant for operating expenses, capital outlay, or fixed charges shall be issued  
9 to any department or an institution unless the receipts of the department or institution  
10 have been deposited into the state treasury for the month. However, if a department  
11 or an institution has more than \$10,000 in daily receipts, the receipts shall be  
12 deposited into the state treasury daily.  
13

14 SECTION 18. [EFFECTIVE JULY 1, 2009]

15  
16 In case of loss by fire or any other cause involving any state institution or department,  
17 the proceeds derived from the settlement of any claim for the loss shall be deposited  
18 in the state treasury, and the amount deposited is hereby reappropriated to the institution  
19 or department for the purpose of replacing the loss. If it is determined that the  
20 loss shall not be replaced, any funds received from the settlement of a claim shall  
21 be deposited into the state general fund.  
22

23 SECTION 19. [EFFECTIVE JULY 1, 2009]

24  
25 If an agency has computer equipment in excess of the needs of that agency, then the  
26 excess computer equipment may be sold under the provisions of surplus property sales,  
27 and the proceeds of the sale or sales shall be deposited in the state treasury. The  
28 amount so deposited is hereby reappropriated to that agency for other operating expenses  
29 of the then current year, if approved by the director of the budget agency.  
30

31 SECTION 20. [EFFECTIVE JULY 1, 2009]

32  
33 If any state penal or benevolent institution other than the Indiana state prison,  
34 Pendleton correctional facility, or Putnamville correctional facility shall, in the  
35 operation of its farms, produce products or commodities in excess of the needs of  
36 the institution, the surplus may be sold through the division of industries and farms,  
37 the director of the supply division of the Indiana department of administration,  
38 or both. The proceeds of any such sale or sales shall be deposited in the state treasury.  
39 The amount deposited is hereby reappropriated to the institution for expenses of  
40 the then current year if approved by the director of the budget agency. The exchange  
41 between state penal and benevolent institutions of livestock for breeding purposes  
42 only is hereby authorized at valuations agreed upon between the superintendents or  
43 wardens of the institutions. Capital outlay expenditures may be made from the institutional  
44 industries and farms revolving fund if approved by the budget agency and the governor.  
45

46 SECTION 21. [EFFECTIVE JULY 1, 2009]

47  
48 This act does not authorize any rehabilitation and repairs to any state buildings,  
49 nor does it allow that any obligations be incurred for lands and structures, without

1 the prior approval of the budget director or the director's designee. This SECTION  
2 does not apply to contracts for the state universities supported in whole or in part  
3 by state funds.

4  
5 SECTION 22. [EFFECTIVE JULY 1, 2009]  
6

7 If an agency has an annual appropriation fixed by law, and if the agency also receives  
8 an appropriation in this act for the same function or program, the appropriation  
9 in this act supersedes any other appropriations and is the total appropriation for  
10 the agency for that program or function.

11  
12 SECTION 23. [EFFECTIVE JULY 1, 2009]  
13

14 The balance of any appropriation or funds heretofore placed or remaining to the credit  
15 of any division of the state of Indiana, and any appropriation or funds provided  
16 in this act placed to the credit of any division of the state of Indiana, the powers,  
17 duties, and functions whereof are assigned and transferred to any department for  
18 salaries, maintenance, operation, construction, or other expenses in the exercise  
19 of such powers, duties, and functions, shall be transferred to the credit of the  
20 department to which such assignment and transfer is made, and the same shall be available  
21 for the objects and purposes for which appropriated originally.

22  
23 SECTION 24. [EFFECTIVE JULY 1, 2009]  
24

25 The director of the division of procurement of the Indiana department of administration,  
26 or any other person or agency authorized to make purchases of equipment, shall not  
27 honor any requisition for the purchase of an automobile that is to be paid for from  
28 any appropriation made by this act or any other act, unless the following facts are  
29 shown to the satisfaction of the commissioner of the Indiana department of administration  
30 or the commissioner's designee:

31 (1) In the case of an elected state officer, it shall be shown that the duties of  
32 the office require driving about the state of Indiana in the performance of official  
33 duty.

34 (2) In the case of department or commission heads, it shall be shown that the statutory  
35 duties imposed in the discharge of the office require traveling a greater distance  
36 than one thousand (1,000) miles each month or that they are subject to official duty  
37 call at all times.

38 (3) In the case of employees, it shall be shown that the major portion of the duties  
39 assigned to the employee require travel on state business in excess of one thousand  
40 (1,000) miles each month, or that the vehicle is identified by the agency as an integral  
41 part of the job assignment.

42  
43 In computing the number of miles required to be driven by a department head or an  
44 employee, the distance between the individual's home and office or designated official  
45 station is not to be considered as a part of the total. Department heads shall annually  
46 submit justification for the continued assignment of each vehicle in their department,  
47 which shall be reviewed by the commissioner of the Indiana department of administration,  
48 or the commissioner's designee. There shall be an insignia permanently affixed on  
49 each side of all state owned cars, designating the cars as being state owned. However,

1      **this requirement does not apply to state owned cars driven by elected state officials**  
2      **or to cases where the commissioner of the Indiana department of administration or**  
3      **the commissioner's designee determines that affixing insignia on state owned cars**  
4      **would hinder or handicap the persons driving the cars in the performance of their**  
5      **official duties.**

6  
7      **SECTION 25. [EFFECTIVE JULY 1, 2009]**

8  
9      **When budget agency approval or review is required under this act, the budget agency**  
10      **may refer to the budget committee any budgetary or fiscal matter for an advisory**  
11      **recommendation. The budget committee may hold hearings and take any actions authorized**  
12      **by IC 4-12-1-11, and may make an advisory recommendation to the budget agency.**

13  
14      **SECTION 26. [EFFECTIVE JULY 1, 2009]**

15  
16      **The governor of the state of Indiana is solely authorized to accept on behalf of**  
17      **the state any and all federal funds available to the state of Indiana. Federal funds**  
18      **received under this SECTION are appropriated for purposes specified by the federal**  
19      **government, subject to allotment by the budget agency. The provisions of this SECTION**  
20      **and all other SECTIONS concerning the acceptance, disbursement, review, and approval**  
21      **of any grant, loan, or gift made by the federal government or any other source to**  
22      **the state or its agencies and political subdivisions shall apply, notwithstanding**  
23      **any other law.**

24  
25      **SECTION 27. [EFFECTIVE JULY 1, 2009]**

26  
27      **Federal funds received as revenue by a state agency or department are not available**  
28      **to the agency or department for expenditure until allotment has been made by the**  
29      **budget agency under IC 4-12-1-12(d).**

30  
31      **SECTION 28. [EFFECTIVE JULY 1, 2009]**

32  
33      **A contract or an agreement for personal services or other services may not be entered**  
34      **into by any agency or department of state government without the approval of the**  
35      **budget agency or the designee of the budget director.**

36  
37      **SECTION 29. [EFFECTIVE JULY 1, 2009]**

38  
39      **Except in those cases where a specific appropriation has been made to cover the payments**  
40      **for any of the following, the auditor of state shall transfer, from the personal**  
41      **services appropriations for each of the various agencies and departments, necessary**  
42      **payments for Social Security, public employees' retirement, health insurance, life**  
43      **insurance, and any other similar payments directed by the budget agency.**

44  
45      **SECTION 30. [EFFECTIVE JULY 1, 2009]**

46  
47      **Subject to SECTION 25 of this act as it relates to the budget committee, the budget**  
48      **agency with the approval of the governor may withhold allotments of any or all appropriations**  
49      **contained in this act for the 2009-2011 biennium, if it is considered necessary to**



	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Health and Safety Contingency Fund		5,000,000
2	Aviation Technology Center		2,471,771
3	Airport Facilities Lease		45,301,441
4	Stadium Lease Rental		82,000,000
5			
6	<b>DEPARTMENT OF ADMINISTRATION - PROJECTS</b>		
7	Preventive Maintenance		7,841,835
8	Repair and Rehabilitation		2,935,000
9	<b>DEPARTMENT OF ADMINISTRATION - LEASES</b>		
10	General Fund		
11	Lease - Government Center North		27,872,783
12	Lease - Government Center South		34,073,925
13	Lease - State Museum		14,579,033
14	Lease - McCarty Street Warehouse		1,509,375
15	Lease - Parking Garages		10,428,265
16	Lease - Toxicology Lab		10,593,099
17	Lease - Wabash Valley Correctional		36,517,566
18	Lease - Miami Correctional		29,364,180
19	Lease - Pendleton Juvenile Correctional		10,217,237
20	Lease - New Castle Correctional		23,691,809
21	Postwar Construction Fund (IC 7.1-4-8-1)		
22	Lease - Rockville Correctional		10,783,470
23	Regional Health Care Construction Account (IC 4-12-8.5)		
24	Lease - Evansville State Hospital		5,462,562
25	Lease - Southeast Regional Treatment		10,358,654
26	Lease - Logansport State Hospital		5,668,043
27			
28	<b>INDIANA FINANCE AUTHORITY</b>		
29	ARRA State Fiscal Stabilization Fund (Section 14002(b))		
30	Muscatatuck Urban Training Center Infrastructure		2,000,000
31			
32	<b>B. PUBLIC SAFETY</b>		
33			
34	<b>(1) LAW ENFORCEMENT</b>		
35			
36	<b>INDIANA STATE POLICE</b>		
37	State Police Building Commission Fund (IC 9-29-1-4)		
38	Preventive Maintenance		1,015,000
39	Repair and Rehabilitation		2,185,000
40	<b>LAW ENFORCEMENT TRAINING BOARD</b>		
41	Law Enforcement Academy Building Fund (IC 5-2-1-13(a))		
42	Preventive Maintenance		330,727
43	<b>ADJUTANT GENERAL</b>		
44	Preventive Maintenance		250,000
45	Land Acquisition		4,000,000
46	ARRA State Fiscal Stabilization Fund (Section 14002(b))		
47	Renovation for Youth Challenge Program		2,000,000
48			
49	<b>(2) CORRECTIONS</b>		

1		
2	<b>DEPARTMENT OF CORRECTION - PROJECTS</b>	
3	Preventive Maintenance	76,828
4	<b>CORRECTIONAL UNITS</b>	
5	Preventive Maintenance	1,438,770
6	<b>STATE PRISON</b>	
7	Preventive Maintenance	954,492
8	Postwar Construction Fund (IC 7.1-4-8-1)	
9	Repair and Rehabilitation	2,298,000
10	<b>PENDLETON CORRECTIONAL FACILITY</b>	
11	Preventive Maintenance	1,257,064
12	Postwar Construction Fund (IC 7.1-4-8-1)	
13	Repair and Rehabilitation	3,465,000
14	<b>WOMEN'S PRISON</b>	
15	Preventive Maintenance	538,832
16	Postwar Construction Fund (IC 7.1-4-8-1)	
17	Repair and Rehabilitation	291,000
18	<b>NEW CASTLE CORRECTIONAL FACILITY</b>	
19	Preventive Maintenance	350,388
20	Postwar Construction Fund (IC 7.1-4-8-1)	
21	Repair and Rehabilitation	365,000
22	<b>PUTNAMVILLE CORRECTIONAL FACILITY</b>	
23	Preventive Maintenance	864,822
24	Postwar Construction Fund (IC 7.1-4-8-1)	
25	Construct New Fire Station	250,000
26	Repair and Rehabilitation	1,570,000
27	<b>PLAINFIELD EDUCATION RE-ENTRY FACILITY</b>	
28	Preventive Maintenance	322,804
29	Postwar Construction Fund (IC 7.1-4-8-1)	
30	Repair and Rehabilitation	740,000
31	<b>INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY</b>	
32	Preventive Maintenance	395,510
33	Postwar Construction Fund (IC 7.1-4-8-1)	
34	Repair and Rehabilitation	212,500
35	<b>BRANCHVILLE CORRECTIONAL FACILITY</b>	
36	Preventive Maintenance	272,932
37	<b>WESTVILLE CORRECTIONAL FACILITY</b>	
38	Preventive Maintenance	806,330
39	Postwar Construction Fund (IC 7.1-4-8-1)	
40	Repair and Rehabilitation	2,300,000
41	<b>ROCKVILLE CORRECTIONAL FACILITY</b>	
42	Preventive Maintenance	357,296
43	<b>PLAINFIELD CORRECTIONAL FACILITY</b>	
44	Preventive Maintenance	663,704
45	Postwar Construction Fund (IC 7.1-4-8-1)	
46	Repair and Rehabilitation	1,054,000
47	<b>RECEPTION-DIAGNOSTIC CENTER</b>	
48	Preventive Maintenance	214,464
49	Postwar Construction Fund (IC 7.1-4-8-1)	

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Repair and Rehabilitation		692,000
2	<b>CORRECTIONAL INDUSTRIAL FACILITY</b>		
3	Preventive Maintenance		584,172
4	Postwar Construction Fund (IC 7.1-4-8-1)		
5	Repair and Rehabilitation		1,853,000
6	<b>WABASH VALLEY CORRECTIONAL FACILITY</b>		
7	Preventive Maintenance		608,820
8	Postwar Construction Fund (IC 7.1-4-8-1)		
9	Repair and Rehabilitation		160,000
10	<b>CHAIN O' LAKES CORRECTIONAL FACILITY</b>		
11	Preventive Maintenance		76,828
12	Postwar Construction Fund (IC 7.1-4-8-1)		
13	Construct New Maintenance Building		180,000
14	Construct New Dormitory		320,000
15	<b>MADISON CORRECTIONAL FACILITY</b>		
16	Postwar Construction Fund (IC 7.1-4-8-1)		
17	Repair and Rehabilitation		90,000
18	<b>MIAMI CORRECTIONAL FACILITY</b>		
19	Preventive Maintenance		664,560
20	<b>CAMP SUMMIT CORRECTIONAL FACILITY</b>		
21	Postwar Construction Fund (IC 7.1-4-8-1)		
22	Repair and Rehabilitation		470,000
23	<b>PENDLETON JUVENILE CORRECTIONAL FACILITY</b>		
24	Preventive Maintenance		228,738
25			
26	<b>C. CONSERVATION AND ENVIRONMENT</b>		
27			
28	<b>DEPARTMENT OF NATURAL RESOURCES - GENERAL ADMINISTRATION</b>		
29	Preventive Maintenance		150,000
30	Repair and Rehabilitation		1,000,000
31	<b>FISH AND WILDLIFE</b>		
32	Preventive Maintenance		2,000,000
33	Repair and Rehabilitation		3,650,000
34	<b>FORESTRY</b>		
35	Preventive Maintenance		2,000,000
36	Repair and Rehabilitation		4,000,000
37	<b>MUSEUMS AND HISTORIC SITES</b>		
38	Preventive Maintenance		475,000
39	Historic Sites Exhibits		650,000
40	Repair and Rehabilitation		2,000,000
41	<b>NATURE PRESERVES</b>		
42	Preventive Maintenance		230,000
43	Repair and Rehabilitation		1,268,542
44	<b>OUTDOOR RECREATION</b>		
45	Preventive Maintenance		50,000
46	Outdoor Rec. SCORP		40,000
47	Repair and Rehabilitation		473,645
48	<b>STATE PARKS AND RESERVOIR MANAGEMENT</b>		
49	Preventive Maintenance		2,900,000

1	Repair and Rehabilitation	20,063,689
2	State Parks Bond Payments	917,028
3	Falls of the Ohio Lease	364,000
4	Cigarette Tax Fund (IC 6-7-1-29.1)	
5	Preventive Maintenance	3,600,000
6	<b>DIVISION OF WATER</b>	
7	Preventive Maintenance	125,000
8	Div. of Water Flood Plain Mapping	400,000
9	Repair and Rehabilitation	2,425,000
10	<b>ELKHART RIVER</b>	
11	Flood Control	400,000
12	<b>ENFORCEMENT</b>	
13	Preventive Maintenance	250,000
14	<b>STATE MUSEUM</b>	
15	Preventive Maintenance	762,500
16	<b>ENTOMOLOGY</b>	
17	Repair and Rehabilitation	1,000,000
18	<b>WAR MEMORIALS COMMISSION</b>	
19	Preventive Maintenance	1,234,000
20	IWM Fire Suppression/Material Abatement	300,000
21	Indiana War Memorial ADA Access	250,000
22	Repair and Rehabilitation	192,000
23	<b>LITTLE CALUMET RIVER BASIN COMMISSION</b>	
24	ARRA State Fiscal Stabilization Fund (Section 14002(b))	
25	Repair and Rehabilitation	14,000,000
26	<b>KANKAKEE RIVER BASIN COMMISSION</b>	
27	Repair and Rehabilitation	1,000,000

**D. TRANSPORTATION**

30	<b>DEPARTMENT OF TRANSPORTATION</b>	
31	State Highway Fund (IC 8-23-9-54)	
32	Buildings and Grounds	25,000,000

33 The above appropriations for highway buildings and grounds may be used for land acquisition,  
 34 site development, construction and equipping of new highway facilities and for maintenance,  
 35 repair, and rehabilitation of existing state highway facilities after review by the  
 36 budget committee.

37	<b>AIRPORT DEVELOPMENT</b>	
38	Build Indiana Fund (IC 4-30-17)	
39	Airport Development	2,400,000

40 The foregoing allocation for the Indiana department of transportation is for airport  
 41 development and shall be used for the purpose of assisting local airport authorities and  
 42 local units of governments in matching available federal funds under the airport  
 43 improvement program and for matching federal grants for airport planning and for the  
 44 other airport studies. Matching grants of aid shall be made in accordance with the  
 45 approved annual capital improvements program of the Indiana department of

1 transportation and with the approval of the governor and the budget agency.

2  
3 The above appropriation for airport development includes \$200,000 for the Lawrence  
4 County Board of Aviation Commissioners for an airport improvement project.

5  
6 **E. FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS**

7  
8 **(1) FAMILY AND SOCIAL SERVICES ADMINISTRATION**

9  
10 **EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER**

11 Preventive Maintenance 45,000

12 Postwar Construction Fund (IC 7.1-4-8-1)

13 Repair and Rehabilitation 287,660

14 **EVANSVILLE STATE HOSPITAL**

15 Preventive Maintenance 500,000

16 Postwar Construction Fund (IC 7.1-4-8-1)

17 Repair and Rehabilitation 360,000

18 **MADISON STATE HOSPITAL**

19 Preventive Maintenance 971,409

20 Repair and Rehabilitation 956,800

21 **LOGANSPOUR STATE HOSPITAL**

22 Preventive Maintenance 963,144

23 Repair and Rehabilitation 1,486,700

24 Postwar Construction Fund (IC 7.1-4-8-1)

25 Repair and Rehabilitation 3,000,000

26 **RICHMOND STATE HOSPITAL**

27 Preventive Maintenance 1,210,724

28 Postwar Construction Fund (IC 7.1-4-8-1)

29 Repair and Rehabilitation 2,403,700

30 **LARUE CARTER MEMORIAL HOSPITAL**

31 Preventive Maintenance 1,863,118

32  
33 **(2) PUBLIC HEALTH**

34  
35 **SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED**

36 Preventive Maintenance 565,714

37 Postwar Construction Fund (IC 7.1-4-8-1)

38 Repair and Rehabilitation 2,288,013

39 **SCHOOL FOR THE DEAF**

40 Preventive Maintenance 565,714

41 Postwar Construction Fund (IC 7.1-4-8-1)

42 Repair and Rehabilitation 2,029,501

43  
44 **(3) VETERANS' AFFAIRS**

45  
46 **INDIANA VETERANS' HOME**

47 Veterans' Home Building Fund (IC 10-17-9-7)

48 Preventive Maintenance 1,500,000

49 Repair and Rehabilitation 3,949,777

1           **ARRA State Fiscal Stabilization Fund (Section 14002(b))**  
2           **Repair and Rehabilitation** **3,000,000**

3  
4 **SECTION 32. [EFFECTIVE JULY 1, 2009]**

5  
6       **The budget agency may employ one (1) or more architects or engineers to inspect**  
7       **construction, rehabilitation, and repair projects covered by the appropriations in**  
8       **this act or previous acts.**

9  
10 **SECTION 33. [EFFECTIVE UPON PASSAGE]**

11  
12       **If any part of a construction or rehabilitation and repair appropriation made by**  
13       **this act or any previous acts has not been allotted or encumbered before the expiration**  
14       **of two (2) biennia, the budget agency may determine that the balance of the appropriation**  
15       **is not available for allotment. The appropriation may be terminated, and the balance**  
16       **may revert to the fund from which the original appropriation was made.**

17  
18 **SECTION 34. [EFFECTIVE UPON PASSAGE]**

19  
20       **The budget agency may retain balances in the mental health fund at the end of any**  
21       **fiscal year to ensure there are sufficient funds to meet the service needs of the**  
22       **developmentally disabled and the mentally ill in any year.**

23  
24 **SECTION 35. [EFFECTIVE JULY 1, 2009]**

25  
26       **If the budget director determines at any time during the biennium that the executive**  
27       **branch of state government cannot meet its statutory obligations due to insufficient**  
28       **funds in the general fund, then notwithstanding IC 4-10-18, the budget agency, with**  
29       **the approval of the governor and after review by the budget committee, may transfer**  
30       **from the counter-cyclical revenue and economic stabilization fund to the general**  
31       **fund any additional amount necessary to maintain a positive balance in the general**  
32       **fund.**

33  
34 **SECTION 36. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]**

35  
36       **To the extent permitted by federal law the budget agency shall use funds under Section**  
37       **14002(a) of the American Recovery and Reinvestment Act of 2009 to restore state operating**  
38       **support for institutions of higher education to the fiscal year 2009 appropriation**  
39       **(base level) as shown below for each institution. The amounts listed below may be**  
40       **used for operating expenses or repair and rehabilitation.**

	<b>FY 2008-2009</b>	<b>FY 2009-2010</b>	<b>FY 2010-2011</b>
41			
42			
43			
44	<b>Indiana University - Bloomington Campus</b>	<b>2,022,022</b>	<b>7,293,604</b>
45			<b>11,532,110</b>
46	<b>Indiana University - Regional Campuses</b>		
47	<b>East</b>	<b>83,221</b>	<b>343,453</b>
48	<b>Kokomo</b>	<b>108,175</b>	<b>407,892</b>
49	<b>Northwest</b>	<b>180,613</b>	<b>817,520</b>
			<b>1,111,784</b>

1	South Bend	232,360	1,078,727	1,463,089
2	Southeast	208,488	846,567	1,002,086
3				
4	Indiana Univ.-Purdue Univ. at Indianapolis			
5	Health Divisions	1,244,347	8,465,818	10,259,242
6				
7	Indiana Univ.-Purdue Univ. at Indianapolis			
8	General Academic Divisions	833,116	2,996,957	3,078,936
9	Abilene Network Operations Center	8,673	34,692	34,692
10	Spinal Cord and Head Injury Research Center	5,461	0	0
11	Institute - Study of Developmental Disabilities	25,807	103,227	103,227
12	Geological Survey	32,316	129,260	129,260
13	Local Government Advisory Commission	589	2,356	2,356
14				
15	Purdue University - West Lafayette	2,620,338	13,980,564	20,914,733
16				
17	Purdue University - Regional Campuses			
18	Calumet	282,127	1,184,418	1,461,903
19	North Central	119,698	122,080	0
20				
21	Indiana Univ.-Purdue Univ. at Ft. Wayne	384,498	1,070,904	632,809
22				
23	Purdue University			
24	Animal Disease Diagnostic Laboratory System	35,935	143,738	143,738
25	Statewide Technology	67,021	268,081	268,081
26	County Agricultural Extension Educators	75,361	301,442	301,442
27	Agricultural Research & Extension-Crossroads	75,406	301,623	301,623
28	Center for Paralysis Research	5,444	21,773	21,773
29	University-Based Business Assistance	19,678	78,710	78,710
30				
31	Indiana State University	769,112	4,468,353	5,374,882
32	Nursing Program	2,500	10,000	10,000
33				
34	University of Southern Indiana	403,875	1,343,207	1,215,064
35	Historic New Harmony	5,765	23,060	23,060
36				
37	Ball State University	1,303,813	4,851,792	5,198,416
38	Entrepreneurial College	10,000	40,000	40,000
39	Academy for Science, Math, and Humanities	44,514	178,077	178,077
40				
41	Vincennes University	389,672	1,546,631	1,776,604
42				
43	IVY Tech Community College	1,624,151	0	0
44	VALPO Nursing Partnership	1,047	4,187	4,187
45				

46 Funds shall be distributed in one (1) or more installments after June 30, 2009, and  
47 before July 1, 2011, on a schedule determined by the budget agency after review by  
48 the budget committee. The above amounts may be adjusted to reflect the actual amount  
49 of federal funds available.

1  
2 **SECTION 37. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]**  
3

4 **To the extent permitted by federal law the budget agency shall use funds under Section**  
5 **14002(a) of the American Recovery and Reinvestment Act of 2009 to restore repair and**  
6 **rehabilitation funding for institutions of higher education to the fiscal year 2009 appropriation**  
7 **(base level) as shown below for each institution. The amounts listed below may be**  
8 **used for repair and rehabilitation.**  
9

	<b>FY 2008-2009</b>	<b>Biennium</b>
10		
11 <b>Indiana University - R &amp; R</b>	<b>12,601,282</b>	<b>18,936,965</b>
12 <b>Purdue University - R &amp; R</b>	<b>9,888,659</b>	<b>14,860,487</b>
13 <b>Indiana State University - R &amp; R</b>	<b>2,340,990</b>	<b>3,517,995</b>
14 <b>University of Southern Indiana - R &amp; R</b>	<b>560,963</b>	<b>843,004</b>
15 <b>Ball State University - R &amp; R</b>	<b>3,363,151</b>	<b>5,054,079</b>
16 <b>Vincennes University - R &amp; R</b>	<b>1,136,484</b>	<b>1,707,886</b>
17 <b>IVY Tech Community College - R &amp; R</b>	<b>1,143,521</b>	<b>1,718,461</b>

18  
19 **Funds shall be distributed in one (1) or more installments after June 30, 2009, and**  
20 **before July 1, 2011, on a schedule determined by the budget agency after review by**  
21 **the budget committee. The review and approval requirements contained in IC 21-33-3-6**  
22 **shall apply to the use of the funds authorized under this SECTION. The above amounts**  
23 **may be adjusted to reflect the actual amount of federal funds available.**

24 **SECTION 38. [EFFECTIVE JULY 1, 2009] (a) On or before July 15, 2010, the budget agency**  
25 **shall calculate whether receipts from actual tax collections for the state fiscal year ending June**  
26 **30, 2010, exceed the May 27, 2009, adjusted state revenue forecast for that state fiscal year. If**  
27 **actual receipts for the state fiscal year ending June 30, 2010, exceed the May 27, 2009, adjusted**  
28 **state revenue forecast for that state fiscal year, fifty percent (50%) of the excess revenue is**  
29 **appropriated to the department of education to be used as a special one (1) time tuition support**  
30 **distribution. Any funds distributed under this SECTION shall be used to increase the**  
31 **foundation amount for each school corporation eligible for a tuition support distribution. The**  
32 **budget agency and the department of education may exceed the calendar year tuition support**  
33 **maximum distribution contained in IC 20-43-2-2 as necessary to implement this SECTION.**

34 **(b) This SECTION expires June 30, 2011.**

35 **SECTION 39. [EFFECTIVE JULY 1, 2009] The governor shall cause reversions of:**

36 **(1) twenty-five million dollars (\$25,000,000) to be made from state general fund**  
37 **appropriations to non-public safety agencies and programs in the state fiscal year ending**  
38 **June 30, 2010; and**

39 **(2) twenty-five million dollars (\$25,000,000) to be made from state general fund**  
40 **appropriations to non-public safety agencies and programs in the state fiscal year ending**  
41 **June 30, 2011.**

42 **SECTION 40. [EFFECTIVE JULY 1, 2009] The trustees of the following institutions may issue**  
43 **and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the following**  
44 **projects if the sum of principal costs of any bond issued, excluding amounts necessary to provide**  
45 **money for debt service reserves, credit enhancement, or other costs incidental to the issuance**  
46 **of the bonds, does not exceed the total authority listed below for that institution:**

47 <b>Purdue University</b>	
48 <b>Life Sciences Laboratory Renovations</b>	<b>10,000,000</b>
49 <b>Medical School Renovations</b>	<b>12,000,000</b>

1	<b>Vincennes University</b>	
2	<b>Davis Hall</b>	<b>850,000</b>
3	<b>P.E. Building</b>	<b>5,000,000</b>
4	<b>Indiana State University</b>	
5	<b>Federal Building</b>	<b>20,000,000</b>
6	<b>Indiana University</b>	
7	<b>Northwest Regional Campus</b>	
8	<b>Tamarack Hall</b>	<b>33,000,000</b>
9	<b>Ivy Tech Community College</b>	
10	<b>Gary Campus</b>	<b>20,000,000</b>
11	<b>University of Southern Indiana</b>	
12	<b>Teacher Theatre Replacement Project</b>	<b>15,000,000</b>
13	<b>Indiana University</b>	
14	<b>Life Sciences Laboratory Renovations</b>	<b>10,000,000</b>
15	<b>Indiana University Southeast</b>	
16	<b>Education and Technology Building</b>	<b>22,000,000</b>
17	<b>Indiana University Purdue University at Indianapolis</b>	
18	<b>Life Sciences Laboratory Renovations</b>	<b>10,000,000</b>
19	<b>Ivy Tech Community College</b>	
20	<b>Anderson Campus</b>	<b>20,000,000</b>
21	<b>Bloomington Campus</b>	<b>20,000,000</b>
22	<b>Warsaw Campus</b>	<b>10,100,000</b>
23	<b>Ball State University</b>	
24	<b>Central Campus Rehabilitation</b>	<b>19,700,000</b>
25	<b>Indiana University Purdue University Fort Wayne</b>	
26	<b>Northeast Indiana Innovation Center</b>	<b>10,000,000</b>
27	<b>Of the above authorization for medical school renovations, a maximum of six million dollars</b>	
28	<b>(\$6,000,000) is eligible for fee replacement. Of the above authorization for the Indiana State</b>	
29	<b>University Federal Building project, only ten million dollars (\$10,000,000) is eligible for fee</b>	
30	<b>replacement. Of the above authorization for the University of Southern Indiana Teacher Theatre</b>	
31	<b>Replacement Project, only eight million dollars (\$8,000,000) is eligible for fee replacement.</b>	
32	<b>SECTION 41. [EFFECTIVE JULY 1, 2009] The trustees of the following institutions may issue</b>	
33	<b>and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the following</b>	
34	<b>projects if the sum of principal costs of any bond issued, excluding amounts necessary to provide</b>	
35	<b>money for debt service reserves, credit enhancement, or other costs incidental to the issuance</b>	
36	<b>of the bonds, does not exceed the total authority listed below for that institution:</b>	
37	<b>Indiana University Purdue University at Indianapolis</b>	
38	<b>Neurosciences Building</b>	<b>33,000,000</b>
39	<b>Indiana University Bloomington</b>	
40	<b>Cyber Infrastructure</b>	<b>35,700,000</b>
41	<b>Purdue University</b>	
42	<b>North Central Campus</b>	
43	<b>Student Services Complex</b>	<b>30,000,000</b>
44	<b>Except as provided by this SECTION, the above projects are eligible for fee replacement after</b>	
45	<b>July 1, 2011. Only sixteen million dollars (\$16,000,000) of the Indiana University Bloomington</b>	
46	<b>Cyber Infrastructure project and twenty-three million dollars (\$23,000,000) of the Indiana</b>	
47	<b>University Purdue University at Indianapolis Neurosciences Building project are eligible for fee</b>	
48	<b>replacement after July 1, 2011. Only twenty-three million seven hundred thousand dollars</b>	

1 (\$23,700,000) of the Purdue University North Central Campus Student Services Complex is  
2 eligible for fee replacement after July 1, 2011.

3 SECTION 42. [EFFECTIVE JULY 1, 2009] The trustees of the following institutions may issue  
4 and sell bonds under IC 21-34, subject to the approvals required under IC 21-33-3, to provide  
5 funds for the acquisition, renovation, expansion, and improvements for the following projects  
6 (including all related and subordinate components of the following projects) and may undertake  
7 the project if the total costs financed by the bond issue, excluding any amount necessary to  
8 provide money for debt service reserves, credit enhancement, or other costs incidental to the  
9 issuance of the bonds, do not exceed the total authority listed below for that institution:

10	Purdue University	
11	Lafayette Campus	
12	Student Fitness and Wellness Center	98,000,000
13	Indiana University Purdue University at Fort Wayne	
14	Parking Garage	16,800,000

15 The foregoing projects are not eligible for fee replacement appropriations in any year.

16 SECTION 43. [EFFECTIVE JULY 1, 2009] The trustees of the following institution may issue  
17 and sell bonds under IC 21-34, subject to the approvals required under IC 21-33-3, for the  
18 following project if the principal costs of any bonds issued, excluding any amount necessary to  
19 provide money for debt service reserves, credit enhancement, or other costs incidental to the  
20 issuance of the bonds, does not exceed twenty million dollars (\$20,000,000):

21 Purdue University West Lafayette -- Drug Discovery Facility

22 The foregoing project is not eligible for fee replacement appropriations in any year.

23 SECTION 44. [EFFECTIVE UPON PASSAGE] (a) The trustees of the following institutions  
24 may issue and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for  
25 the following projects if the sum of principal costs of any bond issued, excluding amounts  
26 necessary to provide money for debt service reserves, credit enhancement, or other costs  
27 incidental to the issuance of the bonds, does not exceed the total authority listed below for that  
28 institution:

29	Indiana State University - Life Sciences/Chemistry	
30	Laboratory Renovations & Chiller	14,800,000
31	Ball State University - Central Campus	
32	Academic Project, Phase I & Utilities	33,000,000
33	Ivy Tech - Elkhart Phase I	4,000,000

34 (b) Except for an additional four million dollars (\$4,000,000) authorized for Ivy Tech -  
35 Elkhart Phase I, the authorizations under this SECTION are a restatement of and are not in  
36 addition to the authorizations under P.L.234-2007, SECTION 179. The four million dollars  
37 (\$4,000,000) authorized for Ivy Tech - Elkhart Phase I is in addition to sixteen million dollars  
38 (\$16,000,000) authorized under P.L.234-2007, SECTION 179.

39 SECTION 45. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding SECTION 244 of HEA  
40 1001-2005, the trustees of Purdue University may, subject to the approvals required by  
41 IC 21-33-3, issue and sell bonds under IC 21-34 for the following project if the sum of principal  
42 costs of any bond issued, excluding amounts necessary to provide money for debt service  
43 reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not  
44 exceed the total authority listed below:

45	Purdue University North Central Campus	
46	Parking Garage No. 1	\$8,000,000

47 (b) The authorization under this SECTION is a restatement of and is not in addition to the  
48 authorization under P.L.234-2007, SECTION 186. However, the foregoing project is not eligible

1 for fee replacement appropriations in any year.

2 SECTION 46. [EFFECTIVE JULY 1, 2009] There is appropriated three million dollars  
3 (\$3,000,000) to the Indiana finance authority from the tobacco master settlement agreement  
4 fund (IC 4-12-1-14.3) to carry out architectural and engineering work for a building for a  
5 trauma care center in the city of Gary, beginning July 1, 2009, and ending June 30, 2010. Any  
6 unencumbered amount remaining from this appropriation at the end of a state fiscal year  
7 remains available in subsequent state fiscal years for the purposes for which it is appropriated.  
8 Money appropriated under this SECTION may be released after review by the budget  
9 committee.

10 SECTION 47. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "ARRA" refers  
11 to the federal American Recovery and Reinvestment Act of 2009.

12 (b) As used in this SECTION, "Title I" refers to Title I of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C. 6301 et seq.).

14 (c) With respect to ARRA funds that are specifically designated for subgrants to local  
15 education agencies based on Title I or incentive grants, the following apply:

16 (1) The governor and the department of education may take any actions necessary to  
17 qualify the state for the ARRA funds related to Title I. If permitted by the ARRA, school  
18 corporations shall submit plans to the department of education for approval before  
19 spending the ARRA funds related to Title I.

20 (2) To the extent it does not conflict with federal law or rules or guidelines that would make  
21 Indiana ineligible to receive ARRA funds related to Title I, the ARRA funds must be used  
22 to support Title I eligible students for the following:

23 (A) Repair and rehabilitation of facilities.

24 (B) Upgrading technology or equipment.

25 (C) Training or professional development.

26 (D) Summer school or other remediation programs and purposes for which the expenses  
27 are one (1) time in nature and do not increase the base operating expenses of schools to  
28 a level that would be difficult to maintain.

29 (d) The department of education shall review the use of all Title I expenditures to ensure the  
30 proper use of Title I funds under federal laws and regulations.

31 SECTION 48. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "ARRA" refers  
32 to the federal American Recovery and Reinvestment Act of 2009.

33 (b) With respect to ARRA funds under Division A, Title VIII of the ARRA for special  
34 education, the following apply:

35 (1) The governor and the department of education may take any actions necessary to  
36 qualify the state for the ARRA funds under Division A, Title VIII of the ARRA. If  
37 permitted by the ARRA, school corporations shall submit plans to the department of  
38 education for approval before spending the ARRA funds under Division A, Title VIII of the  
39 ARRA.

40 (2) To the extent it does not conflict with federal law or rules or guidelines that would make  
41 Indiana ineligible to receive ARRA funds under Division A, Title VIII of the ARRA, the  
42 ARRA funds must be used to support special education students for the following:

43 (A) Repair and rehabilitation of facilities.

44 (B) Upgrading technology or equipment, including adaptive technology.

45 (C) Training or professional development.

46 (D) Programs and purposes for which the expenses are one (1) time in nature and do not  
47 increase the base operating expenses of school corporations to a level that would be  
48 difficult to maintain.

49 (c) The department of education shall review the use of all special education to ensure the

1 **proper use of special education funds under federal laws and regulations.**

2 SECTION 49. IC 4-4-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE OCTOBER  
3 1, 2008 (RETROACTIVE)]: Sec. 1. As used in this chapter, "bond" means any:

- 4 (1) bond or mortgage credit certificate for which it is necessary to procure volume under the  
5 volume cap under Section 146 of the Internal Revenue Code; or
- 6 (2) **bond or other obligation for which a special volume cap is authorized under a federal  
7 act.**

8 SECTION 50. IC 4-4-11-15.6, AS ADDED BY P.L.214-2005, SECTION 1, IS AMENDED TO  
9 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 15.6. In addition to the powers listed  
10 in section 15 of this chapter, the authority may:

- 11 (1) issue bonds under terms and conditions determined by the authority and use the proceeds of  
12 the bonds to acquire obligations issued by any entity authorized to acquire, finance, construct,  
13 or lease capital improvements under IC 5-1-17; ~~and~~
- 14 (2) issue bonds under terms and conditions determined by the authority and use the proceeds of  
15 the bonds to acquire any obligations issued by the northwest Indiana regional development  
16 authority established by IC 36-7.5-2-1; **and**
- 17 (3) **after December 31, 2009, issue bonds under terms and conditions determined by the  
18 authority and use the proceeds of the bonds to acquire any obligations issued by either the  
19 commuter rail service board established under IC 8-24-5 or the regional demand and  
20 scheduled bus service board established under IC 8-24-6.**

21 SECTION 51. IC 4-4-11.5-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
22 READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2008 (RETROACTIVE)]: **Sec. 13.5. As used in  
23 this chapter, "special volume cap" means the maximum dollar amount of bonds that may be  
24 allocated to the state under the authority of a federal act. The special volume cap is in addition  
25 to the volume cap as defined in section 14 of this chapter.**

26 SECTION 52. IC 4-4-11.5-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
27 READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2008 (RETROACTIVE)]: **Sec. 19.5. The IFA  
28 shall determine the allocation of any special volume cap in accordance with the federal act  
29 authorizing the special volume cap.**

30 SECTION 53. IC 4-10-18-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
31 PASSAGE]: Sec. 10. (a) The state board of finance may lend money from the fund to entities listed  
32 in subsections (e) through (j) **(k)** for the purposes specified in those subsections.

33 (b) An entity must apply for the loan before May 1, 1989, in a form approved by the state board of  
34 finance. As part of the application, the entity shall submit a plan for its use of the loan proceeds and  
35 for the repayment of the loan. Within sixty (60) days after receipt of each application, the board shall  
36 meet to consider the application and to review its accuracy and completeness and to determine the  
37 need for the loan. The board shall authorize a loan to an entity that makes an application if the board  
38 approves its accuracy and completeness and determines that there is a need for the loan and an  
39 adequate method of repayment.

40 (c) The state board of finance shall determine the terms of each loan, which must include the  
41 following:

- 42 (1) The duration of the loan, which must not exceed twelve (12) years.
- 43 (2) The repayment schedule of the loan, which must provide that no payments are due during the  
44 first two (2) years of the loan.
- 45 (3) A variable rate of interest to be determined by the board and adjusted annually. The interest  
46 rate must be the greater of:
  - 47 (A) five percent (5%); or
  - 48 (B) two-thirds (2/3) of the interest rate for fifty-two (52) week United States Treasury bills on

1 the anniversary date of the loan, but not to exceed ten percent (10%).

2 (4) The amount of the loan or loans, which may not exceed the maximum amounts established

3 for the entity by this section.

4 (5) Any other conditions specified by the board.

5 (d) An entity may borrow money under this section by adoption of an ordinance or a resolution and,

6 as set forth in IC 5-1-14, may use any source of revenue to repay a loan under this section. This section

7 constitutes complete authority for the entity to borrow from the fund. If an entity described in

8 subsection (i) fails to make any repayments of a loan, the amount payable shall be withheld by the

9 auditor of state from any other money payable to the consolidated city. If any other entity described

10 in this section fails to make any repayments of a loan, the amount payable shall be withheld by the

11 auditor of state from any other money payable to the entity. The amount withheld shall be transferred

12 to the fund to the credit of the entity.

13 (e) A loan under this section may be made to a city located in a county having a population of more

14 than twenty-four thousand (24,000) but less than twenty-five thousand (25,000) for the city's

15 waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars

16 (\$1,600,000).

17 (f) A loan under this section may be made to a city the territory of which is included in part within

18 the Lake Michigan corridor (as defined in IC 14-13-3-2) for a marina development project. As a part

19 of its application under subsection (b), the city must include the following:

20 (1) Written approval by the Lake Michigan marina development commission of the project to be

21 funded by the loan proceeds.

22 (2) A written determination by the commission of the amount needed by the city, for the project

23 and of the amount of the maximum loan amount under this subsection that should be lent to the

24 city.

25 The maximum amount of loans available for all cities that are eligible for a loan under this subsection

26 is eight million six hundred thousand dollars (\$8,600,000).

27 (g) A loan under this section may be made to a county having a population of more than one

28 hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000) for use by

29 the airport authority in the county for the construction of runways. The amount of the loan may not

30 exceed seven million dollars (\$7,000,000). The county may lend the proceeds of its loan to an airport

31 authority for the public purpose of fostering economic growth in the county.

32 (h) A loan under this section may be made to a city having a population of more than fifty-nine

33 thousand (59,000) but less than fifty-nine thousand seven hundred (59,700) for the construction of

34 parking facilities. The amount of the loan may not exceed three million dollars (\$3,000,000).

35 (i) A loan or loans under this section may be made to a consolidated city, a local public

36 improvement bond bank, or any board, authority, or commission of the consolidated city, to fund

37 economic development projects under IC 36-7-15.2-5 or to refund obligations issued to fund economic

38 development projects. The amount of the loan may not exceed thirty million dollars (\$30,000,000).

39 (j) A loan under this section may be made to a county having a population of more than thirteen

40 thousand five hundred (13,500) but less than fourteen thousand (14,000) for extension of airport

41 runways. The amount of the loan may not exceed three hundred thousand dollars (\$300,000).

42 **(k) A loan under this section may be made to Covington Community School Corporation to**

43 **refund the amount due on a tax anticipation warrant loan. The amount of the loan may not**

44 **exceed two million seven hundred thousand dollars (\$2,700,000), to be paid back from any**

45 **source of money that is legally available to the school corporation. Notwithstanding subsection**

46 **(b), the school corporation must apply for the loan before June 30, 2010. Notwithstanding**

47 **subsection (c), repayment of the loan shall be made in equal installments over five (5) years with**

48 **the first installment due not more than six (6) months after the date loan proceeds are received**

49 **by the school corporation.**

1       ~~(k)~~ (l) IC 6-1.1-20 does not apply to a loan made by an entity under this section.

2       ~~(h)~~ (m) As used in this section, "entity" means a governmental entity authorized to obtain a loan  
3 under subsections (e) through (j): (k).

4       SECTION 54. IC 4-13-1-4, AS AMENDED BY P.L.1-2006, SECTION 63, IS AMENDED TO  
5 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The department shall, subject to this  
6 chapter, do the following:

7       (1) Execute and administer all appropriations as provided by law, and execute and administer all  
8 provisions of law that impose duties and functions upon the executive department of government,  
9 including executive investigation of state agencies supported by appropriations and the assembly  
10 of all required data and information for the use of the executive department and the legislative  
11 department.

12       (2) Supervise and regulate the making of contracts by state agencies.

13       (3) Perform the property management functions required by IC 4-20.5-6.

14       (4) Assign office space and storage space for state agencies in the manner provided by  
15 IC 4-20.5-5.

16       (5) Maintain and operate the following for state agencies:

17           (A) Central duplicating.

18           (B) Printing.

19           (C) Machine tabulating.

20           (D) Mailing services.

21           (E) Centrally available supplemental personnel and other essential supporting services.

22       The department may require state agencies to use these general services in the interests of  
23 economy and efficiency. The general services rotary fund is established through which these  
24 services may be rendered to state agencies. The budget agency shall determine the amount for  
25 the general services rotary fund.

26       (6) Control and supervise the acquisition, operation, maintenance, and replacement of state  
27 owned vehicles by all state agencies. The department may establish and operate, in the interest  
28 of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The  
29 budget agency shall determine the amount to be deposited in the rotary fund.

30       (7) Promulgate and enforce rules relative to the travel of officers and employees of all state  
31 agencies when engaged in the performance of state business. These rules may allow  
32 reimbursement for travel expenses by any of the following methods:

33           (A) Per diem.

34           (B) For expenses necessarily and actually incurred.

35           (C) Any combination of the methods in clauses (A) and (B).

36       The rules must require the approval of the travel by the commissioner and the head of the officer's  
37 or employee's department prior to payment.

38       (8) Administer IC 4-13.6.

39       (9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in  
40 connection with bids and contracts when not otherwise provided for by law.

41       (10) Rent out, with the approval of the governor, any state property, real or personal:

42           (A) not needed for public use; or

43           (B) for the purpose of providing services to the state or employees of the state;

44 the rental of which is not otherwise provided for or prohibited by law. Property may not be rented  
45 out under this subdivision for a term exceeding ten (10) years at a time. However, if property is  
46 rented out for a term of more than four (4) years, the commissioner must make a written  
47 determination stating the reasons that it is in the best interests of the state to rent property for the  
48 longer term. This subdivision does not include the power to grant or issue permits or leases to  
49 explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or

- 1 under the bed of any of the navigable waters of the state or other lands owned by the state.  
2 (11) Have charge of all central storerooms, supply rooms, and warehouses established and  
3 operated by the state and serving more than one (1) agency.  
4 (12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.  
5 (13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or  
6 trade in the surplus property toward the purchase of other supplies, materials, or equipment, and  
7 to make proper adjustments in the accounts and inventory pertaining to the state agencies  
8 concerned.  
9 (14) With respect to power, heating, and lighting plants owned, operated, or maintained by any  
10 state agency:  
11 (A) inspect;  
12 (B) regulate their operation; and  
13 (C) recommend improvements to those plants to promote economical and efficient operation.  
14 (15) Administer, determine salaries, and determine other personnel matters of the department of  
15 correction ombudsman bureau established by IC 4-13-1.2-3.  
16 (16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in  
17 IC 4-20.5-6-9.2.  
18 (17) Adopt policies and standards for making state owned property reasonably available to be  
19 used free of charge as locations for making motion pictures.  
20 **(18) Administer, determine salaries, and determine other personnel matters of the**  
21 **department of child services ombudsman established by IC 4-13-19-3.**

22 SECTION 55. IC 4-13-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
23 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

24 **Chapter 19. Department of Child Services Ombudsman**

25 **Sec. 1. As used in this chapter, "child" means a person who:**

- 26 (1) is less than eighteen (18) years of age;  
27 (2) is at least eighteen (18) years of age at the time a complaint is made but was less than  
28 eighteen (18) years of age at the time of the alleged act or omission that is the subject of the  
29 complaint; or  
30 (3) is at least eighteen (18) years of age but has been under the continuing jurisdiction of  
31 a juvenile court based upon an informal adjustment, child in need of services action under  
32 IC 31-34, or termination of parental rights action under IC 31-35 since becoming eighteen  
33 (18) years of age.

34 **Sec. 2. As used in this chapter, "ombudsman" means:**

- 35 (1) the person appointed by the governor to serve as ombudsman; or  
36 (2) an employee or other individual approved by the office of the department of child  
37 services ombudsman to act in the capacity of ombudsman;

38 to receive, investigate, and resolve complaints that allege the department of child services, by  
39 an action or omission, failed to protect the physical or mental health or safety of any child or  
40 failed to follow specific laws, rules, or written policies.

41 **Sec. 3. The office of department of child services ombudsman is established as a separate**  
42 **bureau within the department. The ombudsman appointed by the governor shall report directly**  
43 **to the commissioner. The ombudsman appointed by the governor must be an attorney licensed**  
44 **to practice law in Indiana or a social worker with at least a master's degree. The ombudsman**  
45 **appointed by the governor must have significant experience or education in child development**  
46 **and child advocacy, including at least two (2) years experience working with child abuse and**  
47 **neglect.**

48 **Sec. 4. (a) The governor shall appoint the ombudsman. The ombudsman serves at the pleasure**  
49 **of the governor. An individual may not be appointed as ombudsman if the individual has been**

1 employed by the department of child services at any time during the preceding twelve (12)  
2 months. The governor shall appoint a successor ombudsman not later than thirty (30) days after  
3 a vacancy occurs in the position of the ombudsman.

4 (b) The office of the department of child services ombudsman may employ technical experts  
5 and other employees to carry out the purposes of this chapter. However, the office of the  
6 department of child services ombudsman may not hire an individual to serve as an ombudsman  
7 if the individual has been employed by the department of child services during the preceding  
8 twelve (12) months.

9 (c) The ombudsman and any other person employed or authorized by the ombudsman:

10 (1) are subject to the same criminal history and background checks, to be performed by the  
11 department of child services, that are required for department of child services family case  
12 managers; and

13 (2) are subject to the same disqualification for employment criteria as department of child  
14 services family case managers.

15 **Sec. 5. (a)** The office of the department of child services ombudsman may receive, investigate,  
16 and attempt to resolve a complaint alleging that the department of child services, by an action  
17 or omission occurring on or after January 11, 2005, failed to protect the physical or mental  
18 health or safety of any child or failed to follow specific laws, rules, or written policies.

19 (b) The office of the department of child services ombudsman may also do the following:

20 (1) Take action, including the establishing of a program of public education, to secure and  
21 ensure the legal rights of children.

22 (2) Periodically review relevant policies and procedures with a view toward the safety and  
23 welfare of children.

24 (3) When appropriate, refer a person making a report of child abuse or neglect to the  
25 department of child services and, if appropriate, to an appropriate law enforcement agency.

26 (4) Recommend changes in procedures for investigating reports of abuse and neglect and  
27 overseeing the welfare of children who are under the jurisdiction of a juvenile court.

28 (5) Make the public aware of the services of the ombudsman, the purpose of the office, and  
29 information concerning contacting the office.

30 (6) Examine policies and procedures and evaluate the effectiveness of the child protection  
31 system, specifically the respective roles of the department of child services, the court, the  
32 medical community, service providers, guardians ad litem, court appointed special  
33 advocates, and law enforcement agencies.

34 (7) Review and make recommendations concerning investigative procedures and emergency  
35 responses contained in the report prepared under section 10 of this chapter.

36 (c) Upon request of the office of the department of child services ombudsman, the local child  
37 protection team shall assist the office of the department of child services ombudsman by:

38 (1) investigating and making recommendations on a matter; or

39 (2) redacting or revising any report to be prepared for the complainant so that  
40 confidentiality laws are maintained.

41 If a local child protection team was involved in an initial investigation, a different local child  
42 protection team may assist in the investigation under this subsection.

43 (d) At the end of an investigation of a complaint, the office of the department of child services  
44 ombudsman shall provide an appropriate report as follows:

45 (1) If the complainant is a parent, guardian, custodian, court appointed special advocate,  
46 guardian ad litem, or court, the ombudsman may provide the same report to the  
47 complainant and the department of child services.

48 (2) If the complainant is not a person described in subdivision (1), the ombudsman shall  
49 provide a redacted version of its findings to the complainant stating in general terms that

1 the actions of the department of child services were or were not appropriate.

2 (e) The department of child services ombudsman shall provide a copy of the report and  
3 recommendations to the department of child services. The office of the department of child  
4 services ombudsman may not disclose to:

5 (1) a complainant;

6 (2) another person who is not a parent, guardian, or custodian of the child who was subject  
7 of the department of child services' action or omission; or

8 (3) the court, court appointed special advocate, or guardian ad litem of the child in a case  
9 that was filed as a child in need of services or a termination of parental rights action;

10 any information that the department of child services could not, by law, reveal to the  
11 complainant, parent, guardian, custodian, person, court, court appointed special advocate, or  
12 guardian ad litem.

13 (f) If, after reviewing a complaint or conducting an investigation and considering the response  
14 of an agency, facility, or program and any other pertinent material, the office of the department  
15 of child services ombudsman determines that the complaint has merit or the investigation  
16 reveals a problem, the ombudsman may recommend that the agency, facility, or program:

17 (1) consider the matter further;

18 (2) modify or cancel its actions;

19 (3) alter a rule, order, or internal policy; or

20 (4) explain more fully the action in question.

21 (g) At the office of the department of child services ombudsman's request, the agency, facility,  
22 or program shall, within a reasonable time, inform the office of the department of child services  
23 ombudsman about the action taken on the recommendation or the reasons for not complying  
24 with it.

25 (h) The office of the department of child services ombudsman may not investigate the  
26 following:

27 (1) A complaint from an employee of the department of child services that relates to the  
28 employee's employment relationship with the department of child services.

29 (2) A complaint challenging a department of child services substantiation of abuse or  
30 neglect that is currently the subject of a pending administrative review procedure before  
31 the exhaustion of administrative remedies provided by law, rule, or written policy.  
32 Investigation of any such complaint received shall be stayed until the administrative  
33 remedy has been exhausted. However, if the administrative process is not completed or  
34 terminated within six (6) months after initiation of the administrative process, the office of  
35 child services ombudsman may proceed with its investigation.

36 (i) If the office of the department of child services ombudsman does not investigate a  
37 complaint, the office of the department of child services ombudsman shall notify the  
38 complainant of the decision not to investigate and the reasons for the decision.

39 Sec. 6. (a) The office of the department of child services ombudsman shall be given  
40 appropriate access to department of child services records of a child who is the subject of a  
41 complaint that is filed under this chapter.

42 (b) A state or local government agency or entity that has records that are relevant to a  
43 complaint or an investigation conducted by an ombudsman shall provide the ombudsman with  
44 access to the records.

45 (c) A person is immune from:

46 (1) civil or criminal liability; and

47 (2) actions taken under:

48 (A) a professional disciplinary procedure; or

49 (B) procedures related to the termination or imposition of penalties under a contract

1 dealing with an employee or contractor of the department of child services;  
2 for the release or disclosure of records to the ombudsman under this chapter, unless the release  
3 or disclosure constitutes gross negligence or willful or wanton misconduct.

4 (d) Information or records of a state or local government agency provided to the office of the  
5 department of child services ombudsman may not be disclosed to the complainant or others if  
6 confidential under laws, rules, or regulations governing the state or local government agency  
7 that provided the information or records.

8 Sec. 7. The office of the department of child services ombudsman shall do the following:

9 (1) Establish procedures to receive and investigate complaints.

10 (2) Establish physical, technological, and administrative access controls for all information  
11 maintained by the office of the department of child services ombudsman.

12 (3) Except as necessary to investigate and resolve a complaint, ensure that the identity of  
13 a complainant will not be disclosed without:

14 (A) the complainant's written consent; or

15 (B) a court order.

16 Sec. 8. The office of the department of child services ombudsman may adopt rules under  
17 IC 4-22-2 necessary to carry out this chapter.

18 Sec. 9. An ombudsman is not personally liable for the good faith performance of the  
19 ombudsman's official duties.

20 Sec. 10. (a) The office of the department of child services ombudsman shall prepare a report  
21 each year on the operations of the office.

22 (b) The office of the department of child services ombudsman shall include the following  
23 information in the annual report required under subsection (a):

24 (1) The office of the department of child services ombudsman's activities.

25 (2) The general status of children in Indiana, including:

26 (A) the health and education of children; and

27 (B) the administration or implementation of programs for children.

28 (3) Any other issues, concerns, or information concerning children.

29 (c) A copy of the report shall be provided to the following:

30 (1) The governor.

31 (2) The legislative council.

32 (3) The Indiana department of administration.

33 (4) The department of child services.

34 A report provided under this subsection to the legislative council must be in an electronic format  
35 under IC 5-14-6.

36 (d) A copy of the report shall be posted on the department of child services' Internet web site  
37 and on any Internet web site maintained by the office of the department of child services  
38 ombudsman.

39 (e) An initial report summarizing the activities of the department of child services  
40 ombudsman shall be completed by no later than December 1, 2009, and a copy of the report shall  
41 be posted on the department of child services' Internet web site and on any Internet web site  
42 maintained by the office of the department of child services ombudsman, and shall be provided  
43 to the following:

44 (1) The governor.

45 (2) The legislative council.

46 (3) The Indiana department of administration.

47 (4) The department of child services.

48 A report provided under this subsection to the legislative council must be in an electronic format  
49 under IC 5-14-6. This subsection expires December 31, 2009.

1       **Sec. 11. (a) A person who:**

2           (1) **except as provided in subsection (b), intentionally interferes with or prevents the**  
3           **completion of the work of an ombudsman;**

4           (2) **knowingly offers compensation to an ombudsman in an effort to affect the outcome of**  
5           **an investigation or a potential investigation;**

6           (3) **knowingly or intentionally retaliates against another person who provides information**  
7           **to an ombudsman; or**

8           (4) **knowingly or intentionally threatens an ombudsman, a person who has filed a**  
9           **complaint, or a person who provides information to an ombudsman, because of an**  
10          **investigation or potential investigation;**

11       **commits interference with the office of the department of child services ombudsman, a Class A**  
12       **misdemeanor.**

13       **(b) Expungement of records held by the department of child services that occurs by statutory**  
14       **mandate, judicial order or decree, administrative review or process, automatic operation of the**  
15       **Indiana Child Welfare Information System (ICWIS) computer system, or in the normal course**  
16       **of business shall not be considered intentional interference or prevention for the purposes of**  
17       **subsection (a).**

18       **Sec. 12. The Indiana department of administration shall provide and maintain office space**  
19       **for the office of the department of child services ombudsman.**

20       SECTION 56. IC 4-20.5-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
21       2009]: **Sec. 11. (a) Except as provided in subsection (b), "property" means real property or an**  
22       **interest in real property, including the following:**

23           (1) Any ownership interest in real property.

24           (2) A leasehold.

25           (3) A right-of-way.

26           (4) An easement, including a utility easement.

27       The term does not include personal property or an interest in personal property.

28       **(b) For purposes of IC 4-20.5-22, "property" means any ownership interest in real property.**

29       SECTION 57. IC 4-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
30       PASSAGE]: **Sec. 9. Subject to section 14 of this chapter,** the commission may:

31           (1) adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement  
32           this article, including rules that prescribe:

33               (A) the forms of wagering that are permitted;

34               (B) the number of races;

35               (C) the procedures for wagering;

36               (D) the wagering information to be provided to the public;

37               (E) fees for the issuance and renewal of:

38                   (i) permits under IC 4-31-5;

39                   (ii) satellite facility licenses under IC 4-31-5.5; and

40                   (iii) licenses for racetrack personnel and racing participants under IC 4-31-6;

41               (F) investigative fees;

42               (G) fines and penalties; and

43               (H) any other regulation that the commission determines is in the public interest in the conduct  
44               of recognized meetings and wagering on horse racing in Indiana;

45           (2) appoint employees in the manner provided by IC 4-15-2 and fix their compensation, subject  
46           to the approval of the budget agency under IC 4-12-1-13;

47           (3) enter into contracts necessary to implement this article; and

48           (4) receive and consider recommendations from an advisory development committee established  
49           under IC 4-31-11.

1 SECTION 58. IC 4-31-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
2 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. The commission may not do the**  
3 **following:**

4 (1) **Impose, charge, or collect by rule a fee that is not authorized by this article on any party**  
5 **to a proposed transfer of an ownership interest in a permit issued under IC 4-31-5.**

6 (2) **Make the commission's approval of a proposed transfer of an ownership interest in a**  
7 **permit issued under IC 4-31-5 contingent upon the payment of any amount that is not**  
8 **authorized by this article.**

9 SECTION 59. IC 4-33-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
10 PASSAGE]: Sec. 21. (a) A licensed owner or any other person must apply for and receive the  
11 commission's approval before:

12 (1) an owner's license is:

13 (A) transferred;

14 (B) sold; or

15 (C) purchased; or

16 (2) a voting trust agreement or other similar agreement is established with respect to the owner's  
17 license.

18 (b) **Subject to section 24 of this chapter**, the commission shall adopt rules governing the  
19 procedure a licensed owner or other person must follow to take an action under subsection (a). The  
20 rules must specify that a person who obtains an ownership interest in a license must meet the criteria  
21 of this article and any rules adopted by the commission. A licensed owner may transfer an owner's  
22 license only in accordance with this article and rules adopted by the commission.

23 (c) A licensed owner or any other person may not:

24 (1) lease;

25 (2) hypothecate; or

26 (3) borrow or loan money against;

27 an owner's license.

28 (d) A transfer fee is imposed on a licensed owner who purchases or otherwise acquires a controlling  
29 interest, as determined under the rules of the commission, in a second owner's license. The fee is equal  
30 to two million dollars (\$2,000,000). The commission shall collect and deposit a fee imposed under this  
31 subsection in the state general fund.

32 SECTION 60. IC 4-33-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
33 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. The commission may not do the**  
34 **following:**

35 (1) **Impose by rule a fee that is not authorized by this article on any party to a proposed**  
36 **transfer of an ownership interest in a riverboat owner's license or an operating permit.**

37 (2) **Make the commission's approval of a proposed transfer of an ownership interest in a**  
38 **riverboat owner's license or an operating permit contingent upon the payment of any**  
39 **amount that is not authorized by this article.**

40 SECTION 61. IC 4-35-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
41 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. The commission may not do the**  
42 **following:**

43 (1) **Impose, charge, or collect by rule a fee that is not authorized by this article on any party**  
44 **to a proposed transfer of an ownership interest in a license issued under IC 4-35-5.**

45 (2) **Make the commission's approval of a proposed transfer of an ownership interest in a**  
46 **license issued under IC 4-35-5 contingent upon the payment of any amount that is not**  
47 **authorized by this article.**

48 SECTION 62. IC 4-20.5-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO

1 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

2 **Chapter 22. Planting Grasses and Other Plants for Energy Production**

3 **Sec. 1. This chapter does not apply to a lease under IC 8-23-24.5.**

4 **Sec. 2. The intent of this chapter is to encourage the use of property owned by the state to**  
5 **promote the growth and harvesting of vegetation to be used as fuels and other energy products.**

6 **Sec. 3. As used in this chapter, "agency " has the meaning set forth in IC 4-20.5-1-3. The term**  
7 **includes a state institution.**

8 **Sec. 4. As used in this chapter, "vegetation" refers to grasses or other plants that are suitable**  
9 **for processing into fuels or other energy products. The term does not include grasses or other**  
10 **plants that may be used to feed livestock.**

11 **Sec. 5. To the extent permitted by federal law and when consistent with public safety, an**  
12 **agency may enter into leases with appropriate persons for the persons to plant, maintain, and**  
13 **harvest vegetation on state property owned or maintained by the agency for use in production**  
14 **of energy.**

15 **Sec. 6. A lease under this chapter must provide for the following:**

16 (1) **The lessee is responsible for planting, maintaining, and harvesting the vegetation at the**  
17 **lessee's cost.**

18 (2) **The lessee becomes the owner of the vegetation when harvested.**

19 (3) **The harvested vegetation must be used for the production of fuels or other energy**  
20 **products.**

21 (4) **The lease must include limitations on the height of any vegetation that is grown.**

22 **Sec. 7. A lease under this chapter may provide for the following:**

23 (1) **Any term of the lease that the agency considers best to implement the intent of this**  
24 **chapter, but not for more than four (4) years.**

25 (2) **For the lease of parcels of sizes that the agency considers the best to implement the**  
26 **intent of this chapter.**

27 (3) **Any other provisions that the agency considers useful to implement the intent of this**  
28 **chapter.**

29 **Sec. 8. The agency shall award a lease under this chapter to the responsive and responsible**  
30 **bidder who submits the highest bid for the particular lease.**

31 SECTION 63. IC 5-1-14-10, AS AMENDED BY P.L.146-2008, SECTION 29, IS AMENDED TO  
32 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) If an issuer has issued obligations  
33 under a statute that establishes a maximum term or repayment period for the obligations,  
34 notwithstanding that statute, the issuer may continue to make payments of principal, interest, or both,  
35 on the obligations after the expiration of the term or period if principal or interest owed to owners of  
36 the obligations remains unpaid.

37 (b) This section does not authorize the use of revenues or funds to make payments of principal and  
38 interest other than those revenues or funds that were pledged for the payments before the expiration  
39 of the term or period.

40 (c) Except as otherwise provided by this section, **IC 16-22-8-43, IC 36-7-12-27, or IC 36-7-14-25.1,**  
41 **or IC 36-9-13-30 (but only with respect to any bonds issued under IC 36-9-13-30 that are secured**  
42 **by a lease entered into by a political subdivision organized and existing under IC 16-22-8),** the  
43 maximum term or repayment period for obligations issued after June 30, 2008, that are wholly or  
44 partially payable from ad valorem property taxes, special benefit taxes on property, or tax increment  
45 revenues derived from property taxes may not exceed:

46 (1) the maximum applicable period under federal law, for obligations that are issued to evidence  
47 loans made or guaranteed by the federal government or a federal agency;

48 (2) twenty-five (25) years, for obligations that are wholly or partially payable from tax increment  
49 revenues derived from property taxes; or

1 (3) twenty (20) years, for obligations that are not described in subdivision (1), or (2), and are  
2 wholly or partially payable from ad valorem property taxes or special benefit taxes on property.

3 SECTION 64. IC 5-1-14-16, AS ADDED BY P.L.146-2008, SECTION 31, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This section applies to  
5 obligations that are:

- 6 (1) issued after June 30, 2008, by a local issuing body; and
- 7 (2) payable from ad valorem property taxes, special benefit taxes on property, or tax increment  
8 revenues derived from property taxes;

9 including obligations that are issued under a statute that permits the bonds to be issued without  
10 complying with any other law or otherwise expressly exempts the bonds from the requirements of this  
11 section.

12 (b) An agreement for the issuance of obligations must provide for the payment of principal and  
13 interest on the obligations in nearly equal payment amounts and at regular designated intervals over  
14 the maximum term of the obligations except to the extent that:

15 (1) interest for a particular repayment period has been paid from the proceeds of the obligations  
16 under section 6 of this chapter; or

17 (2) the local issuing body authorizes a different payment schedule to:

18 (A) maintain substantially equal payments, in the aggregate, in any period in which the local  
19 issuing body pays the interest and principal on outstanding obligations;

20 (B) provide for the payment of principal on the obligations in amounts and at intervals that  
21 will produce an aggregate amount of principal payments greater than or equal to the aggregate  
22 amount that would otherwise be paid as of the same date;

23 (C) provide for level principal payments over the term of the obligations, in order to reduce  
24 total interest costs; ~~or~~

25 (D) with respect to obligations wholly or partially payable from tax increment revenues  
26 derived from property taxes, provide for the payment of principal and interest in varying  
27 amounts over the term of the obligations as necessary due to the variation in the amount of tax  
28 increment revenues available for those payments; ~~or~~

29 **(E) provide for a repayment schedule that will result in the same or a lower amount of**  
30 **interest being paid on obligations that would be issued using nearly equal payment**  
31 **amounts.**

32 SECTION 65. IC 5-10-8-2.2, AS AMENDED BY P.L.3-2008, SECTION 24, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.2. (a) As used in this section, "dependent"  
34 means a natural child, stepchild, or adopted child of a public safety employee who:

35 (1) is less than eighteen (18) years of age;

36 (2) is at least eighteen (18) years of age and has a physical or mental disability (using disability  
37 guidelines established by the Social Security Administration); or

38 (3) is at least eighteen (18) and less than twenty-three (23) years of age and is enrolled in and  
39 regularly attending a secondary school or is a full-time student at an accredited college or  
40 university.

41 (b) As used in this section, "public safety employee" means a full-time firefighter, police officer,  
42 county police officer, or sheriff.

43 (c) This section applies only to local unit public employers and their public safety employees.

44 (d) A local unit public employer may provide programs of group health insurance for its active and  
45 retired public safety employees through one (1) of the following methods:

46 (1) By purchasing policies of group insurance.

47 (2) By establishing self-insurance programs.

48 (3) By electing to participate in the local unit group of local units that offer the state employee  
49 health plan under section 6.6 of this chapter.

**(4) If the local unit public employer is a school corporation, by electing to provide the coverage through a state employee health plan under section 6.7 of this chapter.**

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) After June 30, 1989, a local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

(1) Retired public safety employees.

(2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.

(3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A public safety employee who is retired or has a disability and is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

(1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and

(3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), IC 36-8-8-14.1(h), and IC 36-8-10-16.5 for a surviving spouse or dependent of a public safety employee who dies in the line of duty, a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

(1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and

(3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or dependents' premiums).

(j) The eligibility for group health insurance under this section for a public safety employee who is retired or has a disability ends on the earlier of the following:

(1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42

1 U.S.C. 1395 et seq.

2 (2) When the unit providing the insurance terminates the health insurance program for active  
3 public safety employees.

4 (3) The date of the surviving spouse's remarriage.

5 (4) When health insurance becomes available to the surviving spouse through employment.

6 (l) A dependent's eligibility for group health insurance under this section ends on the earliest of the  
7 following:

8 (1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395  
9 et seq.

10 (2) When the unit providing the insurance terminates the health insurance program for active  
11 public safety employees.

12 (3) When the dependent no longer meets the criteria set forth in subsection (a).

13 (4) When health insurance becomes available to the dependent through employment.

14 (m) A public safety employee who is on leave without pay is entitled to participate for ninety (90)  
15 days in any group health insurance program maintained by the local unit public employer for active  
16 public safety employees if the public safety employee pays an amount equal to the total of the  
17 employer's and the employee's premiums for the insurance. However, the employer may pay all or part  
18 of the employer's premium for the insurance.

19 (n) A local unit public employer may provide group health insurance for retired public safety  
20 employees or their spouses not covered by subsections (g) through (l) and may provide group health  
21 insurance that contains provisions more favorable to retired public safety employees and their spouses  
22 than required by subsections (g) through (l). A local unit public employer may provide group health  
23 insurance to a public safety employee who is on leave without pay for a longer period than required  
24 by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance  
25 while the employee is on leave without pay.

26 SECTION 66. IC 5-10-8-2.6, AS AMENDED BY P.L.1-2005, SECTION 76, IS AMENDED TO  
27 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.6. (a) This section applies only to local  
28 unit public employers and their employees. This section does not apply to public safety employees,  
29 surviving spouses, and dependents covered by section 2.2 of this chapter.

30 (b) A public employer may provide programs of group insurance for its employees and retired  
31 employees. The public employer may, however, exclude part-time employees and persons who provide  
32 services to the unit under contract from any group insurance coverage that the public employer  
33 provides to the employer's full-time employees. A public employer may provide programs of group  
34 health insurance under this section through one (1) of the following methods:

35 (1) By purchasing policies of group insurance.

36 (2) By establishing self-insurance programs.

37 (3) By electing to participate in the local unit group of local units that offer the state employee  
38 health plan under section 6.6 of this chapter.

39 **(4) If the local unit public employer is a school corporation, by electing to provide the**  
40 **coverage through a state employee health plan under section 6.7 of this chapter.**

41 A public employer may provide programs of group insurance other than group health insurance under  
42 this section by purchasing policies of group insurance and by establishing self-insurance programs.  
43 However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal  
44 body.

45 (c) A public employer may pay a part of the cost of group insurance, but shall pay a part of the cost  
46 of group life insurance for local employees. A public employer may pay, as supplemental wages, an  
47 amount equal to the deductible portion of group health insurance as long as payment of the  
48 supplemental wages will not result in the payment of the total cost of the insurance by the public  
49 employer.

1 (d) An insurance contract for local employees under this section may not be canceled by the public  
2 employer during the policy term of the contract.

3 (e) After June 30, 1986, a public employer shall provide a group health insurance program under  
4 subsection (g) to each retired employee:

5 (1) whose retirement date is:

6 (A) after May 31, 1986, for a retired employee who was a teacher (as defined in  
7 IC 20-18-2-22) for a school corporation; or

8 (B) after June 30, 1986, for a retired employee not covered by clause (A);

9 (2) who will have reached fifty-five (55) years of age on or before the employee's retirement date  
10 but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395  
11 et seq.;

12 (3) who will have completed twenty (20) years of creditable employment with a public employer  
13 on or before the employee's retirement date, ten (10) years of which must have been completed  
14 immediately preceding the retirement date; and

15 (4) who will have completed at least fifteen (15) years of participation in the retirement plan of  
16 which the employee is a member on or before the employee's retirement date.

17 (f) A group health insurance program required by subsection (e) must be equal in coverage to that  
18 offered active employees and must permit the retired employee to participate if the retired employee  
19 pays an amount equal to the total of the employer's and the employee's premiums for the group health  
20 insurance for an active employee and if the employee, within ninety (90) days after the employee's  
21 retirement date, files a written request with the employer for insurance coverage. However, the  
22 employer may elect to pay any part of the retired employee's premiums.

23 (g) A retired employee's eligibility to continue insurance under subsection (e) ends when the  
24 employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when  
25 the employer terminates the health insurance program. A retired employee who is eligible for  
26 insurance coverage under subsection (e) may elect to have the employee's spouse covered under the  
27 health insurance program at the time the employee retires. If a retired employee's spouse pays the  
28 amount the retired employee would have been required to pay for coverage selected by the spouse, the  
29 spouse's subsequent eligibility to continue insurance under this section is not affected by the death of  
30 the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

31 (1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395  
32 et seq.

33 (2) When the employer terminates the health insurance program.

34 (3) Two (2) years after the date of the employee's death.

35 (4) The date of the spouse's remarriage.

36 (h) This subsection does not apply to an employee who is entitled to group insurance coverage  
37 under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety  
38 (90) days in any group health insurance program maintained by the public employer for active  
39 employees if the employee pays an amount equal to the total of the employer's and the employee's  
40 premiums for the insurance. However, the employer may pay all or part of the employer's premium  
41 for the insurance.

42 (i) A public employer may provide group health insurance for retired employees or their spouses  
43 not covered by subsections (e) through (g) and may provide group health insurance that contains  
44 provisions more favorable to retired employees and their spouses than required by subsections (e)  
45 through (g). A public employer may provide group health insurance to an employee who is on leave  
46 without pay for a longer period than required by subsection (h), and may continue to pay all or a part  
47 of the employer's premium for the insurance while the employee is on leave without pay.

48 SECTION 67. IC 5-10-8-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
49 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.7. (a) As used in this section, "state**

1 **employee health plan" means a:**

- 2 (1) self-insurance program established under section 7(b) of this chapter; or
- 3 (2) contract with a prepaid health care delivery plan entered into under section 7(c) of this
- 4 chapter;

5 to provide group health coverage for state employees.

6 (b) The state personnel department shall allow a school corporation to elect to provide  
7 coverage of health care services for active and retired employees of the school corporation under  
8 any state employee health plan. If a school corporation elects to provide coverage of health care  
9 services for active and retired employees of the school corporation under a state employee health  
10 plan, it must provide coverage for all active and retired employees of the school corporation  
11 under the state employee health plan (other than any employees covered by an Indiana  
12 comprehensive health insurance association policy) if coverage was provided for these employees  
13 under the prior policies.

14 (c) The following apply if a school corporation elects to provide coverage for active and  
15 retired employees of the school corporation under subsection (b):

- 16 (1) The state shall not pay any part of the cost of the coverage.
- 17 (2) The coverage provided to an active or retired school corporation employee under this
- 18 section must be the same as the coverage provided to an active or retired state employee
- 19 under the state employee health plan.

20 (3) Notwithstanding sections 2.2 and 2.6 of this chapter:

21 (A) the school corporation shall pay for the coverage provided to an active or retired  
22 school corporation employee under this section an amount not more than the amount  
23 paid by the state for coverage provided to an active or retired state employee under the  
24 state employee health plan; and

25 (B) an active or retired school corporation employee shall pay for the coverage provided  
26 to the active or retired school corporation employee under this section an amount that  
27 is at least equal to the amount paid by an active or retired state employee for coverage  
28 provided to the active or retired state employee under the state employee health plan.

29 (4) The school corporation shall pay any administrative costs of the school corporation's  
30 participation in the state employee health plan.

31 (5) The school corporation shall provide the coverage elected under subsection (b) for a  
32 period of at least three (3) years beginning on the date the coverage of the school  
33 corporation employees under the state employee health plan begins.

34 (d) The state personnel department shall provide an enrollment period at least every thirty  
35 (30) days for a school corporation that elects to provide coverage under subsection (b).

36 (e) The state personnel department may adopt rules under IC 4-22-2 to implement this  
37 section.

38 (f) Neither this section nor a school corporation's election to participate in a state employee  
39 health plan as provided in this section impairs the rights of an exclusive representative of the  
40 certificated or noncertificated employees of the school corporation to collectively bargain all  
41 matters related to school employee health insurance programs and benefits.

42 (g) This subsection applies to school corporations that do not elect to provide coverage of  
43 health care services for active and retired employees of the school corporation under a state  
44 employee health plan as provided in this section. The department of education, with the  
45 assistance of the state personnel department, shall for each year after 2010 calculate the  
46 difference between:

- 47 (1) the total cost to be paid by a school corporation for the year to provide coverage of
- 48 health care services; minus
- 49 (2) the total cost the school corporation would have paid for the year to provide coverage

1 of health care services if the school corporation had elected to provide coverage under a  
2 state employee health plan in the preceding year as provided in this section.

3 (h) If the result of the calculation for a school corporation under subsection (g) is positive, for  
4 contracts entered into or renewed after 2010 to provide coverage for health care services:

- 5 (1) the school corporation's employees shall pay the pro rata difference; and
- 6 (2) the school corporation may not pay the difference on behalf of the school corporation's  
7 employees from any funds of the school corporation.

8 SECTION 68. IC 5-10-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
9 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) The retiree health benefit**  
10 **trust fund is established to provide funding for a retiree health benefit plan developed under**  
11 **IC 5-10-8.5.**

12 (b) The trust fund shall be administered by the budget agency. The expenses of administering  
13 the trust fund shall be paid from money in the trust fund. The trust fund consists of cigarette  
14 tax revenues deposited in the fund under IC 6-7-1-28.1(7) and other appropriations, revenues,  
15 or transfers to the trust fund under IC 4-12-1.

16 (c) The treasurer of state shall invest the money in the trust fund not currently needed to meet  
17 the obligations of the trust fund in the same manner as other public money may be invested.

18 (d) The trust fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be  
19 transferred, assigned, or otherwise removed from the trust fund by the state board of finance,  
20 the budget agency, or any other state agency.

21 (e) The trust fund shall be established and administered in a manner that complies with  
22 Internal Revenue Code requirements concerning health reimbursement arrangement (HRA)  
23 trusts. Contributions by the state to the trust fund are irrevocable. All assets held in the trust  
24 fund must be held for the exclusive benefit of participants of the retiree health benefit plan  
25 developed under IC 5-10-8.5 and their beneficiaries. All assets in the trust fund:

- 26 (1) are dedicated exclusively to providing benefits to participants of the plan and their  
27 beneficiaries according to the terms of the plan; and
- 28 (2) are exempt from levy, sale, garnishment, attachment, or other legal process.

29 (f) Money in the trust fund does not revert to the state general fund at the end of any state  
30 fiscal year.

31 (g) The money in the trust fund is appropriated to the budget agency for providing the retiree  
32 health benefit plan developed under IC 5-10-8.5.

33 SECTION 69. IC 5-10-8.5-15, AS ADDED BY P.L.44-2007, SECTION 1, IS AMENDED TO  
34 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 15. (a) A participant's employer shall make**  
35 **contributions annually to the account on behalf of the participant. The amount of the contribution each**  
36 **fiscal year must equal the following, based on the participant's age on the last day of the calendar year**  
37 **that is in the fiscal year in which the contribution is made:**

38 Participant's Age in Years	Annual Contribution Amount
39 Less than 30	<del>\$500</del> <b>\$450</b>
40 At least 30, but less than 40	<del>\$800</del> <b>\$720</b>
41 At least 40, but less than 50	<del>\$1,100</del> <b>\$990</b>
42 At least 50	<del>\$1,400</del> <b>\$1,260</b>

43 (b) The budget agency shall determine by rule the date on which the contributions are credited to  
44 participants' subaccounts.

45 SECTION 70. IC 5-10.2-2-11, AS AMENDED BY P.L.1-2009, SECTION 16, IS AMENDED TO  
46 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11. (a) Based on the actuarial investigation**  
47 **and valuation in section 9 of this chapter, each board shall determine:**

- 48 (1) the normal contribution for the employer, which is the amount necessary to fund the pension

- 1 portion of the retirement benefit;
- 2 (2) the rate of normal contribution;
- 3 (3) the unfunded accrued liability of the public employees' retirement fund, the pre-1996 account,
- 4 and the 1996 account, which is the excess of total accrued liability over the fund's or account's
- 5 total assets, respectively; and
- 6 (4) the rates of contribution for the state expressed as a proportion of compensation of members,
- 7 which would be necessary to:

8 (A) amortize the unfunded accrued liability of the state for thirty (30) years or for a shorter  
9 time period requested by the budget agency or the governor; and

10 (B) prevent the state's unfunded accrued liability from increasing.

11 (b) Based on the information in subsection (a), each board may determine, in its sole discretion,  
12 contributions and contribution rates for individual employers or for a group of employers.

13 (c) The board's determinations under subsection (a):

14 (1) are subject to ~~section sections~~ **1.5 and 11.5** of this chapter; and

15 (2) for an employer making a contribution to the Indiana state teachers' retirement fund, may not  
16 include an amount for a retired member of the Indiana state teachers' retirement fund for whom  
17 the employer may not make contributions during the member's period of reemployment as  
18 provided under IC 5-10.2-4-8(d).

19 **SECTION 71. IC 5-10.2-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO**  
20 **READ AS FOLLOWS [EFFECTIVE JULY 1, 2001 (RETROACTIVE)]: Sec. 11.5. (a) As used in**  
21 **this section, "Vincennes University" refers to the state educational institution established under**  
22 **IC 21-25-2.**

23 **(b) Notwithstanding section 11 of this chapter or any other law, Vincennes University is not**  
24 **required to make employer contributions to the Indiana state teachers' retirement fund at any**  
25 **time for the employment during the period July 1, 2001, through June 30, 2009, of Vincennes**  
26 **University's employees who are members of the Indiana state teachers' retirement fund and are**  
27 **covered by the Indiana state teachers' retirement fund pre-1996 account.**

28 **(c) This subsection applies to employer contributions made by Vincennes University to the**  
29 **Indiana state teachers' retirement fund on account of the employment after June 30, 2009, of**  
30 **Vincennes University's employees who are members of the Indiana state teachers' retirement**  
31 **fund and are covered by the Indiana state teachers' retirement fund pre-1996 account.**  
32 **Notwithstanding section 11 of this chapter or any other law, Vincennes University is required**  
33 **to pay only the following employer contributions to the Indiana state teachers' retirement fund**  
34 **for those employees for the specified years:**

35 **(1) For the year beginning July 1, 2009, fifteen percent (15%) of the employer contribution**  
36 **otherwise determined for Vincennes University.**

37 **(2) For the year beginning July 1, 2010, twenty percent (20%) of the employer contribution**  
38 **otherwise determined for Vincennes University.**

39 **(3) For the year beginning July 1, 2011, twenty-five percent (25%) of the employer**  
40 **contribution otherwise determined for Vincennes University.**

41 **(4) For the year beginning July 1, 2012, thirty-five percent (35%) of the employer**  
42 **contribution otherwise determined for Vincennes University.**

43 **(5) For the year beginning July 1, 2013, fifty percent (50%) of the employer contribution**  
44 **otherwise determined for Vincennes University.**

45 **(6) For the year beginning July 1, 2014, seventy-five percent (75%) of the employer**  
46 **contribution otherwise determined for Vincennes University.**

47 **(7) For each year beginning after June 30, 2015, one hundred percent (100%) of the**  
48 **employer contribution otherwise determined for Vincennes University.**

49 **Payments made according to this subsection shall be considered payment in full of employer**

1 **contributions.**

2 SECTION 72. IC 5-10.2-2-12.5, AS ADDED BY P.L.165-2009, SECTION 4, IS AMENDED TO  
3 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12.5. (a) This section applies to reports,  
4 records, and contributions submitted after December 31, 2009, by an employer.

5 (b) As used in this section, "electronic funds transfer" has the meaning set forth in IC 4-8.1-2-7(f).

6 (c) Except as provided in subsection (e), an employer shall submit through the use of electronic  
7 funds transfer:

8 (1) the employer contributions determined under ~~section sections~~ **11 and 11.5** of this chapter; and

9 (2) contributions paid by or on behalf of a member under IC 5-10.3-7-9 or IC 5-10.4-4-11.

10 (d) Except as provided in subsection (e), an employer shall submit in a uniform format through a  
11 secure connection over the Internet or through other electronic means specified by the board the  
12 reports and records described in:

13 (1) IC 5-10.3-7-12.5, for the public employees' retirement fund; or

14 (2) IC 5-10.4-7-6, for the Indiana state teachers' retirement fund.

15 (e) An employer that is unable to comply with either subsection (c) or (d), or both, may request that  
16 the board grant a waiver of the requirement of subsection (c) or (d), or both. The employer must:

17 (1) state the reason for requesting the waiver;

18 (2) provide a date, not to exceed two (2) years from the date the employer is first subject to either  
19 the electronic funds transfer requirement or the electronic reporting requirement of this section,  
20 by which the employer agrees to comply with the requirement of subsection (c) or (d), or both;  
21 and

22 (3) sign and verify the waiver form.

23 (f) The board may:

24 (1) grant the employer's request for a waiver; and

25 (2) specify the date by which the employer is required to comply with the electronic funds  
26 transfer requirement or the electronic reporting requirement, or both.

27 (g) The board shall establish a waiver form consistent with this section.

28 (h) The board may establish or amend its rules or policies as necessary to administer this section.

29 SECTION 73. IC 5-10.4-7-6, AS AMENDED BY P.L.165-2009, SECTION 7, IS AMENDED TO  
30 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this section, "net  
31 contributions" means the gross amount of a member's contributions minus any refund paid or due a  
32 teacher.

33 (b) Not later than January 15, April 15, July 15, and October 15 of each year or an alternate due  
34 date established by the rules of the board, the treasurer of a school corporation, the township trustee,  
35 or the appropriate officer of any other institution covered by the fund shall make an employer report  
36 as provided in section 7 of this chapter, on a form furnished by the board, to the board accompanied  
37 by a warrant for payment of:

38 (1) the total net contributions to the fund made for or by the members in the preceding three (3)  
39 months; and

40 (2) **subject to IC 5-10.2-2-11.5**, the employer contributions as required by section 11 of this  
41 chapter.

42 (c) Amendatory reports to correct errors or omissions may be required and made.

43 (d) After December 31, 2009, the treasurer of a school corporation, the township trustee, or the  
44 appropriate officer of any other institution covered by the fund shall submit:

45 (1) the employer report described in section 7 of this chapter in a uniform format through a secure  
46 connection over the Internet or through other electronic means specified by the board in  
47 accordance with IC 5-10.2-2-12.5; and

48 (2) the:

49 (A) employer contributions; and

1 (B) contributions paid by or on behalf of a member;

2 described in subsection (b) by electronic funds transfer in accordance with IC 5-10.2-2-12.5.

3 SECTION 74. IC 5-10.3-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
4 2009]: Sec. 3. The pension relief fund may be used only for making payments to cities, counties,  
5 towns, and townships, referred to as "units of local government" in this chapter, having pension funds  
6 established under IC 18-1-12, IC 19-1-18, IC 19-1-24, IC 19-1-25-4, IC 19-1-30, IC 19-1-37, or  
7 IC 19-1-44 **(all before their repeal)**. Payments received by the units may be used only for:

8 **(1) pension payments from a pension fund listed in this section; or**

9 **(2) withdrawals under section 6 of this chapter.**

10 SECTION 75. IC 5-10.3-11-6, AS AMENDED BY P.L.146-2008, SECTION 37, IS AMENDED  
11 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The state board shall maintain  
12 separate accounts for each unit of local government for purposes of this section. The accounts are  
13 separate and distinct accounts within the public employees' retirement fund and the pension relief fund.

14 (b) A unit of local government may do the following:

15 (1) Make deposits at any time to the separate account established for the unit under this section.

16 (2) Withdraw once each year from the unit's separate account all or a part of the balance in the  
17 account to pay pension benefits under IC 36-8-6, IC 36-8-7, or IC 36-8-7.5.

18 **(3) Direct the state board at any time to pay from the unit's separate account all or a part**  
19 **of either or both of the following:**

20 **(A) The unit's employer contributions under IC 36-8-8-6.**

21 **(B) The contributions paid by the unit for a member under IC 36-8-8-8(a).**

22 SECTION 76. IC 5-11-10-1, AS AMENDED BY P.L.2-2007, SECTION 98, IS AMENDED TO  
23 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. (a) This section applies to the state  
24 and its political subdivisions. However, this section does not apply to the following:

25 (1) A state educational institution, including Ivy Tech Community College **of Indiana.**

26 (2) A municipality (as defined in IC 36-1-2-11).

27 (3) A county.

28 (4) An airport authority operating in a consolidated city.

29 (5) A capital improvements board of managers operating in a consolidated city.

30 (6) A board of directors of a public transportation corporation operating in a consolidated city.

31 (7) A municipal corporation organized under IC 16-22-8-6.

32 (8) A public library.

33 (9) A library services authority.

34 (10) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.

35 (11) A school corporation (as defined in IC 36-1-2-17).

36 (12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its  
37 repeal).

38 (13) A municipally owned utility (as defined in IC 8-1-2-1).

39 (14) A board of an airport authority under IC 8-22-3.

40 (15) A conservancy district.

41 (16) A board of aviation commissioners under IC 8-22-2.

42 (17) A public transportation corporation under IC 36-9-4.

43 (18) A commuter transportation district under IC 8-5-15.

44 (19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its  
45 repeal).

46 (20) A county building authority under IC 36-9-13.

47 (21) A soil and water conservation district established under IC 14-32.

48 (22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

49 **(23) The commuter rail service board established under IC 8-24-5.**

1           **(24) The regional demand and scheduled bus service board established under IC 8-24-6.**

2           (b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the  
3 same has been fully itemized and its correctness properly certified to by the claimant or some  
4 authorized person in the claimant's behalf, and filed and allowed as provided by law.

5           (c) The certificate provided for in subsection (b) is not required for:

6           (1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the  
7 charges for which are regulated by a governmental body;

8           (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);

9           (3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or

10          (4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).

11          (d) The disbursing officer shall issue checks or warrants for all claims which meet all of the  
12 requirements of this section. The disbursing officer does not incur personal liability for disbursements:

13          (1) processed in accordance with this section; and

14          (2) for which funds are appropriated and available.

15          (e) The certificate provided for in subsection (b) must be in the following form:

16           I hereby certify that the foregoing account is just and correct, that the amount claimed is legally  
17 due, after allowing all just credits, and that no part of the same has been paid.

18          SECTION 77. IC 5-11-10-1.6, AS AMENDED BY P.L.169-2006, SECTION 4, IS AMENDED TO  
19 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1.6. (a) As used in this section,  
20 "governmental entity" refers to any of the following:

21          (1) A municipality (as defined in IC 36-1-2-11).

22          (2) A school corporation (as defined in IC 36-1-2-17), including a school extracurricular account.

23          (3) A county.

24          (4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its  
25 repeal).

26          (5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.

27          (6) A board of an airport authority under IC 8-22-3.

28          (7) A board of aviation commissioners under IC 8-22-2.

29          (8) A conservancy district.

30          (9) A public transportation corporation under IC 36-9-4.

31          (10) A commuter transportation district under IC 8-5-15.

32          (11) The state.

33          (12) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its  
34 repeal).

35          (13) A levee authority established under IC 14-27-6.

36          (14) A county building authority under IC 36-9-13.

37          (15) A soil and water conservation district established under IC 14-32.

38          (16) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

39          **(17) The commuter rail service board established under IC 8-24-5.**

40          **(18) The regional demand and scheduled bus service board established under IC 8-24-6.**

41          (b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity  
42 for goods or services.

43          (c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a  
44 claim unless:

45          (1) there is a fully itemized invoice or bill for the claim;

46          (2) the invoice or bill is approved by the officer or person receiving the goods and services;

47          (3) the invoice or bill is filed with the governmental entity's fiscal officer;

48          (4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct;  
49 and

1 (5) payment of the claim is allowed by the governmental entity's legislative body or the board or  
2 official having jurisdiction over allowance of payment of the claim.

3 This subsection does not prohibit a school corporation, with prior approval of the board having  
4 jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of  
5 services as allowed by guidelines developed under IC 20-20-13-10. This subsection does not prohibit  
6 a municipality from making meal expense advances to a municipal employee who will be traveling on  
7 official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance  
8 payment, specifying the maximum amount that may be paid in advance, specifying the required  
9 invoices and other documentation that must be submitted by the municipal employee, and providing  
10 for reimbursement from the wages of the municipal employee if the municipal employee does not  
11 submit the required invoices and documentation.

12 (d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the  
13 governmental entity that meet all of the requirements of this section. The fiscal officer does not incur  
14 personal liability for disbursements:

15 (1) processed in accordance with this section; and

16 (2) for which funds are appropriated and available.

17 (e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state  
18 board of accounts.

19 SECTION 78. IC 5-13-10.5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
20 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) As used in this section,**  
21 **"capital improvement board" refers to a capital improvement board established under**  
22 **IC 36-10-9.**

23 **(b) To qualify for an investment under this section, the capital improvement board must**  
24 **apply to the treasurer of state in the form and manner required by the treasurer. As part of the**  
25 **application, the capital improvement board shall submit a plan for its use of the investment**  
26 **proceeds and for the repayment of the capital improvement board's obligation to the treasurer.**  
27 **Within sixty (60) days after receipt of each application, the treasurer shall consider the**  
28 **application and review its accuracy and completeness.**

29 **(c) If the capital improvement board makes an application under subsection (b) and the**  
30 **treasurer approves the accuracy and completeness of the application and determines that there**  
31 **is an adequate method of payment for the capital improvement board's obligations, the**  
32 **treasurer of state shall invest or reinvest funds that are held by the treasurer and that are**  
33 **available for investment in obligations issued by the capital improvement board for the purposes**  
34 **of the capital improvement board in calendar years 2009, 2010, and 2011. The investment may**  
35 **not exceed nine million dollars (\$9,000,000) per calendar year for 2009, 2010, and 2011.**

36 **(d) The treasurer of state shall determine the terms of each investment and the capital**  
37 **improvement board's obligation, which must include the following:**

38 **(1) The duration of the capital improvement board's obligation, which must be for a term**  
39 **of ten (10) years with an option for the capital improvement board to pay its obligation to**  
40 **the treasurer early without penalty.**

41 **(2) The repayment schedule of the capital improvement board's obligation, which must**  
42 **provide that no payments are due before January 1, 2013.**

43 **(3) A rate of interest to be determined by the treasurer.**

44 **(4) The amount of each investment, which may not exceed the maximum amounts**  
45 **established for the capital improvement board by this section.**

46 **(5) Any other conditions specified by the treasurer.**

47 **(e) The capital improvement board may issue obligations under this section by adoption of**  
48 **a resolution and, as set forth in IC 5-1-14, may use any source of revenue to satisfy the obligation**  
49 **to the treasurer of state under this section. This section constitutes complete authority for the**

1 **capital improvement board to issue obligations to the treasurer. If the capital improvement**  
2 **board fails to make any payments on the capital improvement board's obligation to the**  
3 **treasurer, the amount payable shall be withheld by the auditor of state from any other money**  
4 **payable to the capital improvement board. The amount withheld shall be transferred to the**  
5 **treasurer to the credit of the capital improvement board.**

6 SECTION 79. IC 5-22-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
7 2009]: Sec. 1. (a) This chapter applies only to personal property owned by a governmental body that  
8 is a state agency.

9 (b) This chapter does not apply to the following:

10 (1) The sale of timber by the department of natural resources under IC 14-23-4.

11 (2) The satisfaction of a lien or judgment by a state agency under court proceedings.

12 (3) The disposition of unclaimed property under IC 32-34-1.

13 **(4) The sale or harvesting of vegetation (as defined in IC 8-23-24.5-3) under IC 8-23-24.5.**

14 **(5) The sale or harvesting of vegetation (as defined in IC 4-20.5-22-4) under IC 4-20.5-22.**

15 SECTION 80. IC 5-28-15-10, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO  
16 READ AS FOLLOWS [EFFECTIVE DECEMBER 1, 2008 (RETROACTIVE)]: Sec. 10. (a) **Subject**  
17 **to subsection (b)**, an enterprise zone expires ten (10) years after the day on which it is designated by  
18 the board.

19 **(b) In the period beginning December 1, 2008, and ending December 31, 2014, an enterprise**  
20 **zone does not expire under this section if the fiscal body of the municipality in which the**  
21 **enterprise zone is located adopts a resolution renewing the enterprise zone for an additional five**  
22 **(5) years. An enterprise zone may be renewed under this subsection regardless of the number**  
23 **of times the enterprise zone has been renewed under subsections (c) and (d). A municipal fiscal**  
24 **body may adopt a renewal resolution and submit a copy of the resolution to the board:**

25 **(1) before August 1, 2009, in the case of an enterprise zone that expired after November 30,**  
26 **2008, or is scheduled to expire before September 1, 2009; or**

27 **(2) at least thirty (30) days before the expiration date of the enterprise zone, in the case of**  
28 **an enterprise zone scheduled to expire after August 31, 2009.**

29 **If an enterprise zone is renewed under this subsection after having been renewed under**  
30 **subsection (d), the enterprise zone may not be renewed after the expiration of this final five (5)**  
31 **year period.**

32 **(c) The two (2) year period immediately before the day on which the enterprise zone expires is the**  
33 **phaseout period. During the phaseout period, the board may review the success of the enterprise zone**  
34 **based on the following criteria and may, with the consent of the budget committee, renew the**  
35 **enterprise zone, including all provisions of this chapter, for five (5) years:**

36 (1) Increases in capital investment in the zone.

37 (2) Retention of jobs and creation of jobs in the zone.

38 (3) Increases in employment opportunities for residents of the zone.

39 ~~(b)~~ **(d) If an enterprise zone is renewed under subsection (a), the two (2) year period immediately**  
40 **before the day on which the enterprise zone expires is another phaseout period. During the phaseout**  
41 **period, the board may review the success of the enterprise zone based on the criteria set forth in**  
42 **subsection (a) and, with the consent of the budget committee, may again renew the enterprise zone,**  
43 **including all provisions of this chapter, for a final period of five (5) years. The zone may not be**  
44 **renewed after the expiration of this final five (5) year period.**

45 SECTION 81. IC 5-28-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
46 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

47 **Chapter 34. Green Industries Fund**

48 **Sec. 1. As used in this chapter, "fund" means the green industries fund established by section**

1 3 of this chapter.

2 Sec. 2. For the purposes of this chapter, "green industry" means an Indiana business that  
3 manufactures products that reduce energy consumption or lower emissions in the market of  
4 their intended use, including the following:

5 (1) Biofuels.

6 (2) Advanced technology vehicles.

7 (3) Alternative fuel vehicles and power systems.

8 (4) Clean diesel technology.

9 (5) Domestic appliances.

10 (6) Distributed power generation.

11 (7) Emission control systems.

12 (8) Energy monitoring, management, and efficiency.

13 (9) Fuel cells.

14 (10) Renewable energy.

15 (11) Smart grid technology.

16 (12) Highly insulative building construction products.

17 (13) Construction products manufactured from at least fifty percent (50%) postconsumer  
18 products.

19 (14) Other sectors determined by the corporation.

20 Sec. 3. (a) The green industries fund is established. The fund shall be administered by the  
21 corporation.

22 (b) The fund may be used to provide grants and loans to Indiana manufacturing companies  
23 for the following purposes:

24 (1) To strengthen Indiana's economy by focusing investment in advanced manufacturing  
25 clusters focused on more energy efficient and environmentally sustainable technologies,  
26 processes, and products.

27 (2) To accelerate job creation through training and education initiatives to enhance the  
28 skills and employment prospects of Indiana's workforce in green industries.

29 (3) To facilitate the redevelopment of Indiana manufacturing sites, facilities, and processes  
30 to operate in a more energy efficient and environmentally sustainable manner.

31 (4) To stimulate the development of technologies, processes and products that reduce  
32 energy consumption or lower emissions in the market of their intended use.

33 (5) To encourage public-private partnerships focused on development of green industries  
34 among Indiana manufacturing companies, public or private educational institutions,  
35 nonprofit organizations and charitable foundations, research and development  
36 organizations, and state agencies.

37 Sec. 4. (a) An Indiana manufacturing company may apply for one (1) or more grants or loans  
38 from the fund.

39 (b) The corporation shall give priority to applications that meet three (3) or more of the  
40 purposes listed in section 3 of this chapter. The corporation shall base the award of a grant or  
41 loan on the number and quality of jobs being created, the community's economic need, and the  
42 capital investment being made by the applicant.

43 (c) A grant may not exceed fifty percent (50%) of the applicant's project costs.

44 SECTION 82. IC 6-1.1-1-3.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
45 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 3.8. "Civil taxing**  
46 **unit" has the meaning set forth in IC 6-1.1-18.5-1.**

47 SECTION 83. IC 6-1.1-1-5.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
48 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.4. "Department" refers to the**  
49 **department of local government finance.**

1 SECTION 84. IC 6-1.1-1-8.4, AS ADDED BY P.L.146-2008, SECTION 47, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8.4. (a) "Inventory" means:

- 3 (1) materials held for processing or for use in production;
- 4 (2) finished or partially finished goods of a manufacturer or processor; and
- 5 (3) property held for sale in the ordinary course of trade or business.

6 (b) The term includes:

7 (1) items that qualify as inventory under 50 IAC 4.2-5-1 (as effective December 31, 2008); **and**

8 (2) **subject to subsection (c), a mobile home or manufactured home that:**

9 (A) **does not qualify as real property;**

10 (B) **is located in a mobile home community;**

11 (C) **is unoccupied; and**

12 (D) **is owned and held for sale by the owner of the mobile home community.**

13 (c) **Subsection (b)(2) applies regardless of whether the mobile home that is held for sale is new**  
14 **or was previously owned.**

15 SECTION 85. IC 6-1.1-4-4, AS AMENDED BY P.L.136-2009, SECTION 1, IS AMENDED TO  
16 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~A general reassessment,~~  
17 ~~involving a physical inspection of all real property in Indiana, shall begin July 1, 2000; and be the~~  
18 ~~basis for taxes payable in 2003.~~

19 ~~(b)~~ (a) A general reassessment, involving a physical inspection of all real property in Indiana, shall  
20 begin July 1, ~~2009;~~ **2010**, and each fifth year thereafter. Each reassessment under this subsection:

21 (1) shall be completed on or before March 1 of the year that succeeds by two (2) years the year  
22 in which the general reassessment begins; and

23 (2) shall be the basis for taxes payable in the year following the year in which the general  
24 assessment is to be completed.

25 ~~(c)~~ (b) In order to ensure that assessing officials are prepared for a general reassessment of real  
26 property, the department of local government finance shall give adequate advance notice of the general  
27 reassessment to the assessing officials of each county.

28 ~~(d)~~ (c) For a general reassessment that begins on or after July 1, ~~2009;~~ **2010**, the assessed value of  
29 real property shall be based on the estimated true tax value of the property on the assessment date that  
30 is the basis for taxes payable in the year following the year in which the general reassessment is to be  
31 completed.

32 SECTION 86. IC 6-1.1-4-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
33 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) **If a county assessor fails**  
34 **before July 2 of a particular year to prepare and deliver to the county auditor a complete**  
35 **detailed list of all of the real property listed for taxation in the county as required by**  
36 **IC 6-1.1-5-14 and at least one hundred eighty (180) days have elapsed after the July 1 deadline**  
37 **specified in IC 6-1.1-5-14 for delivering the list, the department of local government finance may**  
38 **develop annual adjustment factors under this section for that year. In developing annual**  
39 **adjustment factors under this section, the department of local government finance shall use data**  
40 **in its possession that is obtained from:**

41 (1) **the county assessor; or**

42 (2) **any of the sources listed in the rule, including county or state sales data, government**  
43 **studies, ratio studies, cost and depreciation tables, and other market analyses.**

44 (b) **Using the data described in subsection (a), the department of local government finance**  
45 **shall propose to establish annual adjustment factors for the affected tax districts for one (1) or**  
46 **more of the classes of real property. The proposal may provide for the equalization of annual**  
47 **adjustment factors in the affected township or county and in adjacent areas. The department**  
48 **of local government finance shall issue notice and provide opportunity for hearing in accordance**

1 with IC 6-1.1-14-4 and IC 6-1.1-14-9, as applicable, before issuing final annual adjustment  
2 factors.

3 (c) The annual adjustment factors finally determined by the department of local government  
4 finance after the hearing required under subsection (b) apply to the annual adjustment of real  
5 property under section 4.5 of this chapter for:

6 (1) the assessment date; and

7 (2) the real property;

8 specified in the final determination of the department of local government finance.

9 SECTION 87. IC 6-1.1-4-17, AS AMENDED BY P.L.146-2008, SECTION 71, IS AMENDED TO  
10 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 17. (a) Subject to the approval of the  
11 department of local government finance and the requirements of section 18.5 of this chapter, a county  
12 assessor may employ professional appraisers as technical advisors for assessments in all townships  
13 in the county. The department of local government finance may approve employment under this  
14 subsection only if the department is a party to the employment contract **and any addendum to the**  
15 **employment contract.**

16 (b) A decision by a county assessor to not employ a professional appraiser as a technical advisor  
17 in a general reassessment is subject to approval by the department of local government finance.

18 (c) As used in this chapter, "professional appraiser" means an individual or firm that is certified  
19 under IC 6-1.1-31.7.

20 SECTION 88. IC 6-1.1-4-19.5, AS AMENDED BY P.L.146-2008, SECTION 73, IS AMENDED  
21 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19.5. (a) The department of local  
22 government finance shall develop a standard contract or standard provisions for contracts to be used  
23 in securing professional appraising services.

24 (b) The standard contract or contract provisions must contain:

25 (1) a fixed date by which the professional appraiser or appraisal firm shall have completed all  
26 responsibilities under the contract;

27 (2) a penalty clause under which the amount to be paid for appraisal services is decreased for  
28 failure to complete specified services within the specified time;

29 (3) a provision requiring the appraiser, or appraisal firm, to make periodic reports to the county  
30 assessor;

31 (4) a provision stipulating the manner in which, and the time intervals at which, the periodic  
32 reports referred to in subdivision (3) of this subsection are to be made;

33 (5) a precise stipulation of what service or services are to be provided and what class or classes  
34 of property are to be appraised;

35 (6) a provision stipulating that the contractor will generate complete parcel characteristics and  
36 parcel assessment data in a manner and format acceptable to the legislative services agency and  
37 the department of local government finance;

38 (7) a provision stipulating that the legislative services agency and the department of local  
39 government finance have unrestricted access to the contractor's work product under the contract;  
40 and

41 (8) a provision stating that the department of local government finance is a party to the contract  
42 **and any addendum to the contract.**

43 The department of local government finance may devise other necessary provisions for the contracts  
44 in order to give effect to this chapter.

45 (c) In order to comply with the duties assigned to it by this section, the department of local  
46 government finance may develop:

47 (1) one (1) or more model contracts;

48 (2) one (1) contract with alternate provisions; or

49 (3) any combination of subdivisions (1) and (2).

1 The department may approve special contract language in order to meet any unusual situations.

2 SECTION 89. IC 6-1.1-4-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
3 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 42. (a) This section applies to assessment**  
4 **dates after January 15, 2010.**

5 (b) As used in this section, "golf course" means an area of land and yard improvements that  
6 are predominately used to play the game of golf. A golf course consists of a series of holes, each  
7 consisting of a teeing area, fairway, rough and other hazards, and the green with the pin and  
8 cup.

9 (c) The true tax value of real property regularly used as a golf course is the valuation  
10 determined by applying the income capitalization appraisal approach. The income capitalization  
11 approach used to determine the true tax value of a golf course must:

12 (1) incorporate an applicable income capitalization method and appropriate capitalization  
13 rates that are developed and used in computations that lead to an indication of value  
14 commensurate with the risks for the subject property use;

15 (2) provide for the uniform and equal assessment of golf courses of similar grade quality  
16 and play length; and

17 (3) exclude the value of personal property, intangible property, and income derived from  
18 personal or intangible property.

19 (d) For assessment dates after January 15, 2010, and before March 1, 2012, a township  
20 assessor (if any) or the county assessor shall gather and process information from the owner of  
21 a golf course to carry out this section in accordance with the rules adopted by the department  
22 of local government finance under IC 4-22-2.

23 (e) For assessment dates after February 28, 2012, the department of local government finance  
24 shall, by rules adopted under IC 4-22-2, establish uniform income capitalization tables and  
25 procedures to be used for the assessment of golf courses. The department of local government  
26 finance may rely on analysis conducted by a state educational institution to develop the income  
27 capitalization tables and procedures required under this section. Assessing officials shall use the  
28 tables and procedures adopted by the department of local government finance to assess, reassess,  
29 and annually adjust the assessed value of golf courses.

30 (f) The department of local government finance may prescribe procedures, forms, and due  
31 dates for the collection from the owners or operators of golf courses of the necessary earnings,  
32 income, profits, losses, and expenditures data necessary to carry out this section. An owner or  
33 operator of a golf course shall comply with the procedures and reporting schedules prescribed  
34 by the department of local government finance.

35 SECTION 90. IC 6-1.1-5.5-2, AS AMENDED BY P.L.144-2008, SECTION 2, IS AMENDED TO  
36 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) As used in this chapter, "conveyance**  
37 **document" means any of the following:**

38 (1) Any of the following that purports to transfer a real property interest for valuable  
39 consideration:

40 (A) A document.

41 (B) A deed.

42 (C) A contract of sale.

43 (D) An agreement.

44 (E) A judgment.

45 (F) A lease that includes the fee simple estate and is for a period in excess of ninety (90)  
46 years.

47 (G) A quitclaim deed serving as a source of title.

48 (H) Another document presented for recording.

49 (2) Documents for compulsory transactions as a result of foreclosure or express threat of

- 1 foreclosure, divorce, court order, condemnation, or probate.
- 2 (3) Documents involving the partition of land between tenants in common, joint tenants, or
- 3 tenants by the entirety.
- 4 (b) The term does not include the following:
  - 5 (1) Security interest documents such as mortgages and trust deeds.
  - 6 (2) Leases that are for a term of less than ninety (90) years.
  - 7 (3) Agreements and other documents for mergers, consolidations, and incorporations involving
  - 8 solely nonlisted stock.
  - 9 (4) Quitclaim deeds not serving as a source of title.

10 **(5) Public utility or governmental easements or rights-of-way.**

11 SECTION 91. IC 6-1.1-5.5-4.7, AS AMENDED BY P.L.228-2005, SECTION 17, IS AMENDED  
 12 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.7. (a) The assessment training  
 13 and administration fund is established for the purpose of receiving fees deposited under section 4 of  
 14 this chapter. Money in the fund may be used by:

- 15 (1) the department of local government finance:
  - 16 (A) to cover expenses incurred in the development and administration of programs for the
  - 17 training of assessment officials and employees of the department, including the examination
  - 18 and certification program required by IC 6-1.1-35.5; **and**
  - 19 (B) **for data base management expenses; or**
- 20 (2) the Indiana board to:
  - 21 (A) conduct appeal activities; or
  - 22 (B) pay for appeal services.

23 (b) The treasurer of state shall invest the money in the fund not currently needed to meet the  
 24 obligations of the fund in the same manner as other public money may be invested.

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

26 SECTION 92. IC 6-1.1-7-15 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO**  
 27 **READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 15. (a) This**  
 28 **section applies to a mobile home or manufactured home:**

- 29 **(1) that has deteriorated to a degree that it can no longer provide suitable protection from**
- 30 **the elements as to be used as a primary place of residence;**
- 31 **(2) that has little or no value as a structure to be rehabilitated for use as a primary place**
- 32 **of residence;**
- 33 **(3) on which personal property tax liability has been imposed in an amount that exceeds the**
- 34 **estimated resale value of the mobile home or manufactured home; and**
- 35 **(4) that has been abandoned in a mobile home community licensed under IC 16-41-27.**

36 **(b) The holder of the title of a mobile home or manufactured home described in subsection**  
 37 **(a) may submit a written request to the county assessor for the county where the mobile home**  
 38 **or manufactured home is located requesting that personal property tax liability imposed on the**  
 39 **mobile home or manufactured home be waived. If the county assessor determines that the**  
 40 **property that is the subject of the request meets the requirements in subsection (a), the county**  
 41 **assessor shall send to the applicant a letter that waives the property taxes, special assessments,**  
 42 **interest, penalties, and costs assessed against the property under this article, subject to**  
 43 **compliance with subsection (c). The county assessor shall deliver a copy of the letter to the**  
 44 **county auditor and the county treasurer.**

45 **(c) Upon receipt of a letter waiving property taxes imposed on a mobile home or**  
 46 **manufactured home, the holder of the title of the property that is the subject of a letter issued**  
 47 **under subsection (b) shall:**

- 48 **(1) deliver a signed statement to the county assessor stating that the mobile home or**

1 **manufactured home:**

2 (A) will be dismantled or destroyed either at its present site or at a remote site; and

3 (B) will not be used again as a dwelling or other shelter; and

4 (2) dismantle or destroy the mobile home or manufactured home and not use the mobile  
5 home or manufactured home as a structure after the issuance date of the letter waiving  
6 property taxes.

7 (d) The county auditor shall remove from the tax duplicate the property taxes, special  
8 assessments, interest, penalties, and costs for which a waiver is granted under this section.

9 SECTION 93. IC 6-1.1-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,  
10 2010]: Sec. 7. (a) The fixed property of a bus company consists of ~~real property and tangible personal~~  
11 ~~property which is located within or on the real property.~~

12 (b) A bus company's property which is not described in subsection (a) is indefinite-situs  
13 distributable property. This property includes, but is not limited to, buses and other mobile equipment.  
14 The department of local government finance shall apportion and distribute the assessed valuation of  
15 this property among the taxing districts in or through which the company operates its system. The  
16 amount which the department of local government finance shall distribute to a taxing district equals  
17 the product of (1) the total assessed valuation of the bus company's indefinite-situs distributable  
18 property, multiplied by (2) a fraction, the numerator of which is the company's average daily regularly  
19 scheduled passenger vehicle route miles in the taxing district, and the denominator of which is the  
20 company's average daily regularly scheduled passenger vehicle route miles in this state.

21 SECTION 94. IC 6-1.1-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,  
22 2010]: Sec. 8. (a) The fixed property of an express company consists of real property. ~~and tangible~~  
23 ~~personal property which has a definite situs.~~ The remainder of the express company's property is  
24 indefinite-situs distributable property.

25 (b) The department of local government finance shall apportion and distribute the assessed  
26 valuation of an express company's indefinite-situs distributable property among the taxing districts in  
27 which the fixed property of the company is located. The amount which the department of local  
28 government finance shall distribute to a taxing district equals the product of (1) the total assessed  
29 valuation of the express company's indefinite-situs distributable property, multiplied by (2) a fraction,  
30 the numerator of which is the value of the company's fixed property which is located in the taxing  
31 district, and the denominator of which is the value of the company's fixed property which is located  
32 in this state.

33 SECTION 95. IC 6-1.1-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,  
34 2010]: Sec. 9. (a) The fixed property of a light, heat, or power company consists of

35 ~~(1) automotive and other mobile equipment;~~

36 ~~(2) office furniture and fixtures;~~

37 ~~(3) other tangible personal property which is not used as part of the company's production plant;~~  
38 ~~transmission system; or distribution system; and~~

39 ~~(4) real property which is not part of the company's right-of-ways, transmission system, or~~  
40 ~~distribution system.~~

41 (b) A light, heat, or power company's property which is not described as fixed property in  
42 subsection (a) of this section is definite-situs distributable property. This property includes, but is not  
43 limited to, turbo-generators, boilers, transformers, transmission lines, distribution lines, and pipe lines.

44 SECTION 96. IC 6-1.1-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
45 1, 2010]: Sec. 10. (a) The fixed property of a pipe line company consists of

46 ~~(1) real property which is not part of a pipe line or right-of-way of the company. and~~

47 ~~(2) tangible personal property which is not part of the company's distribution system.~~

48 (b) A pipe line company's property which is not described in subsection (a) is indefinite-situs  
49 distributable property. The department of local government finance shall apportion and distribute the

1 assessed valuation of this property among the taxing districts in which the company's pipe lines are  
2 located. The amount which the department of local government finance shall distribute to a taxing  
3 district equals the product of (1) the total assessed valuation of the pipe line company's indefinite-situs  
4 distributable property, multiplied by (2) a fraction, the numerator of which is the length of the  
5 company's pipe lines in the taxing district, and the denominator of which is the length of the company's  
6 pipe lines in this state.

7 SECTION 97. IC 6-1.1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
8 1, 2010]: Sec. 11. (a) The fixed property of the railroad company consists of real property which is not  
9 required for the operation of the railroad. ~~and tangible personal property which is located within or~~  
10 ~~on that real property.~~ The remaining property of the railroad company is distributable property.

11 (b) A railroad company's definite-situs distributable property consists of the company's:

12 (1) rights-of-way and road beds;

13 (2) station and depot grounds;

14 (3) yards, yard sites, superstructures, turntable, and turnouts;

15 (4) tracks;

16 (5) telegraph poles, wires, instruments, and other appliances, which are located on the  
17 right-of-ways; and

18 (6) any other buildings or fixed situs personal property used in the operation of the railroad.

19 (c) A railroad company's property which is not described in subsection (a) or (b) is indefinite-situs  
20 distributable property. This property includes, but is not limited to, rolling stock. The department of  
21 local government finance shall apportion and distribute the assessed valuation of this property among  
22 the taxing districts in which the railroad company operates its system. The amount which the  
23 department of local government finance shall distribute to a taxing district equals the product of (1)  
24 the total assessed valuation of the railroad company's indefinite-situs distributable property, multiplied  
25 by (2) a fraction, the numerator of which is the relative value of the company's main lines, branch  
26 lines, main tracks, second main tracks, and sidetracks, including all leased lines and tracks, which are  
27 located in the taxing district, and the denominator of which is the relative value of the company's main  
28 lines, branch lines, main tracks, second main tracks, and sidetracks, including all leased lines and  
29 tracks, which are located in this state.

30 SECTION 98. IC 6-1.1-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
31 1, 2010]: Sec. 12. (a) The fixed property of a railroad car company consists of real property. ~~and~~  
32 ~~tangible personal property which has a definite situs.~~ The remainder of the railroad car company's  
33 property is indefinite-situs distributable property.

34 (b) The department of local government finance shall assess a railroad car company's  
35 indefinite-situs distributable property on the basis of the average number of cars owned or used by the  
36 company within this state during the twelve (12) months of the calendar year preceding the year of  
37 assessment. The average number of cars within this state equals the product of:

38 (1) the sum of "M" plus "E"; multiplied by

39 (2) a fraction, the numerator of which is "N", and the denominator of which is the number two

40 (2).

41 "M" equals the mileage traveled by the railroad car company's cars in this state divided by the mileage  
42 traveled by the company's cars both within and outside this state. "E" equals the earnings generated  
43 by the company's cars in this state divided by the earnings generated by the company's cars both within  
44 and outside this state. "N" equals the total number of cars owned or used by the company both within  
45 and outside this state.

46 SECTION 99. IC 6-1.1-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
47 1, 2010]: Sec. 13. (a) The fixed property of a sleeping car company consists of real property. ~~and~~  
48 ~~tangible personal property which has a definite situs.~~

49 (b) A sleeping car company's property which is not described in subsection (a) is indefinite-situs

1 distributable property. The department of local government finance shall apportion and distribute the  
2 assessed valuation of this property among the taxing districts in or through which the company  
3 operates cars. The department of local government finance shall make the apportionment in a manner  
4 which it considers fair.

5 SECTION 100. IC 6-1.1-8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
6 1, 2010]: Sec. 14. (a) The fixed property of a street railway company consists of

- 7 ~~(1)~~ real property which is not part of the company's tracks or rights-of-way. ~~and~~
- 8 ~~(2) tangible personal property which is located within or on the real property described in~~
- 9 ~~subdivision (1).~~

10 (b) A street railway company's property which is not described in subsection (a) is distributable  
11 property. This property includes, but is not limited to:

- 12 (1) rights-of-way of the company;
- 13 (2) tangible personal property which is located on a right-of-way of the company; and
- 14 (3) rolling stock.

15 (c) The department of local government finance shall apportion and distribute the assessed  
16 valuation of a street railway company's indefinite-situs distributable property among the taxing  
17 districts in or through which the company operates its system. The amount which the department of  
18 local government finance shall distribute to a taxing district equals the product of (1) the total assessed  
19 valuation of the street railway company's indefinite-situs distributable property, multiplied by (2) a  
20 fraction, the numerator of which is the company's average daily regularly scheduled passenger vehicle  
21 route miles in the taxing district, and the denominator of which is the company's average daily  
22 regularly scheduled passenger vehicle route miles in this state.

23 SECTION 101. IC 6-1.1-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
24 1, 2010]: Sec. 15. (a) The fixed property of a telephone, telegraph, or cable company consists of

- 25 ~~(1) tangible personal property which is not used as part of the distribution system of the company;~~
- 26 ~~and~~
- 27 ~~(2) real property which is not part of the company's rights-of-way or distribution system.~~

28 (b) A telephone, telegraph, or cable company's property which is not described under subsection  
29 (a) is indefinite-situs distributable property. The department of local government finance shall  
30 apportion and distribute the assessed valuation of this property among the taxing districts in which the  
31 company's lines or cables, including laterals, are located. The amount which the department of local  
32 government finance shall distribute to a taxing district equals the product of (1) the total assessed  
33 valuation of the telephone, telegraph, or cable company's indefinite-situs distributable property,  
34 multiplied by (2) a fraction, the numerator of which is the length of the company's lines and cables,  
35 including laterals, which are located in the taxing district, and the denominator of which is the length  
36 of the company's lines and cables, including laterals, which are located in this state.

37 SECTION 102. IC 6-1.1-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
38 1, 2010]: Sec. 17. (a) The fixed property of a water distribution company consists of

- 39 ~~(1) tangible personal property which is not used as part of the company's distribution system; and~~
- 40 ~~(2) real property which is not part of the company's rights-of-way or distribution system.~~

41 A well, settling basin, or reservoir (except an impounding reservoir) is not fixed property of a water  
42 distribution company if it is used to store treated water or water in the process of treatment.

43 (b) A water distribution company's property which is not described as fixed property under  
44 subsection (a) is indefinite-situs distributable property. The department of local government finance  
45 shall apportion and distribute the assessed valuation of this property among the taxing districts in  
46 which the company's water mains, including feeder and distribution mains, are located. The amount  
47 which the department of local government finance shall distribute to a taxing district equals the  
48 product of (1) the total assessed valuation of the water distribution company's indefinite-situs  
49 distributable property, multiplied by (2) a fraction, the numerator of which is the length of the

1 company's water mains, including feeder and distribution mains, which are located in the taxing  
2 district, and the denominator of which is the length of the company's water mains, including feeder  
3 and distribution mains, which are located in this state.

4 SECTION 103. IC 6-1.1-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
5 1, 2010]: Sec. 18. For a public utility company which is not within one (1) of the classes of companies  
6 whose property is described in sections 6 through 17 of this chapter, the fixed property of the company  
7 consists of real property. ~~and tangible personal property.~~ The remainder of the company's property is  
8 indefinite-situs distributable property. The department of local government finance shall, in a manner  
9 which it considers fair, apportion and distribute the assessed valuation of the company's  
10 indefinite-situs distributable property among the taxing districts in which the company operates its  
11 system.

12 SECTION 104. IC 6-1.1-8.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JANUARY 1, 2010]: Sec. 6. Before

14 ~~(1) January 1, 2004; and~~

15 ~~(2) January 1 of each year that a general reassessment commences under IC 6-1.1-4-4;~~

16 the county assessor of each qualifying county shall provide the department of local government  
17 finance a list of each industrial facility located in the qualifying county.

18 SECTION 105. IC 6-1.1-8.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH  
19 1, 2009 (RETROACTIVE)]: Sec. 11. ~~(a) A taxpayer or the county assessor of the qualifying county  
20 in which the industrial facility is located may appeal an assessment by the department of local  
21 government finance made under this chapter to the Indiana board. An appeal under this section shall  
22 be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. An  
23 assessment made under this chapter that is not appealed under this section is a final unappealable order  
24 of the department of local government finance.~~

25 ~~(b) The Indiana board shall hold a hearing on the appeal and issue an order within one (1) year after  
26 the date the appeal is filed. (a) The industrial company that owns or uses the industrial facility  
27 assessed by the department of local government finance under this chapter may appeal that  
28 assessment to the Indiana board. Subject to subsections (b), (c), (d), and (e), the county assessor  
29 of the county in which the industrial facility assessed by the department of local government  
30 finance is located may appeal that assessment to the Indiana board.~~

31 ~~(b) The county assessor of a qualifying (b) county may not expend public money appealing an  
32 assessment under this section unless the following requirements are met before a petition for  
33 review is submitted to the Indiana board:~~

34 ~~(1) The county assessor submits to the county fiscal body a written estimate of the cost of  
35 the appeal.~~

36 ~~(2) The county fiscal body adopts a resolution approving the county assessor's proposed  
37 expenditure to carry out the appeal.~~

38 ~~(3) The total amount of the proposed expenditure is in accordance with an appropriation  
39 made by the county fiscal body in the manner provided by law.~~

40 ~~(c) Except as otherwise provided in subsections (d) and (e), an appeal under this section shall  
41 be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. An  
42 assessment made under this chapter that is not appealed under this section is a final  
43 unappealable order of the department of local government finance.~~

44 ~~(d) With respect to an appeal filed by a county assessor under this section the following apply:~~

45 ~~(1) In the petition for review to the Indiana board, the county assessor shall state what the  
46 county assessor contends the assessed value of the industrial facility should be and provide  
47 substantial evidence in support of that contention. Failure to comply with this requirement  
48 results in dismissal of the county assessor's petition for review and no further appeal of the  
49 assessment by the county assessor may be taken.~~

1 (2) Not later than thirty (30) days after the county assessor files a petition for review in  
2 compliance with subdivision (1), the Indiana board shall hold a hearing at which the county  
3 assessor must establish a reasonable likelihood of success on any contentions made in the  
4 petition for review including, without limitation, the contention required under subdivision  
5 (1) regarding the assessed value of the real estate. The industrial company whose industrial  
6 facility is the subject of the county assessor's petition for review and the department of local  
7 government finance has the right to appear at this hearing and to present testimony, to  
8 cross-examine witnesses, and to present evidence regarding the county assessor's  
9 contentions.

10 (3) Not later than thirty (30) days after the hearing held under subdivision (2), the Indiana  
11 board shall issue a determination whether the county assessor has established a reasonable  
12 likelihood of success on the contentions in the petition for review. If the Indiana board  
13 determines that the county assessor has not established a reasonable likelihood of success  
14 on the contentions in the petition for review, the county assessor's petition for review shall  
15 be dismissed and no further appeal of the assessment by the county assessor may be taken.  
16 If the Indiana board determines that the county assessor has established a reasonable  
17 likelihood of success on the contentions in the petition for review, the Indiana board's  
18 determination does not create the presumption that the county assessor's contentions are  
19 valid. A determination by the Indiana board that the county assessor has established a  
20 reasonable likelihood of success on the contentions in the petition for review may be  
21 appealed to the Indiana tax court as an interlocutory appeal. A party may petition for  
22 review by the Indiana supreme court of the Indiana tax court's ruling regarding an  
23 interlocutory appeal brought under this subdivision.

24 (4) The Indiana board shall not hold a hearing on the appeal under IC 6-1.1-15-4 and the  
25 county assessor shall not be permitted to conduct discovery under the Indiana board's  
26 administrative rules until a determination has been issued under subdivision (3) and:

27 (A) any interlocutory appeal under subdivision (3) has been ruled on by the Indiana tax  
28 court; or

29 (B) the Indiana supreme court has either rejected a petition for review concerning the  
30 Indiana tax court's ruling on the interlocutory appeal or issued a decision regarding the  
31 Indiana tax court's ruling on the interlocutory appeal.

32 (e) On any appeal that has not been dismissed, the Indiana board shall issue an order within  
33 one (1) year after:

34 (1) the taxpayer filed its petition for review;

35 (2) the issuance of the Indiana board's determination under subsection (d)(3) in the case of  
36 an appeal by the county assessor; or

37 (3) the Indiana tax court or Indiana supreme court rules on a taxpayer's interlocutory  
38 appeal under subsection (d)(3) in the case of an appeal by the county assessor;

39 whichever is latest.

40 SECTION 106. IC 6-1.1-8.7-8, AS AMENDED BY P.L.219-2007, SECTION 21, IS AMENDED  
41 TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2009 (RETROACTIVE)]: Sec. 8. (a) The  
42 industrial company that owns or uses the industrial facility assessed by the department under this  
43 chapter a taxpayer that petitioned for assessment of an industrial facility assessed under this chapter,  
44 or may appeal that assessment to the Indiana board. Subject to subsections (b), (c), (d), and (e),  
45 the county assessor of the county in which the industrial facility is located may appeal an assessment  
46 by the department made under this chapter to the Indiana board. An appeal under this section shall be  
47 conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. An assessment  
48 made under this chapter that is not appealed under this section is a final unappealable order of the  
49 department.

1 (b) The Indiana board shall hold a hearing on the appeal and issue an order within one (1) year of  
2 the date the appeal is filed. The county assessor of a qualifying county may not expend public  
3 money appealing an assessment under this section unless the following requirements are met  
4 before a petition for review is submitted to the Indiana board:

5 (1) The county assessor submits to the county fiscal body a written estimate of the cost of  
6 the appeal.

7 (2) The county fiscal body adopts a resolution approving the county assessor's proposed  
8 expenditure to carry out the appeal.

9 (3) The total amount of the proposed expenditure is in accordance with an appropriation  
10 made by the county fiscal body in the manner provided by law.

11 (c) Except as otherwise provided in subsections (d) and (e), an appeal under this section shall  
12 be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. An  
13 assessment made under this chapter that is not appealed under this section is a final  
14 unappealable order of the department.

15 (d) With respect to an appeal filed by a county assessor under this section the following apply:

16 (1) In the petition for review to the Indiana board, the county assessor shall state what the  
17 county assessor contends the assessed value of the industrial facility should be and provide  
18 substantial evidence in support of that contention. Failure to comply with this requirement  
19 results in dismissal of the county assessor's petition for review, and no further appeal of the  
20 assessment by the county assessor may be taken.

21 (2) Not later than thirty (30) days after the county assessor files a petition for review in  
22 compliance with subdivision (1), the Indiana board shall hold a hearing at which the county  
23 assessor must establish a reasonable likelihood of success on any contentions made in the  
24 petition for review including, without limitation, the contention required under subdivision  
25 (1) regarding the assessed value of the real estate. The industrial company whose industrial  
26 facility is the subject of the county assessor's petition for review and the department have  
27 the right to appear at this hearing and to present testimony, to cross-examine witnesses, and  
28 to present evidence regarding the county assessor's contentions.

29 (3) Not later than thirty (30) days after the hearing held under subdivision (2), the Indiana  
30 board shall issue a determination whether the county assessor has established a reasonable  
31 likelihood of success on the contentions in the petition for review. If the Indiana board  
32 determines that the county assessor has not established a reasonable likelihood of success  
33 on the contentions in the petition for review, the county assessor's petition for review shall  
34 be dismissed, and no further appeal of the assessment by the county assessor may be taken.  
35 If the Indiana board determines that the county assessor has established a reasonable  
36 likelihood of success on the contentions in the petition for review, the Indiana board's  
37 determination does not create the presumption that the county assessor's contentions are  
38 valid. A determination by the Indiana board that the county assessor has established a  
39 reasonable likelihood of success on the contentions in the petition for review may be  
40 appealed to the Indiana tax court as an interlocutory appeal. A party may petition for  
41 review by the Indiana supreme court of the Indiana tax court's ruling regarding an  
42 interlocutory appeal brought under this subdivision.

43 (4) The Indiana board shall not hold a hearing on the appeal under IC 6-1.1-15-4 and the  
44 county assessor shall not be permitted to conduct discovery under the Indiana board's  
45 administrative rules until a determination has been issued under subdivision (3) and:

46 (A) any interlocutory appeal under subdivision (3) has been ruled on by the Indiana tax  
47 court; or

48 (B) the Indiana supreme court has either rejected a petition for review concerning the  
49 Indiana tax court's ruling on the interlocutory appeal or issued a decision regarding the

1 **Indiana tax court's ruling on the interlocutory appeal.**

2 **(e) On any appeal that has not been dismissed, the Indiana board shall issue an order within**  
3 **one (1) year after:**

4 **(1) the taxpayer filed its petition for review;**

5 **(2) the issuance of the Indiana board's determination under subsection (d)(3) in the case of**  
6 **an appeal by the county assessor; or**

7 **(3) the Indiana tax court or the Indiana supreme court rules on a taxpayer's interlocutory**  
8 **appeal under subsection (d)(3) in the case of an appeal by the county assessor;**

9 **whichever is latest.**

10 SECTION 107. IC 6-1.1-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
11 PASSAGE]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not  
12 required if the exempt property is owned by the United States, the state, an agency of this state, or a  
13 political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the  
14 property is used, and in the case of real property occupied, by the owner.

15 (b) The exemption application referred to in section 3 of this chapter is not required if the exempt  
16 property is a cemetery:

17 (1) described by IC 6-1.1-2-7; or

18 (2) maintained by a township executive under IC 23-14-68.

19 (c) The exemption application referred to in section 3 of this chapter is not required if the exempt  
20 property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

21 (d) The exemption application referred to in section 3 **or 3.5** of this chapter is not required if:

22 (1) the exempt property is:

23 (A) tangible property used for religious purposes described in IC 6-1.1-10-21; ~~or~~

24 (B) tangible property owned by a church or religious society used for educational purposes  
25 described in IC 6-1.1-10-16; ~~and or~~

26 **(C) other tangible property owned, occupied, and used by a person for educational,**  
27 **literary, scientific, religious, or charitable purposes described in IC 6-1.1-10-16;**

28 (2) the exemption application referred to in section 3 **or 3.5** of this chapter was filed properly at  
29 least once ~~after the property was designated~~ for a religious use ~~as described in~~ **under**  
30 **IC 6-1.1-10-21 or an educational, literary, scientific, religious, or charitable use as described**  
31 **in under IC 6-1.1-10-16; and**

32 **(3) the property continues to meet the requirements for an exemption under IC 6-1.1-10-16**  
33 **or IC 6-1.1-10-21.**

34 **A change in ownership of property does not terminate an exemption of the property if after the**  
35 **change in ownership the property continues to meet the requirements for an exemption under**  
36 **IC 6-1.1-10-16 or IC 6-1.1-10-21.** However, if title to any of the real property subject to the  
37 exemption changes or any of the tangible property subject to the exemption is used for a nonexempt  
38 purpose after the date of the last properly filed exemption application, ~~this subsection does not apply.~~  
39 **the person that obtained the exemption or the current owner of the property shall notify the**  
40 **county assessor for the county where the tangible property is located of the change in the year**  
41 **that the change occurs. The notice must be in the form prescribed by the department of local**  
42 **government finance. If the county assessor discovers that title to property granted an exemption**  
43 **described in IC 6-1.1-10-16 or IC 6-1.1-10-21 has changed, the county assessor shall notify the**  
44 **persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title**  
45 **and indicate that the county auditor will suspend the exemption for the property until the**  
46 **persons provide the county assessor with an affidavit, signed under penalties of perjury, that**  
47 **identifies the new owners of the property and indicates that the property continues to meet the**  
48 **requirements for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16. Upon receipt of the**

1 **affidavit, the county assessor shall reinstate the exemption for the years for which the exemption**  
2 **was suspended and each year thereafter that the property continues to meet the requirements**  
3 **for an exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16.**

4 SECTION 108. IC 6-1.1-12-2, AS AMENDED BY P.L.75-2009, SECTION 2, IS AMENDED TO  
5 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in section 17.8  
6 of this chapter and subject to section 45 of this chapter, to qualify for the deduction provided by  
7 section 1 of this chapter a statement must be filed under subsection (b) or (c).

8 (b) **Subject to subsection (c), to apply for the deduction under section 1 of this chapter with**  
9 **respect to real property,** the person recording the mortgage, contract, or memorandum **of the**  
10 **contract** with the county recorder may file a written statement with the county recorder containing  
11 the information described in subsection (e)(1), (e)(2), (e)(3), (e)(4), (e)(6), (e)(7), and (e)(8). The  
12 statement must be prepared on the form prescribed by the department of local government finance and  
13 be signed by the property owner or contract purchaser under the penalties of perjury. The form must  
14 have a place for the county recorder to insert the record number and page where the mortgage,  
15 contract, or memorandum **of the contract** is recorded. Upon receipt of the form and the recording of  
16 the mortgage, contract, or memorandum **of the contract,** the county recorder shall insert on the form  
17 the record number and page where the mortgage, **contract, or memorandum of the contract** is  
18 recorded and forward the completed form to the county auditor. The county recorder may not impose  
19 a charge for the county recorder's duties under this subsection. ~~With respect to real property~~ The  
20 statement must be ~~filed with the county recorder during completed and dated in~~ the **calendar** year  
21 for which the person wishes to obtain the deduction ~~With respect to a mobile home that is not assessed~~  
22 ~~as real property or a manufactured home that is not assessed as real property,~~ the statement must be  
23 ~~filed with the county auditor during the twelve (12) months before March 31 of each year for which~~  
24 ~~the individual wishes to obtain the deduction.~~ **and filed with the county recorder on or before**  
25 **January 5 of the immediately succeeding calendar year.**

26 (c) ~~Alternatively, With respect to:~~

27 (1) **real property as an alternative to a filing under subsection (b); or**

28 (2) **a mobile home that is not assessed as real property or a manufactured home that is not**  
29 **assessed as real property;**

30 to apply for a deduction under section 1 of this chapter, a person who desires to claim the deduction  
31 may file a statement in duplicate, on forms prescribed by the department of local government finance,  
32 with the auditor of the county in which the real property, mobile home not assessed as real property,  
33 or manufactured home not assessed as real property is located. ~~With respect to real property the~~  
34 ~~statement must be filed during completed and dated in~~ the **calendar** year for which the person wishes  
35 to obtain the deduction **and filed with the county auditor on or before January 5 of the**  
36 **immediately succeeding calendar year.** ~~With respect to a mobile home that is not assessed as real~~  
37 ~~property or a manufactured home that is not assessed as real property, the statement must be filed~~  
38 ~~during the twelve (12) months before March 31 of each year for which the individual wishes to obtain~~  
39 ~~the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be~~  
40 ~~postmarked on or before the last day for filing. In addition to the statement required by this subsection,~~  
41 ~~a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or~~  
42 ~~recorded memorandum of the contract, which must contain a legal description sufficient to meet the~~  
43 ~~requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect~~  
44 ~~to a particular parcel of real property.~~

45 (d) Upon receipt of:

46 (1) the statement under subsection (b); or

47 (2) the statement under subsection (c) and the recorded contract or recorded memorandum of the  
48 contract;

1 the county auditor shall assign a separate description and identification number to the parcel of real  
2 property being sold under the contract.

3 (e) The statement referred to in subsections (b) and (c) must be verified under penalties for perjury.

4 The statement must contain the following information:

5 (1) The balance of the person's mortgage or contract indebtedness on the assessment date of the  
6 year for which the deduction is claimed.

7 (2) The assessed value of the real property, mobile home, or manufactured home.

8 (3) The full name and complete residence address of the person and of the mortgagee or contract  
9 seller.

10 (4) The name and residence of any assignee or bona fide owner or holder of the mortgage or  
11 contract, if known, and if not known, the person shall state that fact.

12 (5) The record number and page where the mortgage, contract, or memorandum of the contract  
13 is recorded.

14 (6) A brief description of the real property, mobile home, or manufactured home which is  
15 encumbered by the mortgage or sold under the contract.

16 (7) If the person is not the sole legal or equitable owner of the real property, mobile home, or  
17 manufactured home, the exact share of the person's interest in it.

18 (8) The name of any other county in which the person has applied for a deduction under this  
19 section and the amount of deduction claimed in that application.

20 (f) The authority for signing a deduction application filed under this section may not be delegated  
21 by the real property, mobile home, or manufactured home owner or contract buyer to any person  
22 except upon an executed power of attorney. The power of attorney may be contained in the recorded  
23 mortgage, contract, or memorandum of the contract, or in a separate instrument.

24 (g) A closing agent, as defined in IC 6-1.1-12-43(a)(2), is not liable for any damages claimed by  
25 the property owner or contract purchaser because of:

26 (1) the closing agent's failure to provide the written statement described in subsection (b);

27 (2) the closing agent's failure to file the written statement described in subsection (b);

28 (3) any omission or inaccuracy in the written statement described in subsection (b) that is filed  
29 with the county recorder by the closing agent; or

30 (4) any determination made with respect to a property owner's or contract purchaser's eligibility  
31 for the deduction under section 1 of this chapter.

32 (h) The county recorder may not refuse to record a mortgage, contract, or memorandum because  
33 the written statement described in subsection (b):

34 (1) is not included with the mortgage, contract, or memorandum **of the contract**;

35 (2) does not contain the signatures required by subsection (b);

36 (3) does not contain the information described in subsection (e); or

37 (4) is otherwise incomplete or inaccurate.

38 SECTION 109. IC 6-1.1-12-17.8, AS AMENDED BY P.L.87-2009, SECTION 2, IS AMENDED  
39 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17.8. (a) An individual who receives  
40 a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4, or 37 of this chapter in a particular year  
41 and who remains eligible for the deduction in the following year is not required to file a statement to  
42 apply for the deduction in the following year. However, for purposes of a deduction under section 37  
43 of this chapter, the county auditor may, in the county auditor's discretion, terminate the deduction for  
44 assessment dates after January 15, 2012, if the individual does not comply with the requirement in  
45 IC 6-1.1-22-8.1(b)(9), as determined by the county auditor, before January 1, 2013. Before the county  
46 auditor terminates the deduction because the taxpayer claiming the deduction did not comply with the  
47 requirement in IC 6-1.1-22-8.1(b)(9) before January 1, 2013, the county auditor shall mail notice of  
48 the proposed termination of the deduction to:

49 (1) the last known address of each person liable for any property taxes or special assessment, as

1 shown on the tax duplicate or special assessment records; or

2 (2) the last known address of the most recent owner shown in the transfer book.

3 (b) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of  
4 this chapter in a particular year and who becomes ineligible for the deduction in the following year  
5 shall notify the auditor of the county in which the real property, mobile home, or manufactured home  
6 for which the individual claims the deduction is located of the individual's ineligibility in the year in  
7 which the individual becomes ineligible. An individual who becomes ineligible for a deduction under  
8 section 37 of this chapter shall notify the county auditor of the county in which the property is located  
9 in conformity with section 37 of this chapter.

10 (c) The auditor of each county shall, in a particular year, apply a deduction provided under section  
11 1, 9, 11, 13, 14, 16, 17.4, or 37 of this chapter to each individual who received the deduction in the  
12 preceding year unless the auditor determines that the individual is no longer eligible for the deduction.

13 (d) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, 17.4, or 37  
14 of this chapter for property that is jointly held with another owner in a particular year and remains  
15 eligible for the deduction in the following year is not required to file a statement to reapply for the  
16 deduction following the removal of the joint owner if:

17 (1) the individual is the sole owner of the property following the death of the individual's spouse;

18 (2) the individual is the sole owner of the property following the death of a joint owner who was  
19 not the individual's spouse; or

20 (3) the individual is awarded sole ownership of the property in a divorce decree.

21 However, for purposes of a deduction under section 37 of this chapter, if the removal of the joint  
22 owner occurs before the date that a notice described in IC 6-1.1-22-8.1(b)(9) is sent, the county auditor  
23 may, in the county auditor's discretion, terminate the deduction for assessment dates after January 15,  
24 2012, if the individual does not comply with the requirement in IC 6-1.1-22-8.1(b)(9), as determined  
25 by the county auditor, before January 1, 2013. Before the county auditor terminates the deduction  
26 because the taxpayer claiming the deduction did not comply with the requirement in  
27 IC 6-1.1-22-8.1(b)(9) before January 1, 2013, the county auditor shall mail notice of the proposed  
28 termination of the deduction to the last known address of each person liable for any property taxes or  
29 special assessment, as shown on the tax duplicate or special assessment records or the last known  
30 address of the most recent owner shown in the transfer book.

31 (e) A trust entitled to a deduction under section 9, 11, 13, 14, 16, 17.4, or 37 of this chapter for real  
32 property owned by the trust and occupied by an individual in accordance with section 17.9 of this  
33 chapter is not required to file a statement to apply for the deduction, if:

34 (1) the individual who occupies the real property receives a deduction provided under section 9,  
35 11, 13, 14, 16, 17.4, or 37 of this chapter in a particular year; and

36 (2) the trust remains eligible for the deduction in the following year.

37 However, for purposes of a deduction under section 37 of this chapter, the individuals that qualify the  
38 trust for a deduction must comply with the requirement in IC 6-1.1-22-8.1(b)(9) before January 1,  
39 2013.

40 (f) A cooperative housing corporation (as defined in 26 U.S.C. 216) that is entitled to a deduction  
41 under section 37 of this chapter in the immediately preceding calendar year for a homestead (as  
42 defined in section 37 of this chapter) is not required to file a statement to apply for the deduction for  
43 the current calendar year if the cooperative housing corporation remains eligible for the deduction for  
44 the current calendar year. However, the county auditor may, in the county auditor's discretion,  
45 terminate the deduction for assessment dates after January 15, 2012, if the individual does not comply  
46 with the requirement in IC 6-1.1-22-8.1(b)(9), as determined by the county auditor, before January 1,  
47 2013. Before the county auditor terminates a deduction because the taxpayer claiming the deduction  
48 did not comply with the requirement in IC 6-1.1-22-8.1(b)(9) before January 1, 2013, the county  
49 auditor shall mail notice of the proposed termination of the deduction to:

1 (1) the last known address of each person liable for any property taxes or special assessment, as  
2 shown on the tax duplicate or special assessment records; or  
3 (2) the last known address of the most recent owner shown in the transfer book.

4 (g) An individual who:

5 (1) was eligible for a homestead credit under IC 6-1.1-20.9 (repealed) for property taxes imposed  
6 for the March 1, 2007, or January 15, 2008, assessment date; or

7 (2) would have been eligible for a homestead credit under IC 6-1.1-20.9 (repealed) for property  
8 taxes imposed for the March 1, 2008, or January 15, 2009, assessment date if IC 6-1.1-20.9 had  
9 not been repealed;

10 is not required to file a statement to apply for a deduction under section 37 of this chapter if the  
11 individual remains eligible for the deduction in the current year. An individual who filed for a  
12 homestead credit under IC 6-1.1-20.9 (repealed) for an assessment date after March 1, 2007 (if the  
13 property is real property), or after January 1, 2008 (if the property is personal property), shall be  
14 treated as an individual who has filed for a deduction under section 37 of this chapter. However, the  
15 county auditor may, in the county auditor's discretion, terminate the deduction for assessment dates  
16 after January 15, 2012, if the individual does not comply with the requirement in IC 6-1.1-22-8.1(b)(9),  
17 as determined by the county auditor, before January 1, 2013. Before the county auditor terminates the  
18 deduction because the taxpayer claiming the deduction did not comply with the requirement in  
19 IC 6-1.1-22-8.1(b)(9) before January 1, 2013, the county auditor shall mail notice of the proposed  
20 termination of the deduction to the last known address of each person liable for any property taxes or  
21 special assessment, as shown on the tax duplicate or special assessment records, or to the last known  
22 address of the most recent owner shown in the transfer book.

23 (h) If a county auditor terminates a deduction because the taxpayer claiming the deduction did not  
24 comply with the requirement in IC 6-1.1-22-8.1(b)(9) before January 1, 2013, the county auditor shall  
25 reinstate the deduction if the taxpayer provides proof that the taxpayer is eligible for the deduction and  
26 is not claiming the deduction for any other property.

27 **(i) A taxpayer described in section 37(k) of this chapter is not required to file a statement to**  
28 **apply for the deduction provided by section 37 of this chapter for a calendar year beginning**  
29 **after December 31, 2008, if the property owned by the taxpayer remains eligible for the**  
30 **deduction for that calendar year. However, the county auditor may terminate the deduction for**  
31 **assessment dates after January 15, 2012, if the individual residing on the property owned by the**  
32 **taxpayer does not comply with the requirement in IC 6-1.1-22-8.1(b)(9), as determined by the**  
33 **county auditor, before January 1, 2013. Before the county auditor terminates a deduction**  
34 **because the individual residing on the property did not comply with the requirement in**  
35 **IC 6-1.1-22-8.1(b)(9) before January 1, 2013, the county auditor shall mail notice of the proposed**  
36 **termination of the deduction to:**

37 **(1) the last known address of each person liable for any property taxes or special**  
38 **assessment, as shown on the tax duplicate or special assessment records; or**

39 **(2) the last known address of the most recent owner shown in the transfer book.**

40 SECTION 110. IC 6-1.1-12-37, AS AMENDED BY P.L.87-2009, SECTION 3, IS AMENDED TO  
41 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37. (a) The following definitions apply  
42 throughout this section:

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

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

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

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

- 1 (2) "Homestead" means an individual's principal place of residence:  
2 (A) that is located in Indiana;  
3 (B) that:  
4 (i) the individual owns;  
5 (ii) the individual is buying under a contract, recorded in the county recorder's office, that  
6 provides that the individual is to pay the property taxes on the residence;  
7 (iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216)  
8 of a cooperative housing corporation (as defined in 26 U.S.C. 216); or  
9 (iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the  
10 individual is an individual described in section 17.9 of this chapter; and  
11 (C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately  
12 surrounds that dwelling.

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

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

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

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

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

- 27 (1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as  
28 real property, or manufactured home not assessed as real property; or  
29 (2) forty-five thousand dollars (\$45,000).

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

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

- 39 (1) the parcel number or key number of the property and the name of the city, town, or township  
40 in which the property is located;  
41 (2) the name of any other location in which the applicant or the applicant's spouse owns, is  
42 buying, or has a beneficial interest in residential real property;  
43 (3) the names of:

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

- 45 (i) as the names appear in the records of the United States Social Security Administration  
46 for the purposes of the issuance of a Social Security card and Social Security number; or  
47 (ii) that they use as their legal names when they sign their names on legal documents;

48 if the applicant is an individual; or

49 (B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the

1 individual's spouse (if any):

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

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

5 if the applicant is not an individual; and

6 (4) either:

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

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

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

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

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

17 If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or  
18 IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party  
19 or other number described in subdivision (4)(B) of a party, the telephone number and the Social  
20 Security number or other number described in subdivision (4)(B) included are confidential. The  
21 statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked  
22 on or before the last day for filing. The statement applies for that first year and any succeeding year  
23 for which the deduction is allowed. With respect to real property, the **person statement** must **file the**  
24 **statement during be completed and dated in the calendar** year for which the person desires to obtain  
25 the deduction **and filed with the county auditor on or before January 5 of the immediately**  
26 **succeeding calendar year.** With respect to a mobile home that is not assessed as real property, the  
27 person must file the statement during the twelve (12) months before March 31 of the year for which  
28 the person desires to obtain the deduction.

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

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

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

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

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

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

49 (g) The department of local government finance shall adopt rules or guidelines concerning the

1 application for a deduction under this section.

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

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

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

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

18 (j) The department of local government finance shall work with county auditors to develop  
19 procedures to determine whether a property owner that is claiming a standard deduction or homestead  
20 credit is not eligible for the standard deduction or homestead credit because the property owner's  
21 principal place of residence is outside Indiana.

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

24 **(1) The property is located in Indiana and consists of a dwelling and the real estate, not**  
25 **exceeding one (1) acre, that immediately surrounds that dwelling.**

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

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

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

30 **(5) The property was eligible for the standard deduction under this section on March 1,**  
31 **2009.**

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

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

35 **(2) first due and payable in 2010;**

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

40 SECTION 111. IC 6-1.1-15-1, AS AMENDED BY P.L.136-2009, SECTION 5, IS AMENDED TO  
41 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A taxpayer may obtain a review by  
42 the county board of a county or township official's action with respect to either or both of the  
43 following:

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

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

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

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

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

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

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

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

3 (b) At the time that notice of an action referred to in subsection (a) is given to the taxpayer, the  
4 taxpayer shall also be informed in writing of:

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

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

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

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

20 (1) May 10 of the year; or

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

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

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

30 (1) The name of the taxpayer.

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

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

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

34 (1) initiates a review under this section; and

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

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

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

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

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

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

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

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

47 (E) noting and considering objections of the taxpayer;

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

49 (G) otherwise educating the taxpayer about:

- 1 (i) the taxpayer's assessment or deduction;
- 2 (ii) the assessment or deduction process; and
- 3 (iii) the assessment or deduction appeal process.

4 (i) Not later than ten (10) days after the informal preliminary meeting, the official referred to in  
5 subsection (a) shall forward to the county auditor and the county board the results of the conference  
6 on a form prescribed by the department of local government finance that must be completed and signed  
7 by the taxpayer and the official. The form must indicate the following:

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

10 (A) those issues; and

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

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

15 (A) a statement of those issues; and

16 (B) the identification of:

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

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

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

21 (1) the county board shall cancel the hearing;

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

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

27 (k) If:

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

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

32 the county board shall hold a hearing on a review under this subsection not later than one hundred  
33 eighty (180) days after the date of that notice. The county board shall, by mail, give notice of the date,  
34 time, and place fixed for the hearing to the taxpayer and the county or township official with whom  
35 the taxpayer filed the notice for review. The taxpayer and the county or township official with whom  
36 the taxpayer filed the notice for review are parties to the proceeding before the county board. ~~The  
37 county assessor is recused from any action the county board takes with respect to an assessment  
38 determination by the county assessor.~~

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

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

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

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

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

46 (m) The official referred to in subsection (a) may not require the taxpayer to provide documentary  
47 evidence at the preliminary informal meeting under subsection (h). The county board may not require  
48 a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before  
49 the hearing required under subsection (k). If the action for which a taxpayer seeks review under this

1 section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the  
2 property in order to do the following:

- 3 (1) Initiate the review.
- 4 (2) Prosecute the review.

5 (n) The county board shall prepare a written decision resolving all of the issues under review. The  
6 county board shall, by mail, give notice of its determination not later than one hundred twenty (120)  
7 days after the hearing under subsection (k) to the taxpayer, the official referred to in subsection (a),  
8 the county assessor, and the county auditor.

9 (o) If the maximum time elapses:

- 10 (1) under subsection (k) for the county board to hold a hearing; or
- 11 (2) under subsection (n) for the county board to give notice of its determination;

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

14 **(p) This subsection applies if the assessment for which a notice of review is filed increased the**  
15 **assessed value of the assessed property by more than five percent (5%) over the assessed value**  
16 **finally determined for the immediately preceding assessment date. The county assessor or**  
17 **township assessor making the assessment has the burden of proving that the assessment is**  
18 **correct.**

19 SECTION 112. IC 6-1.1-15-12, AS AMENDED BY P.L. 146-2008, SECTION 140, IS AMENDED  
20 TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2009 (RETROACTIVE)]: Sec. 12. (a) Subject  
21 to the limitations contained in subsections (c) and (d), a county auditor shall correct errors which are  
22 discovered in the tax duplicate for any one (1) or more of the following reasons:

- 23 (1) The description of the real property was in error.
- 24 (2) The assessment was against the wrong person.
- 25 (3) Taxes on the same property were charged more than one (1) time in the same year.
- 26 (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- 27 (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- 28 (6) The taxes, as a matter of law, were illegal.
- 29 (7) There was a mathematical error in computing an assessment.
- 30 (8) Through an error of omission by any state or county officer, the taxpayer was not given credit  
31 for an exemption or deduction permitted by law.

32 (b) The county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4),  
33 or (a)(5) when the county auditor finds that the error exists.

34 (c) If the tax is based on an assessment made or determined by the department of local government  
35 finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8)  
36 until after the correction is either approved by the department of local government finance or ordered  
37 by the tax court.

38 (d) If the tax is not based on an assessment made or determined by the department of local  
39 government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7),  
40 or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

- 41 (1) The township assessor (if any).
- 42 (2) The county auditor.
- 43 (3) The county assessor.

44 If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter  
45 to the county board for determination. The county board shall provide a copy of the determination to  
46 the taxpayer and to the county auditor.

47 (e) A taxpayer may appeal a determination of the county board to the Indiana board for a final  
48 administrative determination. An appeal under this section shall be conducted in the same manner as  
49 appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final

1 administrative determination to the taxpayer, the county auditor, the county assessor, and the township  
2 assessor (if any).

3 (f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer,  
4 the county auditor shall transmit a certificate of correction to the county treasurer. The county  
5 treasurer shall keep the certificate as the voucher for settlement with the county auditor.

6 (g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this  
7 section for the correction of an error made by the taxpayer on the taxpayer's personal property tax  
8 return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal  
9 property tax return, the taxpayer must instead file an amended personal property tax return under  
10 IC 6-1.1-3-7.5.

11 (h) A taxpayer that files a statement under IC 6-1.1-8-19 may not petition under this section for the  
12 correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to  
13 correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate  
14 an objection under IC 6-1.1-8-28 or an appeal under IC 6-1.1-8-30.

15 ~~(i) A taxpayer that files a statement under IC 6-1.1-8-23 may not petition under this section for the~~  
16 ~~correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to~~  
17 ~~correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead file an~~  
18 ~~amended statement not more than six (6) months after the due date of the statement.~~

19 SECTION 113. IC 6-1.1-17-0.5, AS AMENDED BY P.L.90-2009, SECTION 2, IS AMENDED  
20 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 0.5. (a) For  
21 purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).

22 (b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a  
23 calendar year the assessed value of tangible property that meets the following conditions:

24 (1) The assessed value of the property is at least nine percent (9%) of the assessed value of all  
25 tangible property subject to taxation by a taxing unit.

26 (2) The property is or has been part of a bankruptcy estate that is subject to protection under the  
27 federal bankruptcy code.

28 (3) The owner of the property has discontinued all business operations on the property.

29 (4) There is a high probability that the taxpayer will not pay property taxes due on the property  
30 in the following year.

31 (c) This section does not limit, restrict, or reduce in any way the property tax liability on the  
32 property.

33 (d) For each taxing unit located in the county, the county auditor may reduce for a calendar year  
34 the taxing unit's assessed value that is certified to the department of local government finance under  
35 section 1 of this chapter and used to set tax rates for the taxing unit for taxes first due and payable in  
36 the immediately succeeding calendar year. The county auditor may reduce a taxing unit's assessed  
37 value under this subsection only to enable the taxing unit to absorb the effects of reduced property tax  
38 collections in the immediately succeeding calendar year that are expected to result from any or a  
39 combination of the following:

40 (1) Successful appeals of the assessed value of property located in the taxing unit.

41 (2) Deductions under IC 6-1.1-12-37 **and IC 6-1.1-12-37.5 that are granted result from the**  
42 **granting of applications for the standard deduction for the calendar year under**  
43 **IC 6-1.1-12-37 or IC 6-1.1-12-44** after the county auditor certifies assessed value as described  
44 in this section.

45 (3) Deductions that result from the granting of applications for deductions for the calendar year  
46 under IC 6-1.1-12-44 after the county auditor certifies assessed value as described in this section.

47 (4) Reassessments of real property under IC 6-1.1-4-11.5.

48 Not later than December 31 of each year, the county auditor shall send a certified statement, under the  
49 seal of the board of county commissioners, to the fiscal officer of each political subdivision of the

1 county and to the department of local government finance. The certified statement must list any  
2 adjustments to the amount of the reduction under this subsection and the information submitted under  
3 section 1 of this chapter that are necessary. The county auditor shall keep separately on the tax  
4 duplicate the amount of any reductions made under this subsection. The maximum amount of the  
5 reduction authorized under this subsection is determined under subsection (e).

6 (e) The amount of the reduction in a taxing unit's assessed value for a calendar year under  
7 subsection (d) may not exceed two percent (2%) of the assessed value of tangible property subject to  
8 assessment in the taxing unit in that calendar year.

9 (f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

10 (1) county property tax assessment board of appeals;

11 (2) Indiana board; or

12 (3) Indiana tax court;

13 as evidence that a particular parcel has been improperly assessed.

14 SECTION 114. IC 6-1.1-17-3, AS AMENDED BY P.L.87-2009, SECTION 6, AND AS  
15 AMENDED BY P.L.136-2009, SECTION 6, IS CORRECTED AND AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a political subdivision  
17 shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by  
18 the department of local government finance and approved by the state board of accounts. The political  
19 subdivision shall give notice by publication to taxpayers of:

20 (1) the estimated budget;

21 (2) the estimated maximum permissible levy;

22 (3) the current and proposed tax levies of each fund; and

23 (4) the amounts of excessive levy appeals to be requested.

24 In the notice, the political subdivision shall also state the time and place at which a public hearing will  
25 be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first  
26 publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the  
27 duties required by this subsection must be completed before ~~August~~ **September** 10 of the calendar  
28 year. *A political subdivision shall provide the estimated budget and levy information required for the*  
29 *notice under subsection (b) to the county auditor on the schedule determined by the department of*  
30 *local government finance.*

31 *(b) Beginning in 2010, except as provided in IC 6-1.1-22-8.1(h), before October 1 of a calendar*  
32 *year, the county auditor shall mail to the last known address of each person liable for any property*  
33 *taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in*  
34 *the transfer book, a statement that includes:*

35 *(1) the assessed valuation as of the assessment date in the current calendar year of tangible*  
36 *property on which the person will be liable for property taxes first due and payable in the*  
37 *immediately succeeding calendar year and notice to the person of the opportunity to appeal the*  
38 *assessed valuation under IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June 30,*  
39 *2008);*

40 *(2) the amount of property taxes for which the person will be liable to each political subdivision*  
41 *on the tangible property for taxes first due and payable in the immediately succeeding calendar*  
42 *year, taking into account all factors that affect that liability, including:*

43 *(A) the estimated budget and proposed tax rate and tax levy formulated by the political*  
44 *subdivision under subsection (a);*

45 *(B) any deductions or exemptions that apply to the assessed valuation of the tangible*  
46 *property;*

47 *(C) any credits that apply in the determination of the tax liability; and*

48 *(D) the county auditor's best estimate of the effects on the tax liability that might result from*  
49 *actions of:*

1           (i) the county board of tax adjustment; or  
 2           (ii) the department of local government finance;  
 3       (3) a prominently displayed notation that:  
 4           (A) the estimate under subdivision (2) is based on the best information available at the time  
 5           the statement is mailed; and  
 6           (B) based on various factors, including potential actions by:  
 7           (i) the county board of tax adjustment; or  
 8           (ii) the department of local government finance;  
 9           it is possible that the tax liability as finally determined will differ substantially from the  
 10          estimate;  
 11       (4) comparative information showing the amount of property taxes for which the person is liable  
 12       to each political subdivision on the tangible property for taxes first due and payable in the  
 13       current year; and  
 14       (5) the date, time, and place at which the political subdivision will hold a public hearing on the  
 15       political subdivision's estimated budget and proposed tax rate and tax levy as required under  
 16       subsection (a).  
 17       (c) The department of local government finance shall:  
 18           (1) prescribe a form for; and  
 19           (2) provide assistance to county auditors in preparing;  
 20       statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee  
 21       maintaining an escrow account for a person who is liable for any property taxes shall not be  
 22       construed as compliance with subsection (b).  
 23       (d) (b) The board of directors of a solid waste management district established under IC 13-21 or  
 24       IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):  
 25           (1) in any county of the solid waste management district; and  
 26           (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.  
 27       (e) (c) The trustee of each township in the county shall estimate the amount necessary to meet the  
 28       cost of township assistance in the township for the ensuing calendar year. The township board shall  
 29       adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance.  
 30       The taxes collected as a result of the tax rate adopted under this subsection are credited to the township  
 31       assistance fund.  
 32       (f) (d) This subsection expires January 1, 2009. A county shall adopt with the county budget and  
 33       the department of local government finance shall certify under section 16 of this chapter a tax rate  
 34       sufficient to raise the levy necessary to pay the following:  
 35           (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family  
 36           and children's fund.  
 37           (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1)  
 38           of the county payable from the children's psychiatric residential treatment services fund.  
 39       A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county  
 40       board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision  
 41       (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.  
 42       SECTION 115. IC 6-1.1-17-3.5, AS ADDED BY P.L.146-2008, SECTION 148, IS AMENDED  
 43       TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) This section does not apply to  
 44       civil taxing units located in a county in which a county board of tax adjustment reviews budgets, tax  
 45       rates, and tax levies. This section does not apply to a civil taxing unit that has its proposed budget and  
 46       proposed property tax levy approved under ~~IC 6-1.1-17-20~~ **section 20 of this chapter** or IC 36-3-6-9.  
 47       (b) This section applies to a civil taxing unit other than a county. If a civil taxing unit will impose  
 48       property taxes due and payable in the ensuing calendar year, the civil taxing unit shall file with the  
 49       fiscal body of the county in which the civil taxing unit is located:

1 (1) a statement of the proposed or estimated tax rate and tax levy for the civil taxing unit for the  
2 ensuing budget year; and

3 (2) a copy of the civil taxing unit's proposed budget for the ensuing budget year.

4 (c) In the case of a civil taxing unit located in more than one (1) county, the civil taxing unit shall  
5 file the information under subsection (b) with the fiscal body of the county in which the greatest part  
6 of the civil taxing unit's net assessed valuation is located.

7 (d) A civil taxing unit must file the information under subsection (b) at least ~~fifteen (15)~~ **forty-five**  
8 **(45)** days before the civil taxing unit fixes its tax rate and tax levy and adopts its budget under this  
9 chapter.

10 (e) A county fiscal body shall **complete the following at least fifteen (15) days before the civil**  
11 **taxing unit fixes its tax rate and tax levy and adopts its budget under this chapter:**

12 (1) Review any proposed or estimated tax rate or tax levy or proposed budget filed by a civil  
13 taxing unit with the county fiscal body under this section. ~~and~~

14 (2) Issue a nonbinding recommendation to a civil taxing unit regarding the civil taxing unit's  
15 proposed or estimated tax rate or tax levy or proposed budget.

16 (f) The recommendation under subsection (e) must include a comparison of any increase in the civil  
17 taxing unit's budget or tax levy to:

18 (1) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar  
19 years and the average increase in nonfarm personal income for the county for the preceding six

20 (6) calendar years; and

21 (2) increases in the budgets and tax levies of other civil taxing units in the county.

22 (g) The department of local government finance must provide each county fiscal body with the most  
23 recent available information concerning increases in Indiana nonfarm personal income and increases  
24 in county nonfarm personal income.

25 **(h) If a civil taxing unit fails to file the information required by subsection (b) with the fiscal**  
26 **body of the county in which the civil taxing unit is located by the time prescribed in subsection**  
27 **(d), the most recent annual appropriations and annual tax levy of that civil taxing unit are**  
28 **continued for the ensuing budget year.**

29 **(i) If a county fiscal body fails to complete the requirements of subsection (e) before the**  
30 **deadline in subsection (e) for any civil taxing unit subject to this section, the most recent annual**  
31 **appropriations and annual tax levy of the county are continued for the ensuing budget year.**

32 SECTION 116. IC 6-1.1-17-5, AS AMENDED BY P.L.146-2008, SECTION 149, IS AMENDED  
33 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political  
34 subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective  
35 subdivisions for the ensuing budget year as follows:

36 (1) The board of school trustees of a school corporation that is located in a city having a  
37 population of more than one hundred five thousand (105,000) but less than one hundred twenty  
38 thousand (120,000), not later than:

39 (A) the time required in section 5.6(b) of this chapter; or

40 (B) for budget years beginning before July 1, ~~2010~~, **2011**, ~~September 30~~ **November 1** if a  
41 resolution adopted under section 5.6(d) of this chapter is in effect.

42 (2) The proper officers of all other political subdivisions, not later than ~~September 30~~ **November**  
43 **1**.

44 (3) The governing body of each school corporation (including a school corporation described in  
45 subdivision (1)), not later than the time required under section 5.6(b) of this chapter for budget  
46 years beginning after June 30, ~~2010~~, **2011**.

47 Except in a consolidated city and county and in a second class city, the public hearing required by  
48 section 3 of this chapter must be completed at least ten (10) days before the proper officers of the

1 political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county  
2 and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be  
3 held at any time after introduction of the budget.

4 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision  
5 fixed under subsection (a) by filing an objection petition with the proper officers of the political  
6 subdivision not more than seven (7) days after the hearing. The objection petition must specifically  
7 identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

8 (c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt  
9 with its budget a finding concerning the objections in the petition and any testimony presented at the  
10 adoption hearing.

11 (d) This subsection does not apply to a school corporation. Each year at least two (2) days before  
12 the first meeting ~~after September 20~~ of the county board of tax adjustment held under IC 6-1.1-29-4,  
13 a political subdivision shall file with the county auditor:

14 (1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget  
15 year;

16 (2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year;  
17 and

18 (3) two (2) copies of any findings adopted under subsection (c).

19 Each year the county auditor shall present these items to the county board of tax adjustment at the  
20 board's first meeting under IC 6-1.1-29-4. ~~after September 20 of that year.~~

21 (e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall,  
22 notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of  
23 tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2)  
24 days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

25 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the  
26 ensuing budget year as required under this section, the most recent annual appropriations and annual  
27 tax levy are continued for the ensuing budget year.

28 SECTION 117. IC 6-1.1-17-5.6, AS AMENDED BY P.L.146-2008, SECTION 150, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) For budget years beginning  
30 before July 1, ~~2010~~, **2011**, this section applies only to a school corporation that is located in a city  
31 having a population of more than one hundred five thousand (105,000) but less than one hundred  
32 twenty thousand (120,000). For budget years beginning after June 30, ~~2010~~, **2011**, this section applies  
33 to all school corporations. Beginning in ~~2010~~, **2011**, each school corporation shall adopt a budget  
34 under this section that applies from July 1 of the year through June 30 of the following year. In the  
35 initial budget adopted by a school corporation in ~~2010~~ **2011** under this section, the first six (6) months  
36 of that initial budget must be consistent with the last six (6) months of the budget adopted by the  
37 school corporation for calendar year ~~2010~~. **2011**.

38 (b) Before February 1 of each year, the officers of the school corporation shall meet to fix the  
39 budget for the school corporation for the ensuing budget year, with notice given by the same officers.  
40 However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the  
41 budget for the ensuing budget year before September 30.

42 (c) Each year, at least two (2) days before the first meeting ~~after September 20~~ of the county board  
43 of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

44 (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget  
45 year;

46 (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year;  
47 and

48 (3) any written notification from the department of local government finance under section 16(i)

1 of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by  
2 the school corporation for the ensuing budget year.

3 Each year the county auditor shall present these items to the county board of tax adjustment at the  
4 board's first meeting ~~after September 20 of that year.~~ **under IC 6-1.1-29-4.**

5 (d) This subsection does not apply to budget years after June 30, ~~2010.~~ **2011.** The governing body  
6 of the school corporation may adopt a resolution to cease using a school year budget year and return  
7 to using a calendar year budget year. A resolution adopted under this subsection must be adopted after  
8 January 1 and before July 1. The school corporation's initial calendar year budget year following the  
9 adoption of a resolution under this subsection begins on January 1 of the year following the year the  
10 resolution is adopted. The first six (6) months of the initial calendar year budget for the school  
11 corporation must be consistent with the last six (6) months of the final school year budget fixed by the  
12 department of local government finance before the adoption of a resolution under this subsection.  
13 Notwithstanding any resolution adopted under this subsection, beginning in ~~2010,~~ **2011,** each school  
14 corporation shall adopt a budget under this section that applies from July 1 of the year through June  
15 30 of the following year.

16 (e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted  
17 by the governing body. If the governing body of the school corporation rescinds a resolution adopted  
18 under subsection (d) and returns to a school year budget year, the school corporation's initial school  
19 year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June  
20 30 of the following year. The first six (6) months of the initial school year budget for the school  
21 corporation must be consistent with the last six (6) months of the last calendar year budget fixed by  
22 the department of local government finance before the adoption of a rescinding resolution under this  
23 subsection.

24 SECTION 118. IC 6-1.1-17-9, AS AMENDED BY P.L.146-2008, SECTION 154, IS AMENDED  
25 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The county board of tax  
26 adjustment shall complete the duties assigned to it under this chapter on or before ~~October 1st~~  
27 **November 2** of each year, except that in a consolidated city and county and in a county containing a  
28 second class city, the duties of this board need not be completed until ~~November~~ **December 1** of each  
29 year.

30 (b) If the county board of tax adjustment fails to complete the duties assigned to it within the time  
31 prescribed in this section or to reduce aggregate tax rates so that they do not exceed the maximum rates  
32 permitted under IC 6-1.1-18, the county auditor shall calculate and fix the tax rate within each political  
33 subdivision of the county so that the maximum rate permitted under IC 6-1.1-18 is not exceeded.

34 (c) When the county auditor calculates and fixes tax rates, the county auditor shall send a certificate  
35 notice of those rates to each political subdivision of the county. The county auditor shall send these  
36 notices within five (5) days after:

37 (1) publication of the notice required by section 12 of this chapter; **or**

38 (2) **the tax rates are calculated and fixed by the county auditor;**

39 **whichever applies.**

40 (d) When the county auditor calculates and fixes tax rates, that action shall be treated as if it were  
41 the action of the county board of tax adjustment.

42 SECTION 119. IC 6-1.1-17-12, AS AMENDED BY P.L.146-2008, SECTION 157, IS AMENDED  
43 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. ~~As soon as~~ **If** the budgets, tax rates,  
44 ~~and or~~ tax levies are ~~approved or~~ modified by the county board of tax adjustment **or county auditor,**  
45 the county auditor shall within fifteen (15) days **of the modification** prepare a notice of the tax rates  
46 to be charged on each one hundred dollars (\$100) of assessed valuation for the various funds in each  
47 taxing district. The notice shall also inform the taxpayers of the manner in which they may initiate an  
48 appeal of **the modification** by the county ~~board's action.~~ **board or county auditor.** The county

1 auditor shall post the notice at the county courthouse and publish it in two (2) newspapers which  
2 represent different political parties and which have a general circulation in the county.

3 SECTION 120. IC 6-1.1-17-13, AS AMENDED BY P.L.228-2005, SECTION 20, IS AMENDED  
4 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) Ten (10) or more taxpayers or  
5 one (1) taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed  
6 valuation in the political subdivision may initiate an appeal from the county board of tax adjustment's  
7 ~~action on or county auditor's modification of~~ a political subdivision's budget, **tax rate, or tax levy**  
8 by filing a statement of their objections with the county auditor. The statement must be filed not later  
9 than ten (10) days after the publication of the notice required by section 12 of this chapter. The  
10 statement shall specifically identify the provisions of the budget, ~~and tax rate, or~~ tax levy to which  
11 the taxpayers object. The county auditor shall forward the statement, with the budget, to the  
12 department of local government finance.

13 (b) The department of local government finance shall:

14 (1) subject to subsection (c), give notice to the first ten (10) taxpayers whose names appear on  
15 the petition, or to the taxpayer that owns property that represents at least ten percent (10%) of the  
16 taxable assessed valuation in the political subdivision in the case of an appeal initiated by that  
17 taxpayer, of the date, time, and location of the hearing on the objection statement filed under  
18 subsection (a);

19 (2) conduct a hearing on the objection; and

20 (3) after the hearing:

21 (A) consider the testimony and evidence submitted at the hearing; and

22 (B) mail the department's:

23 (i) written determination; and

24 (ii) written statement of findings;

25 to the first ten (10) taxpayers whose names appear on the petition, or to the taxpayer that owns  
26 property that represents at least ten percent (10%) of the taxable assessed valuation in the  
27 political subdivision in the case of an appeal initiated by that taxpayer.

28 The department of local government finance may hold the hearing in conjunction with the hearing  
29 required under IC 6-1.1-17-16.

30 (c) The department of local government finance shall provide written notice to:

31 (1) the first ten (10) taxpayers whose names appear on the petition; or

32 (2) the taxpayer that owns property that represents at least ten percent (10%) of the taxable  
33 assessed valuation in the political subdivision, in the case of an appeal initiated by that taxpayer;  
34 at least five (5) days before the date of the hearing.

35 SECTION 121. IC 6-1.1-17-14, AS AMENDED BY P.L.146-2008, SECTION 158, IS AMENDED  
36 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The county auditor shall initiate  
37 an appeal to the department of local government finance if the county fiscal body or the county board  
38 of tax adjustment reduces

39 ~~(1) a township assistance tax rate below the rate necessary to meet the estimated cost of township~~  
40 ~~assistance.~~

41 ~~(2) a family and children's fund tax rate below the rate necessary to collect the levy recommended~~  
42 ~~by the department of child services; for property taxes first due and payable before January 1,~~  
43 ~~2009; or~~

44 ~~(3) a children's psychiatric residential treatment services fund tax rate below the rate necessary~~  
45 ~~to collect the levy recommended by the department of child services; for property taxes first due~~  
46 ~~and payable before January 1, 2009.~~

47 SECTION 122. IC 6-1.1-17-15, AS AMENDED BY P.L.146-2008, SECTION 159, IS AMENDED  
48 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. A political subdivision may appeal  
49 to the department of local government finance for an increase in its tax rate or tax levy as ~~fixed~~

1 **modified** by the county board of tax adjustment or the county auditor. To initiate the appeal, the  
2 political subdivision must file a statement with the department of local government finance not later  
3 than ten (10) days after publication of the notice required by section 12 of this chapter. The legislative  
4 body of the political subdivision must authorize the filing of the statement by adopting a resolution.  
5 The resolution must be attached to the statement of objections, and the statement must be signed by  
6 the following officers:

7 (1) In the case of counties, by the board of county commissioners and by the president of the  
8 county council.

9 (2) In the case of all other political subdivisions, by the highest executive officer and by the  
10 presiding officer of the legislative body.

11 SECTION 123. IC 6-1.1-17-16, AS AMENDED BY P.L.146-2008, SECTION 160, IS AMENDED  
12 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) Subject to the limitations and  
13 requirements prescribed in this section, the department of local government finance may revise,  
14 reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department  
15 reviews under section 8 or 10 of this chapter.

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

20 (c) Except as provided in subsections (j) and (k), before the department of local government finance  
21 reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy  
22 under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The  
23 department of local government finance shall hold the hearing in the county in which the political  
24 subdivision is located. The department of local government finance may consider the budgets by fund,  
25 tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5)  
26 days before the date fixed for a public hearing, the department of local government finance shall give  
27 notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be  
28 considered at the hearing. The department of local government finance shall publish the notice in two  
29 (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of  
30 general circulation is published in the county, the department of local government finance shall publish  
31 the notice in that newspaper.

32 (d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local  
33 government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to  
34 an amount which exceeds the amount originally fixed by the political subdivision. However, if the  
35 department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax  
36 levy, or budget of the political subdivision, the maximum amount by which the department may  
37 increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and  
38 not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b).  
39 The department of local government finance shall give the political subdivision written notification  
40 specifying any revision, reduction, or increase the department proposes in a political subdivision's tax  
41 levy or tax rate. The political subdivision has ~~two (2) weeks~~ **ten (10) calendar days** from the date the  
42 political subdivision receives the notice to provide a written response to the department of local  
43 government finance's Indianapolis office. The response may include budget reductions, reallocation  
44 of levies, a revision in the amount of miscellaneous revenues, and further review of any other item  
45 about which, in the view of the political subdivision, the department is in error. The department of  
46 local government finance shall consider the adjustments as specified in the political subdivision's  
47 response if the response is provided as required by this subsection and shall deliver a final decision  
48 to the political subdivision.

49 (e) The department of local government finance may not approve a levy for lease payments by a

1 city, town, county, library, or school corporation if the lease payments are payable to a building  
2 corporation for use by the building corporation for debt service on bonds and if:

- 3 (1) no bonds of the building corporation are outstanding; or
- 4 (2) the building corporation has enough legally available funds on hand to redeem all outstanding  
5 bonds payable from the particular lease rental levy requested.

6 (f) The department of local government finance shall certify its action to:

- 7 (1) the county auditor;
- 8 (2) the political subdivision if the department acts pursuant to an appeal initiated by the political  
9 subdivision;
- 10 (3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was  
11 initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement  
12 filed to initiate the appeal; and
- 13 (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed  
14 valuation in the political subdivision.

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

- 17 (1) If the department acts under an appeal initiated by a political subdivision, the political  
18 subdivision.
- 19 (2) If the department:
  - 20 (A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this  
21 chapter; or
  - 22 (B) fails to act on the appeal before the department certifies its action under subsection (f);  
23 a taxpayer who signed the statement filed to initiate the appeal.
- 24 (3) If the department acts under an appeal initiated by the county auditor under section 14 of this  
25 chapter, the county auditor.
- 26 (4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable  
27 assessed valuation in the political subdivision.

28 The petition must be filed in the tax court not more than forty-five (45) days after the department  
29 certifies its action under subsection (f).

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

33 (i) Subject to the provisions of all applicable statutes, the department of local government finance  
34 may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed  
35 by the political subdivision if the increase is:

- 36 (1) requested in writing by the officers of the political subdivision;
- 37 (2) either:
  - 38 (A) based on information first obtained by the political subdivision after the public hearing  
39 under section 3 of this chapter; or
  - 40 (B) results from an inadvertent mathematical error made in determining the levy; and
- 41 (3) published by the political subdivision according to a notice provided by the department.

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

47 (k) The department of local government finance may hold a hearing under subsection (c) only if  
48 the notice required in section 12 of this chapter is published at least ten (10) days before the date of  
49 the hearing.

1 SECTION 124. IC 6-1.1-17-20, AS AMENDED BY P.L.146-2008, SECTION 163, IS AMENDED  
2 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 20. (a) This  
3 section applies

4 ~~(†)~~ to each governing body of a taxing unit that:

5 (1) is not comprised of a majority of officials who are elected to serve on the governing body; and

6 (2) ~~if the either:~~

7 (A) is:

8 (i) a conservancy district subject to IC 14-33-9;

9 (ii) a solid waste management district subject to IC 13-21; or

10 (iii) a fire protection district subject to IC 36-8-11-18; or

11 (B) has a percentage increase in the proposed budget for the taxing unit for the ensuing  
12 calendar year **that** is more than the result of:

13 ~~(A)~~ (i) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing  
14 calendar year; minus

15 ~~(B)~~ (ii) one (1).

16 **For purposes of this section, an individual who qualifies to be appointed to a governing body or**  
17 **serves on a governing body because of the individual's status as an elected official of another**  
18 **taxing unit shall be treated as an official who was not elected to serve on the governing body.**

19 (b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the  
20 term does not include:

21 (1) a school corporation; or

22 (2) an entity whose tax levies are subject to review and modification by a city-county legislative  
23 body under IC 36-3-6-9.

24 (c) ~~This subsection does not apply to a public library.~~ If:

25 (1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

26 (2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the  
27 taxing unit was originally established by the city or town;

28 the governing body shall submit its proposed budget and property tax levy to the city or town fiscal  
29 body. The proposed budget and levy shall be submitted at least ~~fourteen (14)~~ **thirty (30)** days before  
30 the city or town fiscal body is required to hold budget approval hearings under this chapter.

31 (d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed  
32 budget and property tax levy to the county fiscal body in the county where the taxing unit has the most  
33 assessed valuation. The proposed budget and levy shall be submitted at least ~~fourteen (14)~~ **thirty (30)**  
34 days before the county fiscal body is required to hold budget approval hearings under this chapter.

35 (e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and  
36 proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce  
37 or modify but not increase the proposed budget or tax levy.

38 **(f) If a taxing unit fails to file the information required in subsection (c) or (d), whichever**  
39 **applies, with the appropriate fiscal body by the time prescribed by this section, the most recent**  
40 **annual appropriations and annual tax levy of that taxing unit are continued for the ensuing**  
41 **budget year.**

42 **(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before**  
43 **the adoption deadline in section 5 of this chapter for any taxing unit subject to this section, the**  
44 **most recent annual appropriations and annual tax levy of the city, town, or county, whichever**  
45 **applies, are continued for the ensuing budget year.**

46 SECTION 125. IC 6-1.1-17-20.5, AS ADDED BY P.L.146-2008, SECTION 164, IS AMENDED  
47 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 20.5. (a) This  
48 section applies to the governing body of a taxing unit unless a majority of the governing body is

1 comprised of officials who are elected to serve on the governing body. **For purposes of this section,**  
2 **an individual who qualifies to be appointed to a governing body or serves on a governing body**  
3 **because of the individual's status as an elected official of another taxing unit shall be treated as**  
4 **an official who was not elected to serve on the governing body.**

5 (b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the  
6 term does not include:

7 (1) a school corporation; or

8 (2) an entity whose tax levies are subject to review and modification by a city-county legislative  
9 body under IC 36-3-6-9.

10 (c) If:

11 (1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

12 (2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the  
13 taxing unit was originally established by the city or town;

14 the governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in  
15 part from property taxes unless it obtains the approval of the city or town fiscal body.

16 (d) This subsection applies to a taxing unit not described in subsection (c). The governing body of  
17 the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property  
18 taxes unless it obtains the approval of the county fiscal body in the county where the taxing unit has  
19 the most net assessed valuation.

20 SECTION 126. IC 6-1.1-18.5-7, AS AMENDED BY P.L.146-2008, SECTION 170, IS AMENDED  
21 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A civil taxing unit is not subject  
22 to the levy limits imposed by section 3 of this chapter for an ensuing calendar year if the civil taxing  
23 unit did not adopt an ad valorem property tax levy for the immediately preceding calendar year.

24 (b) If under subsection (a) a civil taxing unit is not subject to the levy limits imposed under section  
25 3 of this chapter for a calendar year, the civil taxing unit shall refer its proposed budget, ad valorem  
26 property tax levy, and property tax rate for that calendar year to ~~the local government tax control board~~  
27 ~~established by section 11 of this chapter before the tax levy is advertised. The local government tax~~  
28 ~~control board shall then review and make a recommendation to~~ the department of local government  
29 finance. ~~on the civil taxing unit's budget, ad valorem property tax levy, and property tax rate for that~~  
30 ~~calendar year.~~ The department of local government finance shall make a final determination of the  
31 civil taxing unit's budget, ad valorem property tax levy, and property tax rate for that calendar year.  
32 However, a civil taxing unit may not impose a property tax levy for a year if the unit did not exist as  
33 of March 1 of the preceding year.

34 SECTION 127. IC 6-1.1-18.5-8, AS AMENDED BY P.L.146-2008, SECTION 171, IS AMENDED  
35 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The ad valorem property tax levy  
36 limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a  
37 civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

38 (1) bonded indebtedness; or

39 (2) lease rentals under a lease with an original term of at least five (5) years.

40 (b) Except as provided by subsections (g) and (h), a civil taxing unit must file a petition requesting  
41 approval from the department of local government finance to incur bonded indebtedness or execute  
42 a lease with an original term of at least five (5) years not later than twenty-four (24) months after the  
43 first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2) (as in effect  
44 before July 1, 2008), unless the civil taxing unit demonstrates that a longer period is reasonable in light  
45 of the civil taxing unit's facts and circumstances. A civil taxing unit must obtain approval from the  
46 department of local government finance before the civil taxing unit may:

47 (1) incur the bonded indebtedness; or

48 (2) enter into the lease.

49 ~~The department of local government finance may seek recommendations from the local government~~

1 tax control board established by section 11 of this chapter when determining whether to authorize  
2 incurring the bonded indebtedness or the execution of the lease:

3 (c) The department of local government finance shall render a decision within three (3) months  
4 after the date it receives a request for approval under subsection (b). However, the department of local  
5 government finance may extend this three (3) month period by an additional three (3) months if, at  
6 least ten (10) days before the end of the original three (3) month period, the department sends notice  
7 of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for  
8 judicial review of the final determination of the department of local government finance under this  
9 section. The petition must be filed in the tax court not more than forty-five (45) days after the  
10 department enters its order under this section.

11 (d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made  
12 in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in  
13 the course of collection for the fiscal year in which the loans are made.

14 (e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit  
15 by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does  
16 not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with  
17 an original term of five (5) years in subsection (a).

18 (f) A taxpayer may petition for judicial review of the final determination of the department of local  
19 government finance under this section. The petition must be filed in the tax court not more than thirty  
20 (30) days after the department enters its order under this section.

21 (g) This subsection applies only to bonds, leases, and other obligations for which a civil taxing unit:

22 (1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or  
23 IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

24 (2) in the case of bonds, leases, or other obligations payable from ad valorem property taxes but  
25 not described in subdivision (1), adopts a resolution or ordinance authorizing the bonds, lease  
26 rental agreement, or other obligations after June 30, 2008.

27 Notwithstanding any other provision, review by the department of local government finance and  
28 approval by the department of local government finance is not required before a civil taxing unit may  
29 issue or enter into bonds, a lease, or any other obligation.

30 (h) This subsection applies after June 30, 2008. Notwithstanding any other provision, review by  
31 the department of local government finance and approval by the department of local government  
32 finance is not required before a civil taxing unit may construct, alter, or repair a capital project.

33 SECTION 128. IC 6-1.1-18.5-10, AS AMENDED BY P.L.146-2008, SECTION 174, IS  
34 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec.

35 10. (a) ~~Subject to subsection (d)~~, The ad valorem property tax levy limits imposed by section 3 of this  
36 chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

37 (1) community mental health centers under:

38 (A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under  
39 IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this  
40 section does not exceed the levy authorized in 2002;

41 (B) IC 12-29-2-2 through IC 12-29-2-5; and

42 (C) IC 12-29-2-13; or

43 (2) community mental retardation and other developmental disabilities centers under  
44 IC 12-29-1-1;

45 to the extent that those property taxes are attributable to any increase in the assessed value of the civil  
46 taxing unit's taxable property caused by a general reassessment of real property that took effect after  
47 February 28, 1979.

48 (b) ~~Subject to subsection (d)~~, For purposes of computing the ad valorem property tax levy limits  
49 imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property

1 tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

2 (c) This subsection applies to property taxes first due and payable after December 31, 2008.  
3 Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing  
4 unit that are exempted by this section from the ad valorem property tax levy limits imposed by section  
5 3 of this chapter may not increase annually by a percentage greater than the result of:

6 (1) the assessed value growth quotient determined under section 2 of this chapter; minus

7 (2) one (1).

8 (d) ~~The exemptions under subsections (a) and (b) from the ad valorem property tax levy limits do~~  
9 ~~not apply to a civil taxing unit that did not fund a community mental health center or community~~  
10 ~~mental retardation and other developmental disabilities center in 2008:~~

11 (d) **For a county that:**

12 (1) **did not impose an ad valorem property tax levy in 2008 for the county general fund to**  
13 **provide financial assistance under IC 12-29-1 (community mental retardation and other**  
14 **developmental disabilities center) or IC 12-29-2 (community mental health center); and**

15 (2) **determines for 2009 or a later calendar year to impose a levy as described in subdivision**  
16 **(1);**

17 **the ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to**  
18 **the part of the county's general fund levy that is used in the first calendar year for which a**  
19 **determination is made under subdivision (2) to provide financial assistance under IC 12-29-1 or**  
20 **IC 12-29-2. The department of local government finance shall review a county's proposed budget**  
21 **that is submitted under IC 12-29-1-1 or IC 12-29-2-1.2 and make a final determination of the**  
22 **amount to which the levy limits do not apply under this subsection for the first calendar year**  
23 **for which a determination is made under subdivision (2).**

24 (e) **The ad valorem property tax levy limits imposed under section 3 of this chapter do not**  
25 **apply to the county's general fund levy in the amount determined by the department of local**  
26 **government finance under subsection (d) in each calendar year following the calendar year for**  
27 **which the determination under subsection (b) is made.**

28 SECTION 129. IC 6-1.1-18.5-10.5, AS AMENDED BY P.L.146-2008, SECTION 177, IS  
29 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) The ad valorem  
30 property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes  
31 imposed by a civil taxing unit for fire protection services within a fire protection territory under  
32 IC 36-8-19, if the civil taxing unit is a participating unit in a fire protection territory established before  
33 August 1, 2001. For purposes of computing the ad valorem property tax levy limits imposed on a civil  
34 taxing unit by section 3 of this chapter on a civil taxing unit that is a participating unit in a fire  
35 protection territory established before August 1, 2001, the civil taxing unit's ad valorem property tax  
36 levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-19.

37 (b) This subsection applies to a participating unit in a fire protection territory established under  
38 IC 36-8-19 after July 31, 2001. The ad valorem property tax levy limits imposed by section 3 of this  
39 chapter do not apply to ad valorem property taxes imposed by a civil taxing unit for fire protection  
40 services within a fire protection territory under IC 36-8-19 for the three (3) calendar years in which  
41 the participating unit levies a tax to support the territory. For purposes of computing the ad valorem  
42 property tax levy limits imposed on a civil taxing unit by section 3 of this chapter for the three (3)  
43 calendar years for which the participating unit levies a tax to support the territory, the civil taxing  
44 unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy  
45 imposed under IC 36-8-19.

46 (c) This subsection applies to property taxes first due and payable after December 31, 2008. **Except**  
47 **as provided in subsection (d),** notwithstanding subsections (a) and (b) or any other law, any property  
48 taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property  
49 tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater

1 than the result of:

2 (1) the assessed value growth quotient determined under section 2 of this chapter; minus

3 (2) one (1).

4 **(d) The limits specified in subsection (c) do not apply to a civil taxing unit in the first year in**  
5 **which the civil taxing unit becomes a participating unit in a fire protection territory established**  
6 **under IC 36-8-19. In the first year in which a civil taxing unit becomes a participating unit in**  
7 **a fire protection territory, the civil taxing unit shall submit its proposed budget, proposed ad**  
8 **valorem property tax levy, and proposed property tax rate for the fire protection territory to**  
9 **the department of local government finance. The department of local government finance shall**  
10 **make a final determination of the civil taxing unit's budget, ad valorem property tax levy, and**  
11 **property tax rate for the fire protection territory for that calendar year. In making its**  
12 **determination under this subsection, the department of local government finance shall consider**  
13 **the amount that the civil taxing unit is obligated to provide to meet the expenses of operation and**  
14 **maintenance of the fire protection services within the territory, plus a reasonable operating**  
15 **balance, not to exceed twenty percent (20%) of the budgeted expenses. However, the department**  
16 **of local government finance may not approve under this subsection a property tax levy greater**  
17 **than zero (0) if the civil taxing unit did not exist as of the March 1 assessment date for which the**  
18 **tax levy will be imposed. For purposes of applying subsection (c) to the civil taxing unit's**  
19 **property tax levy for the fire protection territory in subsequent calendar years, the department**  
20 **of local government finance may determine not to consider part or all of the part of the first year**  
21 **property tax levy imposed to establish an operating balance.**

22 SECTION 130. IC 6-1.1-18.5-12, AS AMENDED BY P.L.146-2008, SECTION 179, IS  
23 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Any civil taxing  
24 unit that determines that it cannot carry out its governmental functions for an ensuing calendar year  
25 under the levy limitations imposed by section 3 of this chapter may:

26 (1) before ~~September~~ **October** 20 of the calendar year immediately preceding the ensuing  
27 calendar year; or

28 (2) in the case of a request described in section 16 of this chapter, before December 31 of the  
29 calendar year immediately preceding the ensuing calendar year;

30 appeal to the department of local government finance for relief from those levy limitations. In the  
31 appeal the civil taxing unit must state that it will be unable to carry out the governmental functions  
32 committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit  
33 must support these allegations by reasonably detailed statements of fact.

34 (b) The department of local government finance shall ~~promptly deliver to the local government tax~~  
35 ~~control board every appeal petition it receives under subsection (a) and any materials it receives~~  
36 ~~relevant to those appeals. Upon receipt of an appeal petition, the local government tax control board~~  
37 ~~shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's~~  
38 ~~appeal.~~

39 (c) In considering an appeal, the ~~local government tax control board~~ **department of local**  
40 **government finance** has the power to conduct hearings, require any officer or member of the  
41 appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil  
42 taxing unit to provide the ~~board~~ **department** with any relevant records or books.

43 (d) If an officer or member:

44 (1) fails to appear at a hearing ~~of the local government tax control board~~ after having been given  
45 written notice ~~from the local government tax control board~~ requiring that person's attendance; or

46 (2) fails to produce ~~for the local government tax control board's use~~ the books and records that  
47 the ~~local government tax control board~~ **department** by written notice required the officer or  
48 member to produce;

1 then the **local government tax control board department** may file an affidavit in the circuit court in  
2 the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

3 (e) Upon the filing of an affidavit under subsection (d), the circuit court shall promptly issue a  
4 summons, and the sheriff of the county within which the circuit court is sitting shall serve the  
5 summons. The summons must command the officer or member to appear before the **local government**  
6 **tax control board department** to provide information to the **local government tax control board**  
7 **department** or to produce books and records for the **local government tax control board's**  
8 **department's** use, as the case may be. Disobedience of the summons constitutes, and is punishable  
9 as, a contempt of the circuit court that issued the summons.

10 (f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and  
11 service of a summons shall be charged to the officer or member against whom the summons is issued,  
12 unless the circuit court finds that the officer or member was acting in good faith and with reasonable  
13 cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable  
14 cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the  
15 county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

16 (g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief  
17 from levy limitations shall immediately file a copy of the appeal petition with the county auditor and  
18 the county treasurer of the county in which the unit is located.

19 SECTION 131. IC 6-1.1-18.5-13, AS AMENDED BY P.L.146-2008, SECTION 180, IS  
20 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 13. With respect to  
21 an appeal filed under section 12 of this chapter, the **local government tax control board may**  
22 **recommend department may find** that a civil taxing unit **should** receive any one (1) or more of the  
23 following types of relief:

24 (1) Permission to the civil taxing unit to increase its levy in excess of the limitations established  
25 under section 3 of this chapter, if in the judgment of the **local government tax control board**  
26 **department** the increase is reasonably necessary due to increased costs of the civil taxing unit  
27 resulting from annexation, consolidation, or other extensions of governmental services by the  
28 civil taxing unit to additional geographic areas or persons. With respect to annexation,  
29 consolidation, or other extensions of governmental services in a calendar year, if those increased  
30 costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately  
31 succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to  
32 increase its levy under this subdivision based on those increased costs in any of the following:

33 (A) The first calendar year in which those costs are incurred.

34 (B) One (1) or more of the immediately succeeding four (4) calendar years.

35 (2) A levy increase may not be granted under this subdivision for property taxes first due and  
36 payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess  
37 of the limitations established under section 3 of this chapter, if the local government tax control  
38 board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the  
39 costs of operating a court established by statute enacted after December 31, 1973. Before  
40 recommending such an increase, the local government tax control board shall consider all other  
41 revenues available to the civil taxing unit that could be applied for that purpose. The maximum  
42 aggregate levy increases that the local government tax control board may recommend for a  
43 particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating  
44 a court for the first full calendar year in which it is in existence. For purposes of this subdivision,  
45 costs of operating a court include:

46 (A) the cost of personal services (including fringe benefits);

47 (B) the cost of supplies; and

48 (C) any other cost directly related to the operation of the court.

1 (3) Permission to the civil taxing unit to increase its levy in excess of the limitations established  
2 under section 3 of this chapter, if the ~~local government tax control board~~ **department** finds that  
3 the quotient determined under STEP SIX of the following formula is equal to or greater than one  
4 and two-hundredths (1.02):

5 STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing  
6 calendar year and in which a statewide general reassessment of real property or the initial  
7 annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5 does not first  
8 become effective.

9 STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE,  
10 the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing  
11 unit's total assessed value of all taxable property and:

12 (i) for a particular calendar year before 2007, the total assessed value of property tax  
13 deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year;

14 or

15 (ii) for a particular calendar year after 2006, the total assessed value of property tax  
16 deductions that applied in the unit under IC 6-1.1-12-42 in 2006 **plus for a particular**  
17 **calendar year after 2009, the total assessed value of property tax deductions that**  
18 **applied in the unit under IC 6-1.1-12-37.5 in 2008;**

19 divided by the sum determined under this STEP for the calendar year immediately preceding  
20 the particular calendar year.

21 STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three  
22 (3).

23 STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE,  
24 the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed  
25 value of all taxable property in all counties and:

26 (i) for a particular calendar year before 2007, the total assessed value of property tax  
27 deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar  
28 year; or

29 (ii) for a particular calendar year after 2006, the total assessed value of property tax  
30 deductions that applied in all counties under IC 6-1.1-12-42 in 2006 **plus for a particular**  
31 **calendar year after 2009, the total assessed value of property tax deductions that**  
32 **applied in the unit under IC 6-1.1-12-37.5 in 2008;**

33 divided by the sum determined under this STEP for the calendar year immediately preceding  
34 the particular calendar year.

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

36 STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

37 The civil taxing unit may increase its levy by a percentage not greater than the percentage by  
38 which the STEP THREE amount exceeds the percentage by which the civil taxing unit may  
39 increase its levy under section 3 of this chapter based on the assessed value growth quotient  
40 determined under section 2 of this chapter.

41 (4) A levy increase may not be granted under this subdivision for property taxes first due and  
42 payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess  
43 of the limitations established under section 3 of this chapter, if the local government tax control  
44 board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire  
45 protection for the civil taxing unit through a volunteer fire department. For purposes of  
46 determining a township's need for an increased levy, the local government tax control board shall  
47 not consider the amount of money borrowed under IC 36-6-6-14 during the immediately  
48 preceding calendar year. However, any increase in the amount of the civil taxing unit's levy  
49 recommended by the local government tax control board under this subdivision for the ensuing

1 calendar year may not exceed the lesser of:

2 (A) ten thousand dollars (\$10,000); or

3 (B) twenty percent (20%) of:

4 (i) the amount authorized for operating expenses of a volunteer fire department in the budget  
5 of the civil taxing unit for the immediately preceding calendar year; plus

6 (ii) the amount of any additional appropriations authorized during that calendar year for the  
7 civil taxing unit's use in paying operating expenses of a volunteer fire department under this  
8 chapter; minus

9 (iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the  
10 civil taxing unit's use in paying operating expenses of a volunteer fire department.

11 (5) A levy increase may not be granted under this subdivision for property taxes first due and  
12 payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess  
13 of the limitations established under section 3 of this chapter in order to raise revenues for pension  
14 payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum  
15 increase in a civil taxing unit's levy that may be recommended under this subdivision for an  
16 ensuing calendar year equals the amount, if any, by which the pension payments and  
17 contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar  
18 year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and  
19 contributions made by the civil taxing unit under IC 36-8 during the calendar year that  
20 immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension  
21 payments and contributions made by a civil taxing unit" does not include that part of the  
22 payments or contributions that are funded by distributions made to a civil taxing unit by the state.

23 (6) A levy increase may not be granted under this subdivision for property taxes first due and  
24 payable after December 31, 2008. Permission to increase its levy in excess of the limitations  
25 established under section 3 of this chapter if the local government tax control board finds that:

26 (A) the township's township assistance ad valorem property tax rate is less than one and  
27 sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation;  
28 and

29 (B) the township needs the increase to meet the costs of providing township assistance under  
30 IC 12-20 and IC 12-30-4.

31 The maximum increase that the board may recommend for a township is the levy that would  
32 result from an increase in the township's township assistance ad valorem property tax rate of one  
33 and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation  
34 minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed  
35 valuation before the increase.

36 (7) A levy increase may not be granted under this subdivision for property taxes first due and  
37 payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess  
38 of the limitations established under section 3 of this chapter if:

39 (A) the increase has been approved by the legislative body of the municipality with the largest  
40 population where the civil taxing unit provides public transportation services; and

41 (B) the local government tax control board finds that the civil taxing unit needs the increase  
42 to provide adequate public transportation services.

43 The local government tax control board shall consider tax rates and levies in civil taxing units  
44 of comparable population, and the effect (if any) of a loss of federal or other funds to the civil  
45 taxing unit that might have been used for public transportation purposes. However, the increase  
46 that the board may recommend under this subdivision for a civil taxing unit may not exceed the  
47 revenue that would be raised by the civil taxing unit based on a property tax rate of one cent  
48 (\$0.01) per one hundred dollars (\$100) of assessed valuation.

49 (8) A levy increase may not be granted under this subdivision for property taxes first due and

1 payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in  
2 excess of the limitations established under section 3 of this chapter if the local government tax  
3 control board finds that:

4 (A) the civil taxing unit is:

5 (i) a county having a population of more than one hundred forty-eight thousand (148,000)  
6 but less than one hundred seventy thousand (170,000);

7 (ii) a city having a population of more than fifty-five thousand (55,000) but less than  
8 fifty-nine thousand (59,000);

9 (iii) a city having a population of more than twenty-eight thousand seven hundred (28,700)  
10 but less than twenty-nine thousand (29,000);

11 (iv) a city having a population of more than fifteen thousand four hundred (15,400) but less  
12 than sixteen thousand six hundred (16,600); or

13 (v) a city having a population of more than seven thousand (7,000) but less than seven  
14 thousand three hundred (7,300); and

15 (B) the increase is necessary to provide funding to undertake removal (as defined in  
16 IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous  
17 substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites  
18 in the civil taxing unit that have become a menace to the public health and welfare.

19 The maximum increase that the local government tax control board may recommend for such a  
20 civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven  
21 hundredths cents (\$.0667) for each one hundred dollars (\$100) of assessed valuation. For  
22 purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under  
23 section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year  
24 does not include that part of the levy imposed under this subdivision. In addition, a property tax  
25 increase permitted under this subdivision may be imposed for only two (2) calendar years.

26 (9) A levy increase may not be granted under this subdivision for property taxes first due and  
27 payable after December 31, 2008. Permission for a county:

28 (A) having a population of more than eighty thousand (80,000) but less than ninety thousand  
29 (90,000) to increase the county's levy in excess of the limitations established under section 3  
30 of this chapter, if the local government tax control board finds that the county needs the  
31 increase to meet the county's share of the costs of operating a jail or juvenile detention center,  
32 including expansion of the facility, if the jail or juvenile detention center is opened after  
33 December 31, 1991;

34 (B) that operates a county jail or juvenile detention center that is subject to an order that:

35 (i) was issued by a federal district court; and

36 (ii) has not been terminated;

37 (C) that operates a county jail that fails to meet:

38 (i) American Correctional Association Jail Construction Standards; and

39 (ii) Indiana jail operation standards adopted by the department of correction; or

40 (D) that operates a juvenile detention center that fails to meet standards equivalent to the  
41 standards described in clause (C) for the operation of juvenile detention centers.

42 Before recommending an increase, the local government tax control board shall consider all other  
43 revenues available to the county that could be applied for that purpose. An appeal for operating  
44 funds for a jail or a juvenile detention center shall be considered individually, if a jail and  
45 juvenile detention center are both opened in one (1) county. The maximum aggregate levy  
46 increases that the local government tax control board may recommend for a county equals the  
47 county's share of the costs of operating the jail or a juvenile detention center for the first full  
48 calendar year in which the jail or juvenile detention center is in operation.

49 (10) A levy increase may not be granted under this subdivision for property taxes first due and

1 payable after December 31, 2008. Permission for a township to increase its levy in excess of the  
2 limitations established under section 3 of this chapter, if the local government tax control board  
3 finds that the township needs the increase so that the property tax rate to pay the costs of  
4 furnishing fire protection for a township, or a portion of a township, enables the township to pay  
5 a fair and reasonable amount under a contract with the municipality that is furnishing the fire  
6 protection. However, for the first time an appeal is granted the resulting rate increase may not  
7 exceed fifty percent (50%) of the difference between the rate imposed for fire protection within  
8 the municipality that is providing the fire protection to the township and the township's rate. A  
9 township is required to appeal a second time for an increase under this subdivision if the  
10 township wants to further increase its rate. However, a township's rate may be increased to equal  
11 but may not exceed the rate that is used by the municipality. More than one (1) township served  
12 by the same municipality may use this appeal.

13 (11) A levy increase may not be granted under this subdivision for property taxes first due and  
14 payable after December 31, 2008. Permission for a township to increase its levy in excess of the  
15 limitations established under section 3 of this chapter, if the local government tax control board  
16 finds that the township has been required, for the three (3) consecutive years preceding the year  
17 for which the appeal under this subdivision is to become effective, to borrow funds under  
18 IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the  
19 maximum increase in a township's levy that may be allowed under this subdivision is the least  
20 of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A  
21 township may elect to phase in an approved increase in its levy under this subdivision over a  
22 period not to exceed three (3) years. A particular township may appeal to increase its levy under  
23 this section not more frequently than every fourth calendar year.

24 (12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less  
25 than thirty-one thousand (31,000) to increase its levy in excess of the limitations established  
26 under section 3 of this chapter if:

27 (A) an appeal was granted to the city under this section to reallocate property tax replacement  
28 credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

29 (B) the increase has been approved by the legislative body of the city, and the legislative body  
30 of the city has by resolution determined that the increase is necessary to pay normal operating  
31 expenses.

32 The maximum amount of the increase is equal to the amount of property tax replacement credits  
33 under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a  
34 purpose other than property tax relief.

35 (13) A levy increase may be granted under this subdivision only for property taxes first due and  
36 payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess  
37 of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry  
38 out its governmental functions for an ensuing calendar year under the levy limitations imposed  
39 by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated  
40 emergency.

41 SECTION 132. IC 6-1.1-18.5-13.5, AS AMENDED BY P.L.224-2007, SECTION 26, IS  
42 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.5. A levy increase may  
43 not be granted under this section for property taxes first due and payable after December 31, 2009.  
44 With respect to an appeal filed under section 12 of this chapter, ~~the local government tax control board~~  
45 ~~may recommend that~~ the department of local government finance ~~may~~ give permission to a town  
46 having a population of more than three hundred seventy-five (375) but less than five hundred (500)  
47 located in a county having a population of more than seventy-one thousand (71,000) but less than  
48 seventy-one thousand four hundred (71,400) to increase its levy in excess of the limitations established  
49 under section 3 of this chapter, if the ~~local government tax control board~~ **department** finds that the

1 town needs the increase to pay the costs of furnishing fire protection for the town. However, any  
2 increase in the amount of the town's levy ~~recommended by the local government tax control board~~  
3 under this section for the ensuing calendar year may not exceed the greater of:

4 (1) twenty-five thousand dollars (\$25,000); or

5 (2) twenty percent (20%) of the sum of:

6 (A) the amount authorized for the cost of furnishing fire protection in the town's budget for  
7 the immediately preceding calendar year; plus

8 (B) the amount of any additional appropriations authorized under IC 6-1.1-18-5 during that  
9 calendar year for the town's use in paying the costs of furnishing fire protection.

10 SECTION 133. IC 6-1.1-18.5-13.6, AS AMENDED BY P.L.146-2008, SECTION 181, IS  
11 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.6. A levy increase may  
12 not be granted under this section for property taxes first due and payable after December 31, 2008. For  
13 an appeal filed under section 12 of this chapter, ~~the local government tax control board may~~  
14 ~~recommend that~~ the department of local government finance **may** give permission to a county to  
15 increase its levy in excess of the limitations established under section 3 of this chapter if the ~~local~~  
16 ~~government tax control board department~~ finds that the county needs the increase to pay for:

17 (1) a new voting system; or

18 (2) the expansion or upgrade of an existing voting system;

19 under IC 3-11-6.

20 SECTION 134. IC 6-1.1-18.5-14, AS AMENDED BY P.L.146-2008, SECTION 182, IS  
21 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) ~~The local~~  
22 ~~government tax control board may recommend to~~ The department of local government finance **may**  
23 **order** a correction of any advertising error, mathematical error, or error in data made at the local level  
24 for any calendar year **if the department finds that the error** affects the determination of the  
25 limitations established by section 3 of this chapter or the tax rate or levy of a civil taxing unit. The  
26 department of local government finance may on its own initiative correct such an advertising error,  
27 mathematical error, or error in data for any civil taxing unit.

28 (b) A correction made under subsection (a) for a prior calendar year shall be applied to the civil  
29 taxing unit's levy limitations, rate, and levy for the ensuing calendar year to offset any cumulative  
30 effect that the error caused in the determination of the civil taxing unit's levy limitations, rate, or levy  
31 for the ensuing calendar year.

32 SECTION 135. IC 6-1.1-18.5-15, AS AMENDED BY P.L.146-2008, SECTION 183, IS  
33 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) The department  
34 of local government finance, upon ~~receiving a recommendation made making a finding~~ under section  
35 13 or 14 of this chapter, shall enter an order ~~adopting, rejecting, or adopting in part and rejecting in~~  
36 ~~part the recommendation of the local government tax control board: setting forth its final~~  
37 **determination.**

38 (b) A civil taxing unit may petition for judicial review of the final determination made by the  
39 department of local government finance under subsection (a). The action must be taken to the tax court  
40 under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the  
41 Indiana board. The petition must be filed in the tax court not more than forty-five (45) days after the  
42 department enters its order under subsection (a).

43 SECTION 136. IC 6-1.1-18.5-16, AS AMENDED BY P.L.146-2008, SECTION 184, IS  
44 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A civil taxing unit  
45 may request permission from the ~~local government tax control board department~~ to impose an ad  
46 valorem property tax levy that exceeds the limits imposed by section 3 of this chapter if:

47 (1) the civil taxing unit experienced a property tax revenue shortfall that resulted from erroneous  
48 assessed valuation figures being provided to the civil taxing unit;

1 (2) the erroneous assessed valuation figures were used by the civil taxing unit in determining its  
2 total property tax rate; and

3 (3) the error in the assessed valuation figures was found after the civil taxing unit's property tax  
4 levy resulting from that total rate was finally approved by the department of local government  
5 finance.

6 (b) A civil taxing unit may request permission from the ~~local government tax control board~~  
7 **department** to impose an ad valorem property tax levy that exceeds the limits imposed by section 3  
8 of this chapter if the civil taxing unit experienced a property tax revenue shortfall because of the  
9 payment of refunds that resulted from appeals under this article and IC 6-1.5.

10 (c) If the ~~local government tax control board~~ **department** determines that a shortfall described in  
11 subsection (a) or (b) has occurred, it ~~shall recommend to~~ the department of local government finance  
12 **may find** that the civil taxing unit **should** be allowed to impose a property tax levy exceeding the limit  
13 imposed by section 3 of this chapter. ~~and the department may adopt such recommendation.~~ However,  
14 the maximum amount by which the civil taxing unit's levy may be increased over the limits imposed  
15 by section 3 of this chapter equals the remainder of the civil taxing unit's property tax levy for the  
16 particular calendar year as finally approved by the department of local government finance minus the  
17 actual property tax levy collected by the civil taxing unit for that particular calendar year.

18 (d) Any property taxes collected by a civil taxing unit over the limits imposed by section 3 of this  
19 chapter under the authority of this section may not be treated as a part of the civil taxing unit's  
20 maximum permissible ad valorem property tax levy for purposes of determining its maximum  
21 permissible ad valorem property tax levy for future years.

22 (e) If the department of local government finance authorizes an excess tax levy under this section,  
23 it shall take appropriate steps to insure that the proceeds are first used to repay any loan made to the  
24 civil taxing unit for the purpose of meeting its current expenses.

25 SECTION 137. IC 6-1.1-18.5-17, AS AMENDED BY P.L.219-2007, SECTION 57, IS AMENDED  
26 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) As used in this section, "levy  
27 excess" means the part of the ad valorem property tax levy actually collected by a civil taxing unit, for  
28 taxes first due and payable during a particular calendar year, that exceeds the civil taxing unit's ad  
29 valorem property tax levy, as approved by the department of local government finance under  
30 IC 6-1.1-17. The term does not include delinquent ad valorem property taxes collected during a  
31 particular year that were assessed for an assessment date that precedes the assessment date for the  
32 current year in which the ad valorem property taxes are collected.

33 (b) A civil taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds  
34 the civil taxing unit's levy limit for the applicable calendar year. However, the civil taxing unit shall  
35 deposit, except as provided in subsections (h) and (i), its levy excess in a special fund to be known as  
36 the civil taxing unit's levy excess fund.

37 (c) The chief fiscal officer of a civil taxing unit may invest money in the civil taxing unit's levy  
38 excess fund in the same manner in which money in the civil taxing unit's general fund may be invested.  
39 However, any income derived from investment of the money shall be deposited in and becomes a part  
40 of the levy excess fund.

41 (d) The department of local government finance shall require a civil taxing unit to include the  
42 amount in its levy excess fund in the civil taxing unit's budget fixed under IC 6-1.1-17.

43 (e) Except as provided by subsection (f), a civil taxing unit may not spend any money in its levy  
44 excess fund until the expenditure of the money has been included in a budget that has been approved  
45 by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget  
46 and for purposes of the ad valorem property tax levy limits imposed under this chapter, a civil taxing  
47 unit shall treat the money in its levy excess fund that the department of local government finance  
48 permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that  
49 same calendar year.

1 (f) A civil taxing unit may transfer money from its levy excess fund to its other funds to reimburse  
2 those funds for amounts withheld from the civil taxing unit as a result of refunds paid under  
3 IC 6-1.1-26.

4 (g) Subject to the limitations imposed by this section, a civil taxing unit may use money in its levy  
5 excess fund for any lawful purpose for which money in any of its other funds may be used.

6 (h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund  
7 of a civil taxing unit for a particular calendar year is less than one hundred dollars (\$100), no money  
8 shall be deposited in the levy excess fund of the unit for that year.

9 (i) This subsection applies only to a civil taxing unit that:

10 (1) has a levy excess for a particular calendar year;

11 (2) in the preceding calendar year experienced a shortfall in property tax collections below the  
12 civil taxing unit's property tax levy approved by the department of local government finance  
13 under IC 6-1.1-17; and

14 (3) did not receive permission from the ~~local government tax control board~~ **department** to  
15 impose, because of the shortfall in property tax collections in the preceding calendar year, a  
16 property tax levy that exceeds the limits imposed by section 3 of this chapter.

17 The amount that a civil taxing unit subject to this subsection must transfer to the civil taxing unit's levy  
18 excess fund in the calendar year in which the excess is collected shall be reduced by the amount of the  
19 civil taxing unit's shortfall in property tax collections in the preceding calendar year (but the reduction  
20 may not exceed the amount of the civil taxing unit's levy excess).

21 SECTION 138. IC 6-1.1-18.5-21, AS ADDED BY P.L.114-2006, SECTION 1, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. A civil taxing unit may determine  
23 that the ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to all or  
24 part of the ad valorem property taxes imposed to repay a loan under **either or both of the following:**

25 **(1) IC 6-1.1-21.3.**

26 **(2) IC 6-1.1-21.9.**

27 SECTION 139. IC 6-1.1-19-1, AS AMENDED BY P.L.146-2008, SECTION 185, IS AMENDED  
28 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~The following definitions apply~~  
29 ~~throughout~~ **As used in** this chapter,

30 ~~(†)~~ "appeal" refers to an appeal taken to the department of local government finance by or in  
31 respect of a school corporation under any of the following:

32 ~~(A)~~ **(1) IC 6-1.1-17.**

33 ~~(B)~~ **(2) IC 20-43.**

34 ~~(2)~~ "Tax control board" means the school property tax control board established by section 4.†  
35 of this chapter.

36 SECTION 140. IC 6-1.1-19-3, AS AMENDED BY P.L.146-2008, SECTION 186, IS AMENDED  
37 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. ~~(a)~~ When an appeal is taken to the  
38 department of local government finance, the department may exercise the powers described in  
39 IC 6-1.1-17 to revise, change, or increase the budget, tax levy, or tax rate of the appellant school  
40 corporation.

41 ~~(b)~~ The department of local government finance may not exercise any of the powers described in  
42 subsection (a) until it receives, regarding the appellant school corporation's budget, tax levy, or tax  
43 rate, the recommendation of the tax control board.

44 SECTION 141. IC 6-1.1-19-7, AS AMENDED BY P.L.2-2006, SECTION 50, IS AMENDED TO  
45 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. ~~(a)~~ Any recommendation that is to be  
46 made by the tax control board to the department of local government finance under any law that  
47 applies to the appeal must be made at the time prescribed in this chapter.

48 ~~(b)~~ If a time for making a recommendation is not prescribed in this chapter, the recommendation

1 must be made at a time that permits the department of local government finance to complete the duties  
2 of the department that are set forth in IC 6-1.1-17 within the time allowed by law for the completion  
3 of the duties or within the additional time that is reasonably necessary for the department of local  
4 government finance and the tax control board to complete the duties set forth in this chapter.

5 ~~(c)~~ (a) A tax levy is not invalid because of the failure of either the tax control board or the  
6 department of local government finance to complete its duties within the time or time limits provided  
7 by this chapter or any other law.

8 ~~(d)~~ (b) Subject to this chapter, the department of local government finance may

9 ~~(1)~~ accept, reject, or accept in part and reject in part any recommendation of the tax control board  
10 that is made to the department of local government finance under this chapter; and

11 ~~(2)~~ make any order that is consistent with IC 6-1.1-17.

12 ~~(e)~~ (c) A school corporation may petition for judicial review of the final determination of the  
13 department of local government finance. ~~under subsection (d).~~ The petition must be filed in the tax  
14 court not more than forty-five (45) days after the department enters its order. ~~under subsection (d).~~

15 SECTION 142. IC 6-1.1-20-1.9, AS AMENDED BY P.L.146-2008, SECTION 190, IS AMENDED  
16 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.9. (a) As used in this chapter,  
17 "registered voter" means the following:

18 (1) In the case of a petition under section 3.1 of this chapter to initiate a petition and  
19 remonstrance process, an individual who is registered to vote in the political subdivision on the  
20 date the proper officers of the political subdivision publish notice under section 3.1(b)(2) of this  
21 chapter of a preliminary determination by the political subdivision to issue bonds or enter into  
22 a lease. **county voter registration board makes the determination under section 3.1(b)(8) of  
23 this chapter regarding whether persons who signed the petition are registered voters.**

24 (2) In the case of:

25 (A) a petition under section 3.2 of this chapter in favor of the proposed debt service or lease  
26 payments; or

27 (B) a remonstrance under section 3.2 of this chapter against the proposed debt service or lease  
28 payments;

29 an individual who is registered to vote in the political subdivision on the date ~~that is thirty (30)~~  
30 days after the notice of the applicability of the petition and remonstrance process is published  
31 under section 3.2(b)(1) of this chapter. **the county voter registration board makes the  
32 determination under section 3.2(b)(5) of this chapter regarding whether persons who signed  
33 the petition or remonstrance are registered voters.**

34 (3) In the case of a petition under section 3.5 of this chapter requesting the application of  
35 the local public question process under section 3.6 of this chapter concerning proposed debt  
36 service or lease payments, an individual who is registered to vote in the political subdivision  
37 on the date the county voter registration board makes the determination under section  
38 3.5(b)(8) of this chapter regarding whether persons who signed the petition are registered  
39 voters.

40 ~~(3)~~ (b) As used in this chapter, in the case of a an election on a public question held under section  
41 3.6 of this chapter, "eligible voter" means an individual who:

42 (1) is registered to vote in the political subdivision on the date that is thirty (30) days before the  
43 date of eligible to vote in the election in the political subdivision in which the public question  
44 will be held, as determined under IC 3; and

45 (2) resides within the boundaries of the political subdivision for which the public question  
46 is being considered.

47 SECTION 143. IC 6-1.1-20-3.1, AS AMENDED BY P.L.146-2008, SECTION 191, IS AMENDED  
48 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section applies only

1 to the following:

2 (1) A controlled project (as defined in section 1.1 of this chapter as in effect June 30, 2008) for  
3 which the proper officers of a political subdivision make a preliminary determination in the  
4 manner described in subsection (b) before July 1, 2008.

5 (2) An elementary school building, middle school building, or other school building for academic  
6 instruction that:

7 (A) is a controlled project;

8 (B) will be used for any combination of kindergarten through grade 8;

9 (C) will not be used for any combination of grade 9 through grade 12; and

10 (D) will not cost more than ten million dollars (\$10,000,000).

11 (3) A high school building or other school building for academic instruction that:

12 (A) is a controlled project;

13 (B) will be used for any combination of grade 9 through grade 12;

14 (C) will not be used for any combination of kindergarten through grade 8; and

15 (D) will not cost more than twenty million dollars (\$20,000,000).

16 (4) Any other controlled project that:

17 (A) is not a controlled project described in subdivision (1), (2), or (3); and

18 (B) will not cost the political subdivision more than the lesser of the following:

19 (i) Twelve million dollars (\$12,000,000).

20 (ii) An amount equal to one percent (1%) of the total gross assessed value of property within  
21 the political subdivision on the last assessment date, if that amount is at least one million  
22 dollars (\$1,000,000).

23 (b) A political subdivision may not impose property taxes to pay debt service on bonds or lease  
24 rentals on a lease for a controlled project without completing the following procedures:

25 (1) The proper officers of a political subdivision shall:

26 (A) publish notice in accordance with IC 5-3-1; and

27 (B) send notice by first class mail to any organization that delivers to the officers, before  
28 January 1 of that year, an annual written request for such notices;

29 of any meeting to consider adoption of a resolution or an ordinance making a preliminary  
30 determination to issue bonds or enter into a lease and shall conduct a public hearing on a  
31 preliminary determination before adoption of the resolution or ordinance.

32 (2) When the proper officers of a political subdivision make a preliminary determination to issue  
33 bonds or enter into a lease for a controlled project, the officers shall give notice of the  
34 preliminary determination by:

35 (A) publication in accordance with IC 5-3-1; and

36 (B) first class mail to the organizations described in subdivision (1)(B).

37 (3) A notice under subdivision (2) of the preliminary determination of the political subdivision  
38 to issue bonds or enter into a lease for a controlled project must include the following  
39 information:

40 (A) The maximum term of the bonds or lease.

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

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

44 (D) The purpose of the bonds or lease.

45 (E) A statement that any owners of real property within the political subdivision or registered  
46 voters residing within the political subdivision who want to initiate a petition and  
47 remonstrance process against the proposed debt service or lease payments must file a petition  
48 that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in  
49 accordance with IC 5-3-1.

1 (F) With respect to bonds issued or a lease entered into to open:

2 (i) a new school facility; or

3 (ii) an existing facility that has not been used for at least three (3) years and that is being  
4 reopened to provide additional classroom space;

5 the estimated costs the school corporation expects to incur annually to operate the facility.

6 (G) A statement of whether the school corporation expects to appeal for a new facility  
7 adjustment (as defined in IC 20-45-1-16 before January 1, 2009) for an increased maximum  
8 permissible tuition support levy to pay the estimated costs described in clause (F).

9 (H) The political subdivision's current debt service levy and rate and the estimated increase  
10 to the political subdivision's debt service levy and rate that will result if the political  
11 subdivision issues the bonds or enters into the lease.

12 (4) After notice is given, a petition requesting the application of a petition and remonstrance  
13 process may be filed by the lesser of:

14 (A) one hundred (100) persons who are either owners of real property within the political  
15 subdivision or registered voters residing within the political subdivision; or

16 (B) five percent (5%) of the registered voters residing within the political subdivision.

17 (5) The state board of accounts shall design and, upon request by the county voter registration  
18 office, deliver to the county voter registration office or the county voter registration office's  
19 designated printer the petition forms to be used solely in the petition process described in this  
20 section. The county voter registration office shall issue to an owner or owners of real property  
21 within the political subdivision or a registered voter residing within the political subdivision the  
22 number of petition forms requested by the owner or owners or the registered voter. Each form  
23 must be accompanied by instructions detailing the requirements that:

24 (A) the carrier and signers must be owners of real property or registered voters;

25 (B) the carrier must be a signatory on at least one (1) petition;

26 (C) after the signatures have been collected, the carrier must swear or affirm before a notary  
27 public that the carrier witnessed each signature; and

28 (D) govern the closing date for the petition period.

29 Persons requesting forms may be required to identify themselves as owners of real property or  
30 registered voters and may be allowed to pick up additional copies to distribute to other property  
31 owners or registered voters. Each person signing a petition must indicate whether the person is  
32 signing the petition as a registered voter within the political subdivision or is signing the petition  
33 as the owner of real property within the political subdivision. A person who signs a petition as  
34 a registered voter must indicate the address at which the person is registered to vote. A person  
35 who signs a petition as a real property owner must indicate the address of the real property owned  
36 by the person in the political subdivision.

37 (6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner  
38 prescribed by the state board of accounts before the petition is filed with the county voter  
39 registration office under subdivision (7).

40 (7) Each petition must be filed with the county voter registration office not more than thirty (30)  
41 days after publication under subdivision (2) of the notice of the preliminary determination.

42 (8) The county voter registration office shall determine whether each person who signed the  
43 petition is a registered voter. The county voter registration office shall not more than fifteen (15)  
44 business days after receiving a petition forward a copy of the petition to the county auditor. Not  
45 more than ten (10) business days after receiving the copy of the petition, the county auditor shall  
46 provide to the county voter registration office a statement verifying:

47 (A) whether a person who signed the petition as a registered voter but is not a registered voter,  
48 as determined by the county voter registration office, is the owner of real property in the  
49 political subdivision; and

1 (B) whether a person who signed the petition as an owner of real property within the political  
2 subdivision does in fact own real property within the political subdivision.

3 (9) The county voter registration office shall not more than ten (10) business days after receiving  
4 the statement from the county auditor under subdivision (8) make the final determination of the  
5 number of petitioners that are registered voters in the political subdivision and, based on the  
6 statement provided by the county auditor, the number of petitioners that own real property within  
7 the political subdivision. Whenever the name of an individual who signs a petition form as a  
8 registered voter contains a minor variation from the name of the registered voter as set forth in  
9 the records of the county voter registration office, the signature is presumed to be valid, and there  
10 is a presumption that the individual is entitled to sign the petition under this section. Except as  
11 otherwise provided in this chapter, in determining whether an individual is a registered voter, the  
12 county voter registration office shall apply the requirements and procedures used under IC 3 to  
13 determine whether a person is a registered voter for purposes of voting in an election governed  
14 by IC 3. However, an individual is not required to comply with the provisions concerning  
15 providing proof of identification to be considered a registered voter for purposes of this chapter.  
16 A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance  
17 process under this chapter, regardless of whether the person owns more than one (1) parcel of real  
18 property within the subdivision and regardless of whether the person is both a registered voter  
19 in the political subdivision and the owner of real property within the political subdivision.  
20 Notwithstanding any other provision of this section, if a petition is presented to the county voter  
21 registration office within ~~thirty-five (35)~~ **forty-five (45)** days before an election, the county voter  
22 registration office may defer acting on the petition, and the time requirements under this section  
23 for action by the county voter registration office do not begin to run until five (5) days after the  
24 date of the election.

25 (10) The county voter registration office must file a certificate and each petition with:

26 (A) the township trustee, if the political subdivision is a township, who shall present the  
27 petition or petitions to the township board; or

28 (B) the body that has the authority to authorize the issuance of the bonds or the execution of  
29 a lease, if the political subdivision is not a township;

30 within thirty-five (35) business days of the filing of the petition requesting a petition and  
31 remonstrance process. The certificate must state the number of petitioners that are owners of real  
32 property within the political subdivision and the number of petitioners who are registered voters  
33 residing within the political subdivision.

34 If a sufficient petition requesting a petition and remonstrance process is not filed by owners of real  
35 property or registered voters as set forth in this section, the political subdivision may issue bonds or  
36 enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be  
37 entered into.

38 SECTION 144. IC 6-1.1-20-3.2, AS AMENDED BY P.L.146-2008, SECTION 192, IS AMENDED  
39 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3.2. (a) This  
40 section applies only to controlled projects described in section 3.1(a) of this chapter.

41 (b) If a sufficient petition requesting the application of a petition and remonstrance process has been  
42 filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes  
43 to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the  
44 following procedures:

45 (1) The proper officers of the political subdivision shall give notice of the applicability of the  
46 petition and remonstrance process by:

47 (A) publication in accordance with IC 5-3-1; and

48 (B) first class mail to the organizations described in section 3.1(b)(1)(B) of this chapter.

49 A notice under this subdivision must include a statement that any owners of real property within

1 the political subdivision or registered voters residing within the political subdivision who want  
2 to petition in favor of or remonstrate against the proposed debt service or lease payments must  
3 file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than  
4 thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

5 (2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision  
6 (1) is given:

7 (A) petitions (described in subdivision (3)) in favor of the bonds or lease; and

8 (B) remonstrances (described in subdivision (3)) against the bonds or lease;

9 may be filed by an owner or owners of real property within the political subdivision or a  
10 registered voter residing within the political subdivision. Each signature on a petition must be  
11 dated, and the date of signature may not be before the date on which the petition and  
12 remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or  
13 a remonstrance described in clause (B) must be verified in compliance with subdivision (4)  
14 before the petition or remonstrance is filed with the county voter registration office under  
15 subdivision (4).

16 (3) The state board of accounts shall design and, upon request by the county voter registration  
17 office, deliver to the county voter registration office or the county voter registration office's  
18 designated printer the petition and remonstrance forms to be used solely in the petition and  
19 remonstrance process described in this section. The county voter registration office shall issue  
20 to an owner or owners of real property within the political subdivision or a registered voter  
21 residing within the political subdivision the number of petition or remonstrance forms requested  
22 by the owner or owners or the registered voter. Each form must be accompanied by instructions  
23 detailing the requirements that:

24 (A) the carrier and signers must be owners of real property or registered voters;

25 (B) the carrier must be a signatory on at least one (1) petition;

26 (C) after the signatures have been collected, the carrier must swear or affirm before a notary  
27 public that the carrier witnessed each signature;

28 (D) govern the closing date for the petition and remonstrance period; and

29 (E) apply to the carrier under section 10 of this chapter.

30 Persons requesting forms may be required to identify themselves as owners of real property or  
31 registered voters and may be allowed to pick up additional copies to distribute to other property  
32 owners or registered voters. Each person signing a petition or remonstrance must indicate  
33 whether the person is signing the petition or remonstrance as a registered voter within the  
34 political subdivision or is signing the petition or remonstrance as the owner of real property  
35 within the political subdivision. A person who signs a petition or remonstrance as a registered  
36 voter must indicate the address at which the person is registered to vote. A person who signs a  
37 petition or remonstrance as a real property owner must indicate the address of the real property  
38 owned by the person in the political subdivision. The county voter registration office may not  
39 issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given  
40 under subdivision (1). The county voter registration office shall certify the date of issuance on  
41 each petition or remonstrance form that is distributed under this subdivision.

42 (4) The petitions and remonstrances must be verified in the manner prescribed by the state board  
43 of accounts and filed with the county voter registration office within the sixty (60) day period  
44 described in subdivision (2) in the manner set forth in section 3.1 of this chapter relating to  
45 requests for a petition and remonstrance process.

46 (5) The county voter registration office shall determine whether each person who signed the  
47 petition or remonstrance is a registered voter. The county voter registration office shall not more  
48 than fifteen (15) business days after receiving a petition or remonstrance forward a copy of the  
49 petition or remonstrance to the county auditor. Not more than ten (10) business days after

1 receiving the copy of the petition or remonstrance, the county auditor shall provide to the county  
2 voter registration office a statement verifying:

3 (A) whether a person who signed the petition or remonstrance as a registered voter but is not  
4 a registered voter, as determined by the county voter registration office, is the owner of real  
5 property in the political subdivision; and

6 (B) whether a person who signed the petition or remonstrance as an owner of real property  
7 within the political subdivision does in fact own real property within the political subdivision.

8 (6) The county voter registration office shall not more than ten (10) business days after receiving  
9 the statement from the county auditor under subdivision (5) make the final determination of:

10 (A) the number of registered voters in the political subdivision that signed a petition and,  
11 based on the statement provided by the county auditor, the number of owners of real property  
12 within the political subdivision that signed a petition; and

13 (B) the number of registered voters in the political subdivision that signed a remonstrance and,  
14 based on the statement provided by the county auditor, the number of owners of real property  
15 within the political subdivision that signed a remonstrance.

16 Whenever the name of an individual who signs a petition or remonstrance as a registered voter  
17 contains a minor variation from the name of the registered voter as set forth in the records of the  
18 county voter registration office, the signature is presumed to be valid, and there is a presumption  
19 that the individual is entitled to sign the petition or remonstrance under this section. Except as  
20 otherwise provided in this chapter, in determining whether an individual is a registered voter, the  
21 county voter registration office shall apply the requirements and procedures used under IC 3 to  
22 determine whether a person is a registered voter for purposes of voting in an election governed  
23 by IC 3. However, an individual is not required to comply with the provisions concerning  
24 providing proof of identification to be considered a registered voter for purposes of this chapter.  
25 A person is entitled to sign a petition or remonstrance only one (1) time in a particular petition  
26 and remonstrance process under this chapter, regardless of whether the person owns more than  
27 one (1) parcel of real property within the subdivision and regardless of whether the person is both  
28 a registered voter in the political subdivision and the owner of real property within the political  
29 subdivision. Notwithstanding any other provision of this section, if a petition or remonstrance is  
30 presented to the county voter registration office within ~~thirty-five (35)~~ **forty-five (45)** days before  
31 an election, the county voter registration office may defer acting on the petition or remonstrance,  
32 and the time requirements under this section for action by the county voter registration office do  
33 not begin to run until five (5) days after the date of the election.

34 (7) The county voter registration office must file a certificate and the petition or remonstrance  
35 with the body of the political subdivision charged with issuing bonds or entering into leases  
36 within ~~thirty-five (35)~~ business days of the filing of a petition or remonstrance under subdivision  
37 (4), whichever applies, containing ten thousand (10,000) signatures or less. The county voter  
38 registration office may take an additional five (5) days to review and certify the petition or  
39 remonstrance for each additional five thousand (5,000) signatures up to a maximum of sixty (60)  
40 days. The certificate must state the number of petitioners and remonstrators that are owners of  
41 real property within the political subdivision and the number of petitioners who are registered  
42 voters residing within the political subdivision.

43 (8) If a greater number of persons who are either owners of real property within the political  
44 subdivision or registered voters residing within the political subdivision sign a remonstrance than  
45 the number that signed a petition, the bonds petitioned for may not be issued or the lease  
46 petitioned for may not be entered into. The proper officers of the political subdivision may not  
47 make a preliminary determination to issue bonds or enter into a lease for the controlled project  
48 defeated by the petition and remonstrance process under this section or any other controlled  
49 project that is not substantially different within one (1) year after the date of the county voter

1 registration office's certificate under subdivision (7). Withdrawal of a petition carries the same  
2 consequences as a defeat of the petition.

3 (9) After a political subdivision has gone through the petition and remonstrance process set forth  
4 in this section, the political subdivision is not required to follow any other remonstrance or  
5 objection procedures under any other law (including section 5 of this chapter) relating to bonds  
6 or leases designed to protect owners of real property within the political subdivision from the  
7 imposition of property taxes to pay debt service or lease rentals. However, the political  
8 subdivision must still receive the approval of the department of local government finance if  
9 required by:

10 (A) IC 6-1.1-18.5-8; or

11 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

12 SECTION 145. IC 6-1.1-20-3.5, AS ADDED BY P.L.146-2008, SECTION 193, IS AMENDED  
13 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies only  
14 to a controlled project that meets the following conditions:

15 (1) The controlled project is described in one (1) of the following categories:

16 (A) An elementary school building, middle school building, or other school building for  
17 academic instruction that:

18 (i) will be used for any combination of kindergarten through grade 8;

19 (ii) will not be used for any combination of grade 9 through grade 12; and

20 (iii) will cost more than ten million dollars (\$10,000,000).

21 (B) A high school building or other school building for academic instruction that:

22 (i) will be used for any combination of grade 9 through grade 12;

23 (ii) will not be used for any combination of kindergarten through grade 8; and

24 (iii) will cost more than twenty million dollars (\$20,000,000).

25 (C) Any other controlled project that:

26 (i) is not a controlled project described in clause (A) or (B); and

27 (ii) will cost the political subdivision more than the lesser of twelve million dollars  
28 (\$12,000,000) or an amount equal to one percent (1%) of the total gross assessed value of  
29 property within the political subdivision on the last assessment date (if that amount is at  
30 least one million dollars (\$1,000,000)).

31 (2) The proper officers of the political subdivision make a preliminary determination after June  
32 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the  
33 controlled project.

34 (b) A political subdivision may not impose property taxes to pay debt service on bonds or lease  
35 rentals on a lease for a controlled project without completing the following procedures:

36 (1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1  
37 and send notice by first class mail to any organization that delivers to the officers, before January  
38 1 of that year, an annual written request for notices of any meeting to consider the adoption of  
39 an ordinance or a resolution making a preliminary determination to issue bonds or enter into a  
40 lease and shall conduct a public hearing on the preliminary determination before adoption of the  
41 ordinance or resolution. The political subdivision must make the following information available  
42 to the public at the public hearing on the preliminary determination, in addition to any other  
43 information required by law:

44 (A) The result of the political subdivision's current and projected annual debt service  
45 payments divided by the net assessed value of taxable property within the political  
46 subdivision.

47 (B) The result of:

48 (i) the sum of the political subdivision's outstanding long term debt plus the outstanding  
49 long term debt of other taxing units that include any of the territory of the political

1 subdivision; divided by  
2 (ii) the net assessed value of taxable property within the political subdivision.

3 **(C) The information specified in subdivision (3)(A) through (3)(G).**

4 (2) If the proper officers of a political subdivision make a preliminary determination to issue  
5 bonds or enter into a lease, the officers shall give notice of the preliminary determination by:  
6 (A) publication in accordance with IC 5-3-1; and  
7 (B) first class mail to the organizations described in subdivision (1).

8 (3) A notice under subdivision (2) of the preliminary determination of the political subdivision  
9 to issue bonds or enter into a lease must include the following information:  
10 (A) The maximum term of the bonds or lease.  
11 (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.  
12 (C) The estimated interest rates that will be paid and the total interest costs associated with  
13 the bonds or lease.  
14 (D) The purpose of the bonds or lease.  
15 (E) A statement that the proposed debt service or lease payments must be approved in an  
16 election on a local public question held under section 3.6 of this chapter.  
17 (F) With respect to bonds issued or a lease entered into to open:  
18 (i) a new school facility; or  
19 (ii) an existing facility that has not been used for at least three (3) years and that is being  
20 reopened to provide additional classroom space;  
21 the estimated costs the school corporation expects to annually incur to operate the facility.  
22 (G) The political subdivision's current debt service levy and rate and the estimated increase  
23 to the political subdivision's debt service levy and rate that will result if the political  
24 subdivision issues the bonds or enters into the lease.

25 **(H) The information specified in subdivision (1)(A) through (1)(B).**

26 (4) After notice is given, a petition requesting the application of the local public question process  
27 under section 3.6 of this chapter may be filed by the lesser of:  
28 (A) one hundred (100) persons who are either owners of real property within the political  
29 subdivision or registered voters residing within the political subdivision; or  
30 (B) five percent (5%) of the registered voters residing within the political subdivision.

31 (5) The state board of accounts shall design and, upon request by the county voter registration  
32 office, deliver to the county voter registration office or the county voter registration office's  
33 designated printer the petition forms to be used solely in the petition process described in this  
34 section. The county voter registration office shall issue to an owner or owners of real property  
35 within the political subdivision or a registered voter residing within the political subdivision the  
36 number of petition forms requested by the owner or owners or the registered voter. Each form  
37 must be accompanied by instructions detailing the requirements that:  
38 (A) the carrier and signers must be owners of real property or registered voters;  
39 (B) the carrier must be a signatory on at least one (1) petition;  
40 (C) after the signatures have been collected, the carrier must swear or affirm before a notary  
41 public that the carrier witnessed each signature; and  
42 (D) govern the closing date for the petition period.

43 Persons requesting forms may be required to identify themselves as owners of real property or  
44 registered voters and may be allowed to pick up additional copies to distribute to other property  
45 owners or registered voters. Each person signing a petition must indicate whether the person is  
46 signing the petition as a registered voter within the political subdivision or is signing the petition  
47 as the owner of real property within the political subdivision. A person who signs a petition as  
48 a registered voter must indicate the address at which the person is registered to vote. A person  
49 who signs a petition as a real property owner must indicate the address of the real property owned

1 by the person in the political subdivision.

2 (6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner  
3 prescribed by the state board of accounts before the petition is filed with the county voter  
4 registration office under subdivision (7).

5 (7) Each petition must be filed with the county voter registration office not more than thirty (30)  
6 days after publication under subdivision (2) of the notice of the preliminary determination.

7 (8) The county voter registration office shall determine whether each person who signed the  
8 petition is a registered voter. However, after the county voter registration office has determined  
9 that at least one hundred twenty-five (125) persons who signed the petition are registered voters  
10 within the political subdivision, the county voter registration office is not required to verify  
11 whether the remaining persons who signed the petition are registered voters. If the county voter  
12 registration office does not determine that at least one hundred twenty-five (125) persons who  
13 signed the petition are registered voters, the county voter registration office, not more than fifteen  
14 (15) business days after receiving a petition, shall forward a copy of the petition to the county  
15 auditor. Not more than ten (10) business days after receiving the copy of the petition, the county  
16 auditor shall provide to the county voter registration office a statement verifying:

17 (A) whether a person who signed the petition as a registered voter but is not a registered voter,  
18 as determined by the county voter registration office, is the owner of real property in the  
19 political subdivision; and

20 (B) whether a person who signed the petition as an owner of real property within the political  
21 subdivision does in fact own real property within the political subdivision.

22 (9) The county voter registration office, not more than ten (10) business days after determining  
23 that at least one hundred twenty-five (125) persons who signed the petition are registered voters  
24 or after receiving the statement from the county auditor under subdivision (8) (as applicable),  
25 shall make the final determination of whether a sufficient number of persons have signed the  
26 petition. Whenever the name of an individual who signs a petition form as a registered voter  
27 contains a minor variation from the name of the registered voter as set forth in the records of the  
28 county voter registration office, the signature is presumed to be valid, and there is a presumption  
29 that the individual is entitled to sign the petition under this section. Except as otherwise provided  
30 in this chapter, in determining whether an individual is a registered voter, the county voter  
31 registration office shall apply the requirements and procedures used under IC 3 to determine  
32 whether a person is a registered voter for purposes of voting in an election governed by IC 3.  
33 However, an individual is not required to comply with the provisions concerning providing proof  
34 of identification to be considered a registered voter for purposes of this chapter. A person is  
35 entitled to sign a petition only one (1) time in a particular referendum process under this chapter,  
36 regardless of whether the person owns more than one (1) parcel of real property within the  
37 political subdivision and regardless of whether the person is both a registered voter in the  
38 political subdivision and the owner of real property within the political subdivision.  
39 Notwithstanding any other provision of this section, if a petition is presented to the county voter  
40 registration office within ~~thirty-five (35)~~ **forty-five (45)** days before an election, the county voter  
41 registration office may defer acting on the petition, and the time requirements under this section  
42 for action by the county voter registration office do not begin to run until five (5) days after the  
43 date of the election.

44 (10) The county voter registration office must file a certificate and each petition with:

45 (A) the township trustee, if the political subdivision is a township, who shall present the  
46 petition or petitions to the township board; or

47 (B) the body that has the authority to authorize the issuance of the bonds or the execution of  
48 a lease, if the political subdivision is not a township;

49 within thirty-five (35) business days of the filing of the petition requesting the referendum

1 process. The certificate must state the number of petitioners who are owners of real property  
2 within the political subdivision and the number of petitioners who are registered voters residing  
3 within the political subdivision.

4 (11) If a sufficient petition requesting the local public question process is not filed by owners of  
5 real property or registered voters as set forth in this section, the political subdivision may issue  
6 bonds or enter into a lease by following the provisions of law relating to the bonds to be issued  
7 or lease to be entered into.

8 (c) If the proper officers of a political subdivision make a preliminary determination to issue bonds  
9 or enter into a lease, the officers shall provide to the county auditor:

10 (1) a copy of the notice required by subsection (b)(2); and

11 (2) any other information the county auditor requires to fulfill the county auditor's duties under  
12 section 3.6 of this chapter.

13 SECTION 146. IC 6-1.1-20-3.6, AS ADDED BY P.L.146-2008, SECTION 194, IS AMENDED  
14 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3.6. (a)  
15 **Except as provided in section 3.7 of this chapter**, this section applies only to a controlled project  
16 described in section 3.5(a) of this chapter.

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

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

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

29 **The public question must appear on the ballot in the form approved by the county election**  
30 **board. If the political subdivision proposing to issue bonds or enter into a lease is located in more**  
31 **than one (1) county, the county election board of each county shall jointly approve the form of**  
32 **the public question that will appear on the ballot in each county. The form approved by the**  
33 **county election board may differ from the language certified to the county election board by the**  
34 **county auditor.**

35 (d) The county auditor shall certify the public question described in subsection (c) under  
36 IC 3-10-9-3 to the county election board of each county in which the political subdivision is located.  
37 ~~After the public question is certified;~~ **The certification must occur not later than noon:**

38 **(1) sixty (60) days before a primary election if the public question is to be placed on the**  
39 **primary or municipal primary election ballot; or**

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

42 **Subject to the certification requirements and deadlines under this subsection and except as**  
43 **provided in subsection (j)**, the public question shall be placed on the ballot at the next primary  
44 election, general election, or municipal election in which all voters of the political subdivision are  
45 entitled to vote. However, if a primary election, general election, or municipal election will not be held  
46 **in the six (6) month period after the county auditor certifies during the first year in which** the public  
47 **question is eligible to be placed on the ballot under this section and if the political subdivision**  
48 **requests the public question to be placed on the ballot at a special election**, the public question

1 shall be placed on the ballot at a special election to be held  
2 (1) not earlier than ninety (90) days; and  
3 (2) not later than one hundred twenty (120) days;  
4 after the public question is certified if the fiscal body of the political subdivision that wishes to issue  
5 the bonds or enter into the lease requests the public question to be voted on in a special election.  
6 However, in a year in which a general election or municipal election is held, the public question may  
7 be placed on the ballot at a special election only if the fiscal body of the political subdivision that  
8 requests the special election agrees to **on the first Tuesday after the first Monday in May or**  
9 **November of the year. The certification must occur not later than noon sixty (60) days before**  
10 **a special election to be held in May (if the special election is to be held in May) or noon on**  
11 **August 1 (if the special election is to be held in November). However, in 2009, a political**  
12 **subdivision may hold a special election under this section on any date scheduled for the special**  
13 **election if notice of the special election was given before July 1, 2009, to the election division of**  
14 **the secretary of state's office as provided in IC 3-10-8-4. The fiscal body of the political**  
15 **subdivision that requests the special election shall pay the costs of holding the special election. In**  
16 **a year in which a general election is not held and a municipal election is not held, the fiscal body of**  
17 **the political subdivision that requests the special election is not required to pay the costs of holding**  
18 **the special election.** The county election board shall give notice under IC 5-3-1 of a special election  
19 conducted under this subsection. A special election conducted under this subsection is under the  
20 direction of the county election board. The county election board shall take all steps necessary to carry  
21 out the special election.

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

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

24 (2) The department of local government finance.

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

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

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

32 (2) Another public question under this section on the same or a substantially similar project may  
33 not be submitted to the voters earlier than one (1) year after the date of the election.

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

36 (i) A political subdivision may not artificially divide a capital project into multiple capital projects  
37 in order to avoid the requirements of this section and section 3.5 of this chapter.

38 (j) **This subsection applies to a political subdivision for which a petition requesting a public**  
39 **question has been submitted under section 3.5 of this chapter. The legislative body (as defined**  
40 **in IC 36-1-2-9) of the political subdivision may adopt a resolution to withdraw a controlled**  
41 **project from consideration in a public question. If the legislative body provides a certified copy**  
42 **of the resolution to the county auditor and the county election board not later than forty-nine**  
43 **(49) days before the election at which the public question would be on the ballot, the public**  
44 **question on the controlled project shall not be placed on the ballot and the public question on**  
45 **the controlled project shall not be held, regardless of whether the county auditor has certified**  
46 **the public question to the county election board. If the withdrawal of a public question under**  
47 **this subsection requires the county election board to reprint ballots, the political subdivision**  
48 **withdrawing the public question shall pay the costs of reprinting the ballots. If a political**

1 subdivision withdraws a public question under this subsection that would have been held at a  
2 special election and the county election board has printed the ballots before the legislative body  
3 of the political subdivision provides a certified copy of the withdrawal resolution to the county  
4 auditor and the county election board, the political subdivision withdrawing the public question  
5 shall pay the costs incurred by the county in printing the ballots. If a public question on a  
6 controlled project is withdrawn under this subsection, a public question under this section on  
7 the same controlled project or a substantially similar controlled project may not be submitted  
8 to the voters earlier than one (1) year after the date the resolution withdrawing the public  
9 question is adopted.

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

- 15 (1) The cost per square foot of any buildings being constructed as part of the controlled  
16 project.
- 17 (2) The effect that approval of the controlled project would have on the political  
18 subdivision's property tax rate.
- 19 (3) The maximum term of the bonds or lease.
- 20 (4) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- 21 (5) The estimated interest rates that will be paid and the total interest costs associated with  
22 the bonds or lease.
- 23 (6) The purpose of the bonds or lease.
- 24 (7) In the case of a controlled project proposed by a school corporation:
  - 25 (A) the current and proposed square footage of school building space per student;
  - 26 (B) enrollment patterns within the school corporation; and
  - 27 (C) the age and condition of the current school facilities.

28 SECTION 147. IC 6-1.1-20-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
29 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.7. (a) This section applies to the  
30 following:

- 31 (1) The issuance of bonds or the entering into a lease for a controlled project:
  - 32 (A) to which section 3.5 of this chapter applies; and
  - 33 (B) for which a sufficient petition requesting the application of the local public question  
34 process under section 3.6 of this chapter has not been filed as set forth in section 3.5 of  
35 this chapter within the time required under section 3.5(b)(7) of this chapter.
- 36 (2) The issuance of bonds or the entering into a lease for a capital project:
  - 37 (A) that is not a controlled project to which section 3.5 of this chapter applies; and
  - 38 (B) that would, but for the application of section 1.1(6) of this chapter to the project, be  
39 a controlled project to which section 3.5 of this chapter applies.

40 (b) If the proper officers of a political subdivision make a preliminary determination to issue  
41 bonds described in subsection (a) or enter into a lease described in subsection (a), the fiscal body  
42 of the political subdivision may adopt a resolution specifying that the local public question  
43 process specified in section 3.6 of this chapter applies to the issuance of the bonds or the entering  
44 into the lease, notwithstanding that:

- 45 (1) a sufficient petition requesting the application of the local public question process under  
46 section 3.6 of this chapter has not been filed as set forth in section 3.5 of this chapter (in the  
47 case of bonds or a lease described in subsection (a)(1)); or
- 48 (2) because of the application of section 1.1(6) of this chapter, the bonds or lease is not  
49 considered to be issued or entered into for a controlled project (in the case of bonds or a

1 lease described in subsection (a)(2)).

2 (c) The following apply to the adoption of a resolution by the fiscal body of a political  
3 subdivision under subsection (b):

4 (1) In the case of bonds or a lease described in subsection (a)(1) and for which no petition  
5 requesting the application of the local public question process under section 3.6 of this  
6 chapter has been filed within the time required under section 3.5(b)(7) of this chapter, the  
7 fiscal body must adopt the resolution not more than sixty (60) days after publication of the  
8 notice of the preliminary determination to issue the bonds or enter into the lease.

9 (2) In the case of bonds or a lease described in subsection (a)(1) for which a petition  
10 requesting the application of the local public question process under section 3.6 of this  
11 chapter:

12 (A) has been filed under section 3.5 of this chapter; and

13 (B) is determined to have an insufficient number of signatures to require application of  
14 the local public question process under section 3.6 of this chapter;

15 the fiscal body must adopt the resolution not more than thirty (30) days after the county  
16 voter registration office makes the final determination under section 3.5 of this chapter that  
17 a sufficient number of persons have not signed the petition.

18 (3) In the case of bonds or a lease described in subsection (a)(2), the fiscal body must adopt  
19 the resolution not more than thirty (30) days after publication of the notice of the  
20 preliminary determination to issue the bonds or enter into the lease.

21 (4) The fiscal body shall certify the resolution to the county election board of each county  
22 in which the political subdivision is located, and the county election board shall place the  
23 public question on the ballot as provided in section 3.6 of this chapter.

24 (d) Except to the extent it is inconsistent with this section, section 3.6 of this chapter applies  
25 to a local public question placed on the ballot under this section.

26 SECTION 148. IC 6-1.1-20-10, AS AMENDED BY P.L.146-2008, SECTION 199, IS AMENDED  
27 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) This section applies to a  
28 political subdivision that adopts an ordinance or a resolution making a preliminary determination to  
29 issue bonds or enter into a lease. During the period commencing with the adoption of the ordinance  
30 or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this  
31 chapter, continuing through the sixty (60) day period commencing with the notice under section  
32 3.2(b)(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the  
33 proposed controlled project may not promote a position on the petition or remonstrance by doing any  
34 of the following:

35 (1) Allowing facilities or equipment, including mail and messaging systems, owned by the  
36 political subdivision to be used for public relations purposes to promote a position on the petition  
37 or remonstrance, unless equal access to the facilities or equipment is given to persons with a  
38 position opposite to that of the political subdivision.

39 (2) Making an expenditure of money from a fund controlled by the political subdivision to  
40 promote a position on the petition or remonstrance or to pay for the gathering of signatures on  
41 a petition or remonstrance. This subdivision does not prohibit a political subdivision from making  
42 an expenditure of money to an attorney, an architect, registered professional engineer, a  
43 construction manager, or a financial adviser for professional services provided with respect to  
44 a controlled project.

45 (3) Using an employee to promote a position on the petition or remonstrance during the  
46 employee's normal working hours or paid overtime, or otherwise compelling an employee to  
47 promote a position on the petition or remonstrance at any time.

48 (4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

49 (A) using students to transport written materials to their residences or in any way directly

1 involving students in a school organized promotion of a position; or  
2 (B) including a statement within another communication sent to the students' residences.

3 However, this section does not prohibit an employee of the political subdivision from carrying out  
4 duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the  
5 employee's office or agency.

6 (b) A person may not solicit or collect signatures for a petition or remonstrance on property owned  
7 or controlled by the political subdivision.

8 (c) The staff and employees of a school corporation may not personally identify a student as the  
9 child of a parent or guardian who supports or opposes a petition or remonstrance.

10 (d) A person or an organization that has a contract or arrangement (whether formal or informal)  
11 with a school corporation for the use of any of the school corporation's facilities may not spend any  
12 money to promote a position on the petition or remonstrance. A person or an organization that violates  
13 this subsection commits a Class A infraction.

14 (e) An attorney, an architect, registered professional engineer, a construction manager, or a  
15 financial adviser for professional services provided with respect to a controlled project may not spend  
16 any money to promote a position on the petition or remonstrance. A person who violates this  
17 subsection:

18 (1) commits a Class A infraction; and

19 (2) is barred from performing any services with respect to the controlled project.

20 **(f) An elected or appointed public official of the political subdivision may personally advocate**  
21 **for or against a position on the petition or remonstrance so long as it is not done by using public**  
22 **funds.**

23 SECTION 149. IC 6-1.1-20-10.1, AS ADDED BY P.L.146-2008, SECTION 200, IS AMENDED  
24 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.1. (a) This section applies only to  
25 a political subdivision that, after June 30, 2008, adopts an ordinance or a resolution making a  
26 preliminary determination to issue bonds or enter into a lease subject to sections 3.5 and 3.6 of this  
27 chapter.

28 (b) During the period beginning with the adoption of the ordinance or resolution and continuing  
29 through the day on which a local public question is submitted to the voters of the political subdivision  
30 under section 3.6 of this chapter, the political subdivision seeking to issue bonds or enter into a lease  
31 for the proposed controlled project may not promote a position on the local public question by doing  
32 any of the following:

33 (1) Allowing facilities or equipment, including mail and messaging systems, owned by the  
34 political subdivision to be used for public relations purposes to promote a position on the local  
35 public question, unless equal access to the facilities or equipment is given to persons with a  
36 position opposite to that of the political subdivision.

37 (2) Making an expenditure of money from a fund controlled by the political subdivision to  
38 promote a position on the local public question. This subdivision does not prohibit a political  
39 subdivision from making an expenditure of money to an attorney, an architect, a registered  
40 professional engineer, a construction manager, or a financial adviser for professional services  
41 provided with respect to a controlled project.

42 (3) Using an employee to promote a position on the local public question during the employee's  
43 normal working hours or paid overtime, or otherwise compelling an employee to promote a  
44 position on the local public question at any time.

45 (4) In the case of a school corporation, promoting a position on a local public question by:

46 (A) using students to transport written materials to their residences or in any way directly  
47 involving students in a school organized promotion of a position; or

48 (B) including a statement within another communication sent to the students' residences.

49 However, this section does not prohibit an employee of the political subdivision from carrying out

1 duties with respect to a local public question that are part of the normal and regular conduct of the  
2 employee's office or agency.

3 (c) The staff and employees of a school corporation may not personally identify a student as the  
4 child of a parent or guardian who supports or opposes a controlled project subject to a local public  
5 question held under section 3.6 of this chapter.

6 (d) A person or an organization that has a contract or arrangement (whether formal or informal)  
7 with a school corporation for the use of any of the school corporation's facilities may not spend any  
8 money to promote a position on a local public question. A person or an organization that violates this  
9 subsection commits a Class A infraction.

10 (e) An attorney, an architect, a registered professional engineer, a construction manager, or a  
11 financial adviser for professional services provided with respect to a controlled project may not spend  
12 any money to promote a position on a local public question. A person who violates this subsection:

13 (1) commits a Class A infraction; and

14 (2) is barred from performing any services with respect to the controlled project.

15 **(f) An elected or appointed public official of the political subdivision may personally advocate**  
16 **for or against a position on the local public question so long as it is not done by using public**  
17 **funds.**

18 **(g) A student may use school equipment or facilities to report or editorialize about a local**  
19 **public question as part of the news coverage of the referendum by student newspaper or**  
20 **broadcast.**

21 SECTION 150. IC 6-1.1-20.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
22 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

23 **Chapter 20.2. Rainy Day Fund Loans to the Certain Counties**

24 **Sec. 1. As used in this chapter, "board" refers to the state board of finance.**

25 **Sec. 2. As used in this chapter, "eligible county" refers to a county in which voting equipment**  
26 **has been damaged or destroyed in a natural disaster.**

27 **Sec. 3. An eligible county, with the approval of the fiscal body of the eligible county, may**  
28 **apply to the board for a loan from the counter-cyclical revenue and economic stabilization fund.**

29 **Sec. 4. Subject to this chapter, the board, after review by the budget committee, shall**  
30 **determine the terms of any loan made under this chapter.**

31 **Sec. 5. Interest may be imposed on the loan at a rate determined by the board.**

32 **Sec. 6. An eligible county receiving a loan under this chapter must repay the loan within**  
33 **seventy-two (72) months after the date on which the loan is made. No penalty may be imposed**  
34 **for repaying a loan before the term of the loan.**

35 **Sec. 7. The board may disburse in installments the proceeds of a loan made under this**  
36 **chapter.**

37 **Sec. 8. An eligible county may repay a loan made under this chapter from any sources of**  
38 **revenue.**

39 **Sec. 9. The obligation to repay a loan made under this chapter is not a basis for the eligible**  
40 **county to obtain an excessive tax levy.**

41 **Sec. 10. Whenever the board receives a payment on a loan made under this chapter, the board**  
42 **shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.**

43 **Sec. 11. The proceeds of a loan received by an eligible county under this chapter are not**  
44 **considered to be part of the ad valorem property tax levy actually collected by the eligible county**  
45 **for taxes first due and payable during a particular calendar year for the purpose of calculating**  
46 **levy excess.**

47 **Sec. 12. The notes and the authorization, issuance, sale, and delivery of the notes are not**  
48 **subject to any general statute concerning obligations issued by the local governmental entity**  
49 **borrower. This chapter contains full and complete authority for the making of the loan, the**

1 authorization, issuance, sale, and delivery of the notes, and the repayment of the loan by the  
2 borrower, and no law, procedure, proceedings, publications, notices, consents, approvals, orders,  
3 or acts by any officer, department, agency, or instrument of the state or of any political  
4 subdivision is required to make the loan, issue the notes, or repay the loan except as prescribed  
5 in this chapter.

6 **Sec. 13. Upon the failure of an eligible county to make any of the eligible county's payments**  
7 **on a loan granted under this chapter when due, the treasurer of state, upon being notified of the**  
8 **failure by the board, may pay the unpaid amount that is due from the funds held by the state**  
9 **that would be otherwise distributable to the eligible county.**

10 SECTION 151. IC 6-1.1-20.6-2, AS AMENDED BY P.L.146-2008, SECTION 215, IS AMENDED  
11 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) As used  
12 in this chapter, "homestead" ~~has the meaning set forth in~~ **refers to a homestead that is eligible for**  
13 **a standard deduction under IC 6-1.1-12-37.**

14 (b) The term includes a house or apartment that is owned or leased by a cooperative housing  
15 corporation (as defined in 26 U.S.C. 216(b)).

16 SECTION 152. IC 6-1.1-20.6-8.5, AS ADDED BY P.L.146-2008, SECTION 225, IS AMENDED  
17 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 8.5. (a) ~~This~~  
18 ~~section applies to property taxes first due and payable for a calendar year after December 31, 2008.~~  
19 ~~This section applies to an individual who:~~

20 (1) qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead  
21 property in the immediately preceding calendar year (or was married at the time of death to a  
22 deceased spouse who qualified for a standard deduction granted under IC 6-1.1-12-37 for the  
23 individual's homestead property in the immediately preceding calendar year); ~~and~~

24 (2) qualifies for a standard deduction granted under IC 6-1.1-12-37 for the same homestead  
25 property in the current calendar year;

26 (3) **is or will be at least sixty-five (65) years of age on or before December 31 of the calendar**  
27 **year immediately preceding the current calendar year; and**

28 (4) **had:**

29 (A) **in the case of an individual who filed a single return, adjusted gross income (as**  
30 **defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand**  
31 **dollars (\$30,000); or**

32 (B) **in the case of an individual who filed a joint income tax return with the individual's**  
33 **spouse, combined adjusted gross income (as defined in Section 62 of the Internal**  
34 **Revenue Code) not exceeding forty thousand dollars (\$40,000);**

35 **for the calendar year preceding by two (2) years the calendar year in which property taxes**  
36 **are first due and payable.**

37 (b) **This section does not apply if the gross assessed value of the homestead on the assessment**  
38 **date for which property taxes are imposed is at least one hundred sixty thousand dollars**  
39 **(\$160,000).**

40 ~~(b)~~ (c) **An individual is entitled to an additional credit under this section for property taxes first due**  
41 **and payable for a calendar year on a homestead if:**

42 (1) **the individual and the homestead qualifies as qualified homestead property qualify for the**  
43 **credit under subsection (a) for the calendar year;**

44 (2) **the homestead is not disqualified for the credit under subsection (b) for the calendar year;**  
45 **and**

46 (3) **the filing requirements under subsection (e) are met.**

47 ~~(c)~~ (d) **The amount of the credit is equal to the greater of zero (0) or the result of:**

48 (1) **the property tax liability first due and payable on the qualified homestead property for the**

- 1 calendar year; minus  
2 (2) the result of:  
3 (A) the property tax liability first due and payable on the qualified homestead property for the  
4 immediately preceding year; multiplied by  
5 (B) one and two hundredths (1.02).

6 However, property tax liability imposed on any improvements to or expansion of the homestead  
7 property after the assessment date for which property tax liability described in subdivision (2) was  
8 imposed shall not be considered in determining the credit granted under this section in the current  
9 calendar year.

10 (d) ~~The following adjusted gross income limits apply to an individual who claims a credit under~~  
11 ~~this section:~~

12 ~~(1) In the case of an individual who files a single return, the adjusted gross income (as defined~~  
13 ~~in Section 62 of the Internal Revenue Code) of the individual claiming the exemption may not~~  
14 ~~exceed thirty thousand dollars (\$30,000).~~

15 ~~(2) In the case of an individual who files a joint income tax return with the individual's spouse,~~  
16 ~~the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of~~  
17 ~~the individual and the individual's spouse may not exceed forty thousand dollars (\$40,000).~~

18 (e) Applications for a credit under this section shall be filed in the manner provided for an  
19 application for a deduction under IC 6-1.1-12-9. However, an individual who remains eligible for the  
20 credit in the following year is not required to file a statement to apply for the credit in the following  
21 year. An individual who receives a credit under this section in a particular year and who becomes  
22 ineligible for the credit in the following year shall notify the auditor of the county in which the  
23 homestead is located of the individual's ineligibility ~~before June 11 of the year in which~~ **not later than**  
24 **sixty (60) days after** the individual becomes ineligible.

25 (f) The auditor of each county shall, in a particular year, apply a credit provided under this section  
26 to each individual who received the credit in the preceding year unless the auditor determines that the  
27 individual is no longer eligible for the credit.

28 SECTION 153. IC 6-1.1-21.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
29 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

30 **Chapter 21.1. Rainy Day Fund Loans to the City of LaPorte**

31 **Sec. 1. As used in this chapter, "board" refers to the state board of finance.**

32 **Sec. 2. The general assembly finds that:**

33 **(1) distributions of property tax revenue for 2008 and 2009 to the city of LaPorte either:**

34 **(A) have not been made; or**

35 **(B) have been delayed by more than sixty (60) days after either due date specified in**  
36 **IC 6-1.1-22-9;**

37 **as a result of a state ordered reassessment of property in the county; and**

38 **(2) the city is having severe difficulty carrying out the governmental functions committed**  
39 **to it by law as a result of the delay in the distribution of tax revenue to the city.**

40 **Sec. 3. The city of LaPorte, with the approval of the fiscal body of the city, may apply to the**  
41 **board for a loan from the counter-cyclical revenue and economic stabilization fund.**

42 **Sec. 4. Subject to this chapter, the board, after review by the budget committee, shall**  
43 **determine the terms of any loan made under this chapter.**

44 **Sec. 5. Interest may be imposed on the loan at a rate determined by the board.**

45 **Sec. 6. The total amount of all loans under this chapter for all calendar years may not exceed**  
46 **the amount of revenue that the board determines has not been collected by the city of LaPorte**  
47 **from property taxes in 2008 and 2009 on the date of the loan.**

48 **Sec. 7. If the city of LaPorte receives a loan under this chapter, the city must repay the loan**  
49 **within seventy-two (72) months after the date on which the loan is made. No penalty may be**

1 imposed for repaying a loan before the term of the loan.

2 **Sec. 8. The board may disburse in installments the proceeds of a loan made under this**  
3 **chapter.**

4 **Sec. 9. The city of LaPorte may repay a loan made under this chapter from any sources of**  
5 **revenue.**

6 **Sec. 10. The obligation to repay a loan made under this chapter is not a basis for the city of**  
7 **LaPorte to obtain an excessive tax levy.**

8 **Sec. 11. Whenever the board receives a payment on a loan made under this chapter, the board**  
9 **shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.**

10 **Sec. 12. The proceeds of a loan received by an eligible taxing unit under this chapter are not**  
11 **considered to be part of the ad valorem property tax levy actually collected by the city of**  
12 **LaPorte for taxes first due and payable during a particular calendar year for the purpose of**  
13 **calculating levy excess.**

14 **Sec. 13. The notes and the authorization, issuance, sale, and delivery of the notes are not**  
15 **subject to any general statute concerning obligations issued by the local governmental entity**  
16 **borrower. This chapter contains full and complete authority for the making of the loan, the**  
17 **authorization, issuance, sale, and delivery of the notes, and the repayment of the loan by the**  
18 **borrower, and no law, procedure, proceedings, publications, notices, consents, approvals, orders,**  
19 **or acts by any officer, department, agency, or instrument of the state or of any political**  
20 **subdivision is required to make the loan, issue the notes, or repay the loan except as prescribed**  
21 **in this chapter.**

22 **Sec. 14. Upon the failure of the city of LaPorte to make any of the city's payments on a loan**  
23 **granted under this chapter when due, the treasurer of state, upon being notified of the failure**  
24 **by the board, may pay the unpaid amount that is due from the funds held by the state that would**  
25 **be otherwise distributable to the city.**

26 SECTION 154. IC 6-1.1-21.2-12, AS AMENDED BY P.L.146-2008, SECTION 239, IS  
27 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) This section  
28 applies if the tax increment replacement amount for an allocation area in a district is greater than zero  
29 (0).

30 (b) A governing body may, after a public hearing, do the following:

31 (1) Impose a special assessment on the owners of property that is located in an allocation area to  
32 raise an amount not to exceed the tax increment replacement amount.

33 (2) Impose a tax on all taxable property in the district in which the governing body exercises  
34 jurisdiction to raise an amount not to exceed the tax increment replacement amount.

35 (3) Reduce the base assessed value of property in the allocation area to an amount that is  
36 sufficient to increase the tax increment revenues in the allocation area by an amount that does not  
37 exceed the tax increment replacement amount.

38 (c) The governing body shall submit a proposed special assessment or tax levy under this section  
39 to the legislative body of the unit that established the district. The legislative body may:

40 (1) reduce the amount of the special assessment or tax to be levied under this section;

41 (2) determine that no special assessment or property tax should be levied under this section; or

42 (3) increase the special assessment or tax to the amount necessary to fully fund the tax increment  
43 replacement amount.

44 (d) Before a public hearing under subsection (b) may be held, the governing body must publish  
45 notice of the hearing under IC 5-3-1. The notice must also be sent to the fiscal officer of each political  
46 subdivision that is located in any part of the district. The notice must state that the governing body will  
47 meet to consider whether a special assessment or tax should be imposed under this chapter and  
48 whether the special assessment or tax will help the governing body realize the redevelopment or  
49 economic development objectives for the allocation area or honor its obligations related to the

1 allocation area. The notice must also specify a date when the governing body will receive and hear  
2 remonstrances and objections from persons affected by the special assessment. All persons affected  
3 by the hearing, including all taxpayers within the allocation area, shall be considered notified of the  
4 pendency of the hearing and of subsequent acts, hearings, and orders of the governing body by the  
5 notice. At the hearing, which may be adjourned from time to time, the governing body shall hear all  
6 persons affected by the proceedings and shall consider all written remonstrances and objections that  
7 have been filed. The only grounds for remonstrance or objection are that the special assessment or tax  
8 will not help the governing body realize the redevelopment or economic development objectives for  
9 the allocation area or honor its obligations related to the allocation area. After considering the  
10 evidence presented, the governing body shall take final action concerning the proposed special  
11 assessment or tax. The final action taken by the governing body shall be recorded and is final and  
12 conclusive, except that an appeal may be taken in the manner prescribed by subsection (e).

13 (e) A person who filed a written remonstrance with a governing body under subsection (d) and is  
14 aggrieved by the final action taken may, within ten (10) days after that final action, file in the office  
15 of the clerk of the circuit or superior court a copy of the order of the governing body and the person's  
16 remonstrance or objection against that final action, together with a bond conditioned to pay the costs  
17 of appeal if the appeal is determined against the person. The only ground of remonstrance or objection  
18 that the court may hear is whether the proposed special assessment or tax will help achieve the  
19 redevelopment of economic development objectives for the allocation area or honor its obligations  
20 related to the allocation area. An appeal under this subsection shall be promptly heard by the court  
21 without a jury. All remonstrances or objections upon which an appeal has been taken must be  
22 consolidated, heard, and determined within thirty (30) days after the time of the filing of the appeal.  
23 The court shall hear evidence on the remonstrances or objections and may confirm the final action of  
24 the governing body or sustain the remonstrances or objections. The judgment of the court is final and  
25 conclusive, unless an appeal is taken as in other civil actions.

26 **(f) This section applies to a governing body that:**

27 **(1) is the metropolitan development commission for a county having a consolidated city;**  
28 **and**

29 **(2) has established an allocation area and pledged tax increment revenues from the area to**  
30 **the payment of bonds, leases, or other obligations before May 8, 1989.**

31 **Notwithstanding subsections (a) through (e), the governing body may determine to fund that**  
32 **part of the tax increment replacement amount attributable to the repeal of IC 36-7-15.1-26.5,**  
33 **IC 36-7-15.1-26.7, and IC 36-7-15.1-26.9 from property taxes on personal property (as defined**  
34 **in IC 6-1.1-11). If the governing body makes such a determination, the property taxes on**  
35 **personal property in the amount determined under this subsection shall be allocated to the**  
36 **redevelopment district, paid into the special fund for the allocation area, and used for the**  
37 **purposes specified in IC 36-7-15.1-26.**

38 SECTION 155. IC 6-1.1-21.2-15, AS AMENDED BY P.L.146-2008, SECTION 240, IS  
39 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec.  
40 15. (a) As the special assessment or tax imposed under this chapter is collected by the county treasurer,  
41 it shall be transferred to the governing body and accumulated and kept in the special fund for the  
42 allocation area.

43 (b) A special assessment or tax levied under this chapter is not subject to IC 6-1.1-20.

44 (c) A special assessment or tax levied under this chapter and the use of revenues from a special  
45 assessment or tax levied under this chapter by a governing body do not create a constitutional or  
46 statutory debt, pledge, or obligation of the governing body, the district, or any county, city, town, or  
47 township.

48 **(d) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5-3 or another provision**  
49 **of IC 6-1.1-18.5 do not apply to a special assessment or tax imposed under this chapter. For**

1 purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit  
2 under IC 6-1.1-18.5-3 or another provision of IC 6-1.1-18.5, the civil taxing unit's ad valorem  
3 property tax levy for a particular calendar year does not include a special assessment or tax  
4 imposed under this chapter.

5 SECTION 156. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
6 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

7 **Chapter 21.3. Rainy Day Fund Loans for Taxing Units Affected by Transmission**  
8 **Manufacturer Bankruptcy**

9 **Sec. 1. (a) As used in this chapter, "board" refers to the state board of finance.**

10 **(b) As used in this chapter, "qualified taxing unit" means a taxing unit:**

- 11 **(1) in which a qualifying taxpayer has tangible property subject to taxation; and**
- 12 **(2) that has experienced or is expected to experience a significant revenue shortfall as a**  
13 **result of a default or an expected default described in subsection (c)(3).**

14 **(c) As used in this chapter, "qualifying taxpayer" means a taxpayer that:**

- 15 **(1) casts and manufactures motor vehicle transmissions as part of its business;**
- 16 **(2) has filed a petition to reorganize under the federal bankruptcy code; and**
- 17 **(3) has defaulted, or has notified the county fiscal body of the county in which the taxpayer**  
18 **is subject to property taxes that the taxpayer will default, on all or part of one (1) or more**  
19 **of its property tax payments with respect to taxes first due and payable in 2009 or 2010, or**  
20 **both.**

21 **Sec. 2. A qualified taxing unit may apply to the board for one (1) or more loans from the**  
22 **counter-cyclical revenue and economic stabilization fund.**

23 **Sec. 3. (a) The board, after review by the budget committee, shall determine the terms of a**  
24 **loan made under this chapter, subject to the following:**

- 25 **(1) The loan must be repaid not later than ten (10) years after the date on which the loan**  
26 **is made.**
- 27 **(2) The terms of the loan must allow for prepayment of the loan without penalty.**
- 28 **(3) The maximum amount of the loan that a qualified taxing unit may receive with respect**  
29 **to a default described in section 1(c)(3) of this chapter on one (1) or more payments of**  
30 **property taxes first due and payable in a calendar year is the amount, as determined by the**  
31 **board, of revenue shortfall for the qualified taxing unit that results from the default for**  
32 **that calendar year.**

33 **(b) The board may disburse in installments the proceeds of a loan made under this chapter.**

34 **(c) A qualified taxing unit may repay a loan made under this chapter from any of the**  
35 **following:**

- 36 **(1) Property tax revenues of the qualified taxing unit that are subject to the levy limitations**  
37 **imposed by IC 6-1.1-18.5.**
- 38 **(2) Property tax revenues of the qualified taxing unit that are not subject to levy limitations**  
39 **as provided in IC 6-1.1-18.5-21.**
- 40 **(3) The qualified taxing unit's debt service fund.**
- 41 **(4) Any other source of revenues (other than property taxes) that is legally available to the**  
42 **qualified taxing unit.**

43 **The payment of any installment on a loan made under this chapter constitutes a first charge**  
44 **against the property tax revenues described in subdivision (1) or (2) that are collected by the**  
45 **qualified taxing unit during the calendar year the installment is due and payable.**

46 **(d) The obligation to repay a loan made under this chapter is not a basis for the qualified**  
47 **taxing unit to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 20-44-3.**

48 **(e) Whenever the board receives a payment on a loan made under this chapter, the board**  
49 **shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.**

1       **Sec. 4. (a) As used in this section, "delinquent tax" means any tax not paid during the**  
2 **calendar year in which the tax was first due and payable.**

3       **(b) Except as provided in subsection (c), the following are not considered to be part of the ad**  
4 **valorem property tax levy actually collected by the qualified taxing unit for taxes first due and**  
5 **payable during a particular calendar year for the purpose of calculating the levy excess under**  
6 **IC 6-1.1-18.5-17 and IC 20-44-3:**

7       **(1) The proceeds of a loan received by the qualified taxing unit under this chapter.**

8       **(2) The receipt by a qualified taxing unit of any payment of delinquent tax owed by a**  
9 **qualifying taxpayer.**

10       **(c) Delinquent tax owed by a qualifying taxpayer received by a qualified taxing unit:**

11       **(1) must first be used toward the retirement of an outstanding loan made under this**  
12 **chapter; and**

13       **(2) is considered, only to the extent that the amount received exceeds the amount of the**  
14 **outstanding loan, to be part of the ad valorem property tax levy actually collected by the**  
15 **qualified taxing unit for taxes first due and payable during a particular calendar year for**  
16 **the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 20-44-3.**

17       **(d) If a qualifying taxpayer pays delinquent tax during the term of repayment of an**  
18 **outstanding loan made under this chapter, the remaining loan balance is repayable in equal**  
19 **installments over the remainder of the original term of repayment.**

20       **(e) Proceeds of a loan made under this chapter may be expended by a qualified taxing unit**  
21 **only to pay obligations of the qualified taxing unit that have been incurred under appropriations**  
22 **for operating expenses made by the qualified taxing unit and approved by the department of**  
23 **local government finance.**

24       **Sec. 5. A loan under this chapter is not bonded indebtedness for purposes of IC 6-1.1-18.5.**

25       SECTION 157. IC 6-1.1-22-5, AS AMENDED BY P.L.146-2008, SECTION 250, IS AMENDED  
26 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsections  
27 (b) and (c), on or before March 15 of each year, the county auditor shall prepare and deliver to the  
28 auditor of state and the county treasurer a certified copy of an abstract of the property, assessments,  
29 taxes, deductions, and exemptions for taxes payable in that year in each taxing district of the county.  
30 The county auditor shall prepare the abstract in such a manner that the information concerning  
31 property tax deductions reflects the total amount of each type of deduction. The abstract shall also  
32 contain a statement of the taxes and penalties unpaid in each taxing unit at the time of the last  
33 settlement between the county auditor and county treasurer and the status of these delinquencies. The  
34 county auditor shall prepare the abstract on the form prescribed by the state board of accounts. The  
35 auditor of state, county auditor, and county treasurer shall each keep a copy of the abstract as a public  
36 record.

37       (b) If the county auditor receives a copy of an appeal petition under ~~IC 6-1.1-18.5-12(d)~~  
38 **IC 6-1.1-18.5-12(g)** before the county auditor prepares and delivers the certified copy of the abstract  
39 under subsection (a), the county auditor shall prepare and deliver the certified copy of the abstract  
40 when the appeal is resolved by the department of local government finance.

41       (c) If the county auditor receives a copy of an appeal petition under ~~IC 6-1.1-18.5-12(d)~~  
42 **IC 6-1.1-18.5-12(g)** after the county auditor prepares and delivers the certified copy of the abstract  
43 under subsection (a), the county auditor shall prepare and deliver a certified copy of a revised abstract  
44 when the appeal is resolved by the department of local government finance that reflects the action of  
45 the department.

46       SECTION 158. IC 6-1.1-22.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
47 1, 2009]: Sec. 2. As used in this chapter, "provisional statement" refers to a provisional property tax  
48 statement required by section 6 or 6.5 of this chapter as the context indicates.

49       SECTION 159. IC 6-1.1-22.5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION

1 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. (a) As used in this section,**  
2 **"cross-county area" refers to a cross-county entity's territory that is located in one (1) county.**

3 **(b) As used in this section, "cross-county entity" refers to a taxing unit that is located in more**  
4 **than one (1) county.**

5 **(c) As used in this section, "statement preparation date" refers to the date determined by the**  
6 **county treasurer before which the county treasurer must receive all necessary information in**  
7 **order to timely prepare and deliver property tax statements under IC 6-1.1-22.**

8 **(d) With respect to property taxes first due and payable under this article after 2009, the**  
9 **county treasurer may, except as provided in section 7 of this chapter, use a provisional statement**  
10 **under this section if:**

11 **(1) the county treasurer is not required to use provisional statements under section 6 of this**  
12 **chapter; and**

13 **(2) the county treasurer determines that:**

14 **(A) the property tax rate of a cross-county entity with cross-county area in the county**  
15 **has not been finally determined before the statement preparation date; and**

16 **(B) the rate referred to in clause (A) has not been finally determined because the**  
17 **assessed valuation:**

18 **(i) in the cross-county area of a neighboring county; and**

19 **(ii) on which the property taxes are based;**

20 **has not been finally determined.**

21 **(e) A provisional statement under this section applies only for the cross-county area in the**  
22 **county. If a provisional statement is used under this section, the county treasurer shall prepare**  
23 **and deliver property tax statements under IC 6-1.1-22 for the territory of the county that is not**  
24 **a cross-county area.**

25 **(f) The county treasurer shall give notice of the provisional statement in the manner required**  
26 **by section 6(b) of this chapter.**

27 **(g) Immediately upon determining to use provisional statements under this section, the county**  
28 **treasurer shall give notice of the determination to the county fiscal body (as defined in**  
29 **IC 36-1-2-6).**

30 **SECTION 160. IC 6-1.1-22.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY**  
31 **1, 2009]: Sec. 7. (a) The county auditor of a county or fifty (50) property owners in the county may,**  
32 **not more than five (5) days after the publication of the notice required under section 6 6(b) or 6.5(f)**  
33 **of this chapter, request in writing that the department of local government finance waive the use of a**  
34 **provisional statement under this chapter as to that county for a particular assessment date: year.**

35 **(b) With respect to the use of a provisional statement required under section 6 of this chapter,**  
36 **upon receipt of a request under subsection (a), the department of local government finance shall give**  
37 **notice of a hearing concerning the request in the manner provided by IC 5-3-1. The notice must state:**

38 **(1) the date and time of the hearing;**

39 **(2) the location of the hearing, which must be in the county; and**

40 **(3) that the purpose of the hearing is to hear:**

41 **(A) the request of the county treasurer and county auditor to waive the requirements of section**  
42 **6 of this chapter; and**

43 **(B) taxpayers' comments regarding that request.**

44 **(c) After the hearing referred to in subsection (b), the department of local government finance**  
45 **may waive the use of a provisional statement under section 6 of this chapter for a particular**  
46 **assessment date year as to the county making the request if the department finds that the petitioners**  
47 **have presented sufficient evidence to establish that although the abstract required by IC 6-1.1-22-5 was**  
48 **not delivered in a timely manner:**

- 1 (1) the abstract;
- 2 (A) was delivered as of the date of the hearing; or
- 3 (B) will be delivered not later than a date specified by the county auditor and county treasurer;
- 4 and
- 5 (2) sufficient time remains or will remain after the date or anticipated date of delivery of the
- 6 abstract to:
- 7 (A) permit the timely preparation and delivery of property tax statements in the manner
- 8 provided by IC 6-1.1-22; and
- 9 (B) render the use of a provisional statement under **section 6** of this chapter unnecessary.

10 **(d) With respect to a determination to use a provisional statement under section 6.5 of this**  
 11 **chapter, upon receipt of a request under subsection (a), the department of local government**  
 12 **finance shall give notice of a hearing concerning the request in the manner provided by IC 5-3-1.**  
 13 **The notice must state:**

- 14 **(1) the date and time of the hearing;**
- 15 **(2) the location of the hearing, which must be in the county; and**
- 16 **(3) that the purpose of the hearing is to hear:**
- 17 **(A) the request of the county treasurer and county auditor to waive the requirements of**  
 18 **section 6.5 of this chapter; and**
- 19 **(B) taxpayers' comments regarding that request.**

20 **(e) After the hearing referred to in subsection (d), the department of local government finance**  
 21 **may waive the use of a provisional statement under section 6.5 of this chapter for a particular**  
 22 **year as to the county making the request if the department finds that the petitioners have**  
 23 **presented sufficient evidence to establish that although the property tax rate of one (1) or more**  
 24 **cross-county entities with cross-county area in the county was not finally determined before the**  
 25 **statement preparation date:**

- 26 **(1) that property tax rate:**
- 27 **(A) was determined as of the date of the hearing; or**
- 28 **(B) will be determined not later than a date specified by the county auditor and county**  
 29 **treasurer; and**
- 30 **(2) sufficient time remains or will remain after the date or anticipated date of**  
 31 **determination of the rate to:**
- 32 **(A) permit the timely preparation and delivery of property tax statements in the manner**  
 33 **provided by IC 6-1.1-22; and**
- 34 **(B) render the use of a provisional statement under section 6.5 of this chapter**  
 35 **unnecessary.**

36 SECTION 161. IC 6-1.1-22.5-8, AS AMENDED BY P.L.87-2009, SECTION 11, IS AMENDED  
 37 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) **Subject to subsection (c), a**  
 38 **provisional statement must:**

- 39 (1) be on a form ~~approved~~ **prescribed** by the ~~state board of accounts; department of local~~  
 40 **government finance;**
- 41 (2) except as provided in emergency rules adopted under section 20 of this chapter and subsection  
 42 (b):
- 43 **(A) for property taxes billed using a provisional statement under section 6 of this**  
 44 **chapter, indicate tax liability in the amount of ninety not more than one hundred percent**  
 45 **(~~90%~~) (100%) of the tax liability that was payable in the same year as the assessment date for**  
 46 **the property for which the provisional statement is issued, subject to any adjustments to the**  
 47 **tax liability as prescribed by the department of local government finance; and**
- 48 **(B) for property taxes billed using a provisional statement under section 6.5 of this**

chapter, except as provided in subsection (d), indicate tax liability in an amount determined by the department of local government finance based on:

(i) subject to subsection (c), for the cross-county entity, the property tax rate of the cross-county entity for taxes first due and payable in the immediately preceding calendar year; and

(ii) for all other taxing units that make up the taxing district or taxing districts that comprise the cross-county area, the property tax rates of the taxing units for taxes first due and payable in the current calendar year;

(3) indicate:

(A) that the tax liability under the provisional statement is determined as described in subdivision (2); and

(B) that property taxes billed on the provisional statement:

(i) are due and payable in the same manner as property taxes billed on a tax statement under IC 6-1.1-22-8.1; and

(ii) will be credited against a reconciling statement;

(4) for property taxes billed using a provisional statement under section 6 of this chapter, include the following a statement in the following or a substantially similar form, as determined by the department of local government finance:

"Under Indiana law, \_\_\_\_\_ County (insert county) has ~~elected to send~~ sent provisional statements because the county did not complete the abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in (insert year) in each taxing district before March 16, (insert year). The statement is due to be paid in installments on \_\_\_\_\_ (insert date) and \_\_\_\_\_ (insert date). The statement is based on ~~ninety~~ \_\_\_\_\_ percent (~~90%~~) (   %) (insert percentage) of your tax liability for taxes payable in \_\_\_\_\_ (insert year), subject to adjustment to the tax liability as prescribed by the department of local government finance and adjustment for any new construction on your property or any damage to your property. After the abstract of property is complete, you will receive a reconciling statement in the amount of your actual tax liability for taxes payable in (insert year), minus the amount you pay under this provisional statement.";

(5) for property taxes billed using a provisional statement under section 6.5 of this chapter, include a statement in the following or a substantially similar form, as determined by the department of local government finance:

"Under Indiana law, \_\_\_\_\_ County (insert county) has elected to send provisional statements for the territory of \_\_\_\_\_ (insert cross-county entity) located in \_\_\_\_\_ County (insert county) because the property tax rate for \_\_\_\_\_ (insert cross-county entity) was not available in time to prepare final tax statements. The statement is due to be paid in installments on \_\_\_\_\_ (insert date) and \_\_\_\_\_ (insert date). The statement is based on the property tax rate of \_\_\_\_\_ (insert cross-county entity) for taxes first due and payable in \_\_\_\_\_ (insert immediately preceding calendar year). After the property tax rate of \_\_\_\_\_ (insert cross-county entity) is determined, you will receive a reconciling statement in the amount of your actual tax liability for taxes payable in \_\_\_\_\_ (insert year), minus the amount you pay under this provisional statement.";

~~(5)~~ (6) indicate liability for:

(A) delinquent:

(i) taxes; and

(ii) special assessments;

(B) penalties; and

1 (C) interest;  
2 is allowed to appear on the tax statement under ~~IC 6-1.1-22-8~~ **IC 6-1.1-22-8.1** for the first  
3 installment of property taxes in the year in which the provisional tax statement is issued;

4 ~~(6)~~ **(7)** include:

5 (A) a checklist that shows:

6 (i) homestead credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law and all property tax  
7 deductions; and

8 (ii) whether each homestead credit and property tax deduction was applied in the current  
9 provisional statement;

10 (B) an explanation of the procedure and deadline that a taxpayer must follow and the forms  
11 that must be used if a credit or deduction has been granted for the property and the taxpayer  
12 is no longer eligible for the credit or deduction; and

13 (C) an explanation of the tax consequences and applicable penalties if a taxpayer unlawfully  
14 claims a standard deduction under IC 6-1.1-12-37 on:

15 (i) more than one (1) parcel of property; or

16 (ii) property that is not the taxpayer's principal place of residence or is otherwise not eligible  
17 for a standard deduction; and

18 ~~(7)~~ **(8)** include any other information the county treasurer requires.

19 (b) This subsection applies to property taxes first due and payable for assessment dates after  
20 January 15, 2009. The county may apply a standard deduction, supplemental standard deduction, or  
21 homestead credit calculated by the county's property system on a provisional bill for a qualified  
22 property. If a provisional bill has been used for property tax billings for two (2) consecutive years and  
23 a property qualifies for a standard deduction, supplemental standard deduction, or homestead credit  
24 for the second year a provisional bill is used, the county shall apply the standard deduction,  
25 supplemental standard deduction, or homestead credit calculated by the county's property system on  
26 the provisional bill.

27 **(c) For purposes of this section, property taxes that are:**

28 **(1) first due and payable in the current calendar year on a provisional statement under**  
29 **section 6 or 6.5 of this chapter; and**

30 **(2) based on property taxes first due and payable in the immediately preceding calendar**  
31 **year or on a percentage of those property taxes;**

32 **are determined after excluding from the property taxes first due and payable in the immediately**  
33 **preceding calendar year property taxes imposed by one (1) or more taxing units in which the**  
34 **tangible property is located that are attributable to a levy that no longer applies for property**  
35 **taxes first due and payable in the current calendar year.**

36 **(d) If there was no property tax rate of the cross-county entity for taxes first due and payable**  
37 **in the immediately preceding calendar year for use under subsection (a)(2)(B), the department**  
38 **of local government finance shall provide an estimated tax rate calculated to approximate the**  
39 **actual tax rate that will apply when the tax rate is finally determined.**

40 SECTION 162. IC 6-1.1-22.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JANUARY 1, 2008 (RETROACTIVE)]: Sec. 11. **(a) With respect to provisional statements under**  
42 **section 6 of this chapter, as soon as possible after the receipt of the abstract referred to in section 6**  
43 **of this chapter, required by IC 6-1.1-22-5, the county treasurer shall:**

44 (1) give the notice required by IC 6-1.1-22-4; and

45 (2) mail or transmit reconciling statements under section 12 of this chapter.

46 **(b) With respect to provisional statements under section 6.5 of this chapter, as soon as**  
47 **possible after determination of the tax rate of the cross-county entity referred to in section 6.5**  
48 **of this chapter, the county treasurer shall:**

1 (1) give the notice required by IC 6-1.1-22-4; and

2 (2) mail or transmit reconciling statements under section 12 of this chapter.

3 SECTION 163. IC 6-1.1-22.5-12, AS AMENDED BY P.L.87-2009, SECTION 13, IS AMENDED  
4 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Except as provided by  
5 subsection (c), each reconciling statement **must be on a form prescribed by the department of local**  
6 **government finance and** must indicate:

7 (1) the actual property tax liability under this article ~~on the assessment determined for the~~  
8 ~~assessment date~~ for the ~~property~~ **calendar year** for which the reconciling statement is issued;

9 (2) the total amount paid under the provisional statement for the property for which the  
10 reconciling statement is issued;

11 (3) if the amount under subdivision (1) exceeds the amount under subdivision (2), that the excess  
12 is payable by the taxpayer:

13 (A) as a final reconciliation of the tax liability; and

14 (B) not later than:

15 (i) thirty (30) days after the date of the reconciling statement;

16 (ii) if the county treasurer requests in writing that the commissioner designate a later date,  
17 the date designated by the commissioner; or

18 (iii) the date specified in an ordinance adopted under section 18.5 of this chapter; and

19 (4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the  
20 taxpayer may claim a refund of the excess under IC 6-1.1-26.

21 (b) If, upon receipt of the abstract ~~referred to in section 6 of this chapter, required by~~  
22 **IC 6-1.1-22-5 or upon determination of the tax rate of the cross-county entity referred to in**  
23 **section 6.5 of this chapter**, the county treasurer determines that it is possible to complete the:

24 (1) preparation; and

25 (2) mailing or transmittal;

26 of the reconciling statement at least thirty (30) days before the due date of the second installment  
27 specified in the provisional statement, the county treasurer may request in writing that the department  
28 of local government finance permit the county treasurer to issue a reconciling statement that adjusts  
29 the amount of the second installment that was specified in the provisional statement. If the department  
30 approves the county treasurer's request, the county treasurer shall prepare and mail or transmit the  
31 reconciling statement at least thirty (30) days before the due date of the second installment specified  
32 in the provisional statement.

33 (c) A reconciling statement prepared under subsection (b) must indicate:

34 (1) the actual property tax liability under this article ~~on the assessment determined for the~~  
35 ~~assessment date for the calendar year~~ for the property for which the reconciling statement is  
36 issued;

37 (2) the total amount of the first installment paid under the provisional statement for the property  
38 for which the reconciling statement is issued;

39 (3) if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted  
40 amount of the second installment that is payable by the taxpayer:

41 (A) as a final reconciliation of the tax liability; and

42 (B) not later than:

43 (i) November 10; or

44 (ii) if the county treasurer requests in writing that the commissioner designate a later date,  
45 the date designated by the commissioner; and

46 (4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the  
47 taxpayer may claim a refund of the excess under IC 6-1.1-26.

48 (d) At the election of a county auditor, a checklist required by IC 6-1.1-22-8.1(b)(8) and a notice

1 required by IC 6-1.1-22-8.1(b)(9) may be sent to a taxpayer with a reconciling statement under this  
2 section. This subsection expires January 1, 2013.

3 (e) In a county in which an authorizing ordinance is adopted under IC 6-1.1-22-8.1(h), a person may  
4 direct the county treasurer to transmit a reconciling statement by electronic mail under  
5 IC 6-1.1-22-8.1(h).

6 SECTION 164. IC 6-1.1-22.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2009]: Sec. 20. For purposes of a provisional statement under **section 6** of this chapter, the  
8 department of local government finance may adopt emergency rules under IC 4-22-2-37.1 to provide  
9 a methodology for a county treasurer to issue provisional statements with respect to real property,  
10 taking into account new construction of improvements placed on the real property, damage, and other  
11 losses related to the real property:

12 (1) after March 1 of the year preceding the assessment date to which the provisional statement  
13 applies; and

14 (2) before the assessment date to which the provisional statement applies.

15 SECTION 165. IC 6-1.1-27-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
16 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) This section applies if:**

17 **(1) a school corporation did not receive a property tax distribution that was at least the**  
18 **amount of the school corporation's actual general fund property tax levy for a particular**  
19 **year because of property taxes not being paid when due, as determined by the department**  
20 **of local government finance; and**

21 **(2) delinquent property taxes are paid that are attributable to a year referred to in**  
22 **subdivision (1).**

23 **(b) The county auditor shall distribute to a school corporation the school corporation's**  
24 **proportionate share of any delinquent property taxes paid that are attributable to a year**  
25 **referred to in subsection (a) in the amount that would have been distributed to the school**  
26 **corporation with respect to the school corporation's general fund. The school corporation shall**  
27 **deposit the distribution in the school corporation's general fund.**

28 **(c) This section expires January 1, 2015.**

29 SECTION 166. IC 6-1.1-28-1, AS AMENDED BY P.L.219-2007, SECTION 72, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Each county shall have a county  
31 property tax assessment board of appeals composed of individuals who are at least eighteen (18) years  
32 of age and knowledgeable in the valuation of property. **At the election of the board of**  
33 **commissioners of the county, a county property tax assessment board of appeals may consist of**  
34 **three (3) or five (5) members appointed in accordance with this section.**

35 **(b) This subsection applies to a county in which the board of commissioners elects to have a**  
36 **five (5) member county property tax assessment board of appeals.** In addition to the county  
37 assessor, only one (1) other individual who is an officer or employee of a county or township may  
38 serve on the board of appeals in the county in which the individual is an officer or employee. Subject  
39 to subsections ~~(d)~~ **(g)** and ~~(e)~~, **(h)**, the fiscal body of the county shall appoint two (2) individuals to the  
40 board. At least one (1) of the members appointed by the county fiscal body must be a certified level  
41 two or level three assessor-appraiser. Subject to subsections ~~(d)~~ **(g)** and ~~(e)~~, **(h)**, the board of  
42 commissioners of the county shall appoint ~~two (2)~~ **three (3)** freehold members so that not more than  
43 three (3) of the five (5) members may be of the same political party and so that at least three (3) of the  
44 five (5) members are residents of the county. At least one (1) of the members appointed by the board  
45 of county commissioners must be a certified level two or level three assessor-appraiser. ~~If the county~~  
46 ~~assessor is a certified level two or level three assessor-appraiser,~~ The board of county commissioners  
47 may waive the requirement in this subsection that one (1) of the freehold members appointed by the  
48 board of county commissioners must be a certified level two or level three assessor-appraiser.

1 (c) This subsection applies to a county in which the board of commissioners elects to have a  
2 three (3) member county property tax assessment board of appeals. In addition to the county  
3 assessor, only one (1) other individual who is an officer or employee of a county or township may  
4 serve on the board of appeals in the county in which the individual is an officer or employee.  
5 Subject to subsections (g) and (h), the fiscal body of the county shall appoint one (1) individual  
6 to the board. The member appointed by the county fiscal body must be a certified level two or  
7 level three assessor-appraiser. Subject to subsections (d) and (e), the board of commissioners of  
8 the county shall appoint two (2) freehold members so that not more than two (2) of the three (3)  
9 members may be of the same political party and so that at least two (2) of the three (3) members  
10 are residents of the county. At least one (1) of the members appointed by the board of county  
11 commissioners must be a certified level two or level three assessor-appraiser. The board of  
12 county commissioners may waive the requirement in this subsection that one (1) of the freehold  
13 members appointed by the board of county commissioners must be a certified level two or level  
14 three assessor-appraiser.

15 (d) A person appointed to a property tax assessment board of appeals may serve on the property  
16 tax assessment board of appeals of another county at the same time. The members of the board shall  
17 elect a president. The employees of the county assessor shall provide administrative support to the  
18 property tax assessment board of appeals. The county assessor is a ~~voting~~ nonvoting member of the  
19 property tax assessment board of appeals. The county assessor shall serve as secretary of the board.  
20 The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the  
21 board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a  
22 quorum for the transaction of business. Any question properly before the board may be decided by the  
23 agreement of a majority of the whole board.

24 ~~(b)~~ (e) The county assessor, county fiscal body, and board of county commissioners may agree to  
25 waive the requirement in subsection ~~(a)~~ (b) or (c) that not more than three (3) of the five (5) or two  
26 (2) of the three (3) members of the county property tax assessment board of appeals may be of the  
27 same political party if it is necessary to waive the requirement due to the absence of certified level two  
28 or level three Indiana assessor-appraisers:

- 29 (1) who are willing to serve on the board; and  
30 (2) whose political party membership status would satisfy the requirement in subsection ~~(e)~~(1):  
31 (b) or (c).

32 ~~(e)~~ (f) If the board of county commissioners is not able to identify at least two (2) prospective  
33 freehold members of the county property tax assessment board of appeals who are:

- 34 (1) residents of the county;  
35 (2) certified level two or level three Indiana assessor-appraisers; and  
36 (3) willing to serve on the county property tax assessment board of appeals;

37 it is not necessary that at least three (3) of the five (5) or two (2) of the three (3) members of the  
38 county property tax assessment board of appeals be residents of the county.

39 ~~(d)~~ (g) Except as provided in subsection ~~(e)~~, (f), the term of a member of the county property tax  
40 assessment board of appeals appointed under subsection (a): **this section:**

- 41 (1) is one (1) year; and  
42 (2) begins January 1.

43 ~~(e)~~ (h) If:

- 44 (1) the term of a member of the county property tax assessment board of appeals appointed under  
45 subsection (a) **this section** expires;  
46 (2) the member is not reappointed; and  
47 (3) a successor is not appointed;

48 the term of the member continues until a successor is appointed.

1 SECTION 167. IC 6-1.1-29-1, AS AMENDED BY P.L.224-2007, SECTION 41, IS AMENDED  
2 TO READ AS FOLLOWS [EFFECTIVE DECEMBER 30, 2008 (RETROACTIVE)]: Sec. 1. (a)  
3 Except as provided in section 9 of this chapter, each county shall have a county board of tax  
4 adjustment composed of seven (7) members. The members of the county board of tax adjustment shall  
5 be selected as follows:

6 (1) The county fiscal body shall appoint a member of the body to serve as a member of the county  
7 board of tax adjustment.

8 (2) Either the executive of the largest city in the county or a public official of any city in the  
9 county appointed by that executive shall serve as a member of the board. However, if there is no  
10 incorporated city in the county, the fiscal body of the largest incorporated town of the county  
11 shall appoint a member of the body to serve as a member of the county board of tax adjustment.

12 (3) The governing body of the school corporation, located entirely or partially within the county,  
13 which has the greatest taxable valuation of any school corporation of the county shall appoint a  
14 member of the governing body to serve as a member of the county board of tax adjustment.

15 (4) The remaining four (4) members of the county board of tax adjustment must be residents of  
16 the county and freeholders and shall be appointed by the board of commissioners of the county.

17 (b) ~~This section expires December 31, 2008.~~

18 SECTION 168. IC 6-1.1-31.5-2, AS AMENDED BY P.L.146-2008, SECTION 272, IS AMENDED  
19 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Subject to section 3.5 of this  
20 chapter, the department shall adopt rules under IC 4-22-2 to prescribe computer specification standards  
21 and for the certification of:

- 22 (1) computer software;
- 23 (2) software providers;
- 24 (3) computer service providers; and
- 25 (4) computer equipment providers.

26 (b) The rules of the department shall provide for:

- 27 (1) the effective and efficient administration of assessment laws;
- 28 (2) the prompt updating of assessment data;
- 29 (3) the administration of information contained in the sales disclosure form, as required under  
30 IC 6-1.1-5.5; and
- 31 (4) other information necessary to carry out the administration of the property tax assessment  
32 laws.

33 (c) After June 30, 2008, subject to section 3.5 of this chapter, a county:

- 34 (1) may contract only for computer software and with software providers, computer service  
35 providers, and equipment providers that are certified by the department under the rules described  
36 in subsection (a); and
- 37 (2) may enter into a contract referred to in subdivision (1) **and any addendum to the contract**  
38 **only if the department is a party to the contract and the addendum.**

39 SECTION 169. IC 6-1.1-33.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
40 1, 2009]: Sec. 3. The division of data analysis shall:

- 41 (1) conduct continuing studies in the areas in which the department of local government finance  
42 operates;
- 43 (2) make periodic field surveys and audits of:
  - 44 (A) tax rolls;
  - 45 (B) plat books;
  - 46 (C) building permits;
  - 47 (D) real estate transfers; and
  - 48 (E) other data that may be useful in checking property valuations or taxpayer returns;
- 49 (3) make test checks of property valuations to serve as the bases for special reassessments under

1 this article;

2 (4) conduct biennially a coefficient of dispersion study for each township and county in Indiana;

3 (5) conduct quadrennially a sales assessment ratio study for each township and county in Indiana;

4 ~~(6) compute school assessment ratios under IC 6-1.1-34;~~ and

5 ~~(7)~~ (6) report annually to the executive director of the legislative services agency, in an electronic  
6 format under IC 5-14-6, the information obtained or determined under this section for use by the  
7 executive director and the general assembly, including:

8 (A) all information obtained by the division of data analysis from units of local government;  
9 and

10 (B) all information included in:

11 (i) the local government data base; and

12 (ii) any other data compiled by the division of data analysis.

13 SECTION 170. IC 6-1.1-34-1, AS AMENDED BY P.L.246-2005, SECTION 68, IS AMENDED  
14 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. ~~Each~~ **In the year in which after**  
15 a general assessment of real property becomes effective, the department of local government finance  
16 shall compute a new assessment ratio for each school corporation ~~and a new state average assessment~~  
17 ~~ratio. located in a county in which a supplemental county levy is imposed under IC 20-45-7 or~~  
18 **IC 20-45-8.** In all other years, the department shall compute a new assessment ratio for **such** a school  
19 corporation ~~and a new state average assessment ratio~~ if the department finds that there has been  
20 sufficient reassessment or adjustment of one (1) or more classes of property in the school district.  
21 When the department of local government finance computes a new assessment ratio for a school  
22 corporation, the department shall publish the new ratio.

23 SECTION 171. IC 6-1.1-34-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
24 1, 2010]: Sec. 7. (a) Each year in which the department of local government finance computes a new  
25 assessment ratio for a school corporation, the department shall also compute a new adjustment factor  
26 for the school corporation. If the school corporation's assessment ratio for a year is more than  
27 ninety-nine percent (99%) but less than one hundred one percent (101%) of the state average  
28 assessment ratio for that year, the school corporation's adjustment factor is the number one (1). In all  
29 other cases, the school corporation's adjustment factor equals (1) the state average assessment ratio  
30 for a year, divided by (2) the school corporation's assessment ratio for that year. The department of  
31 local government finance shall notify the school corporation of its new adjustment factor before March  
32 2 of the year in which the department calculates the new adjustment factor.

33 (b) This subsection applies in a calendar year ~~in~~ **after** which a general reassessment takes effect.  
34 If the department of local government finance has not computed

35 ~~(1) a new assessment ratio for a school corporation, or~~

36 ~~(2) a new state average assessment ratio;~~

37 the school corporation's adjustment factor is the number one (1) until the department of local  
38 government finance notifies the school corporation of the school corporation's new adjustment factor.

39 SECTION 172. IC 6-1.1-35-9, AS AMENDED BY P.L.146-2008, SECTION 279, IS AMENDED  
40 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) All information that is related  
41 to earnings, income, profits, losses, or expenditures and that is:

42 (1) given by a person to:

43 (A) an assessing official;

44 (B) an employee of an assessing official; or

45 (C) an officer or employee of an entity that contracts with a board of county commissioners  
46 or a county assessor under IC 6-1.1-36-12; or

47 (2) acquired by:

48 (A) an assessing official;

1 (B) an employee of an assessing official; or  
2 (C) an officer or employee of an entity that contracts with a board of county commissioners  
3 or a county assessor under IC 6-1.1-36-12;  
4 in the performance of the person's duties;  
5 is confidential. The assessed valuation of tangible property is a matter of public record and is thus not  
6 confidential. Confidential information may be disclosed only in a manner that is authorized under  
7 subsection (b), (c), or (d).

8 (b) Confidential information may be disclosed to:

9 (1) an official or employee of:

10 (A) this state or another state;

11 (B) the United States; or

12 (C) an agency or subdivision of this state, another state, or the United States;

13 if the information is required in the performance of the official duties of the official or employee;

14 ~~or~~

15 (2) an officer or employee of an entity that contracts with a board of county commissioners or  
16 a county assessor under IC 6-1.1-36-12 if the information is required in the performance of the  
17 official duties of the officer or employee; ~~or~~

18 **(3) a state educational institution in order to develop data required under IC 6-1.1-4-42.**

19 (c) The following state agencies, or their authorized representatives, shall have access to the  
20 confidential farm property records and schedules that are on file in the office of a county assessor:

21 (1) The Indiana state board of animal health, in order to perform its duties concerning the  
22 discovery and eradication of farm animal diseases.

23 (2) The department of agricultural statistics of Purdue University, in order to perform its duties  
24 concerning the compilation and dissemination of agricultural statistics.

25 (3) Any other state agency that needs the information in order to perform its duties.

26 (d) Confidential information may be disclosed during the course of a judicial proceeding in which  
27 the regularity of an assessment is questioned.

28 (e) Confidential information that is disclosed to a person under subsection (b) or (c) retains its  
29 confidential status. Thus, that person may disclose the information only in a manner that is authorized  
30 under subsection (b), (c), or (d).

31 (f) Notwithstanding any other provision of law:

32 (1) a person who:

33 (A) is an officer or employee of an entity that contracts with a board of county commissioners  
34 or a county assessor under IC 6-1.1-36-12; and

35 (B) obtains confidential information under this section;

36 may not disclose that confidential information to any other person; and

37 (2) a person referred to in subdivision (1) must return all confidential information to the taxpayer  
38 not later than fourteen (14) days after the earlier of:

39 (A) the completion of the examination of the taxpayer's personal property return under  
40 IC 6-1.1-36-12; or

41 (B) the termination of the contract.

42 SECTION 173. IC 6-1.1-37-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
43 2009]: Sec. 6. A person who **recklessly, knowingly, or intentionally**:

44 (1) disobeys a subpoena, or a subpoena duces tecum, issued under the general assessment  
45 provisions of this article;

46 (2) refuses to give evidence when directed to do so by an individual or board authorized under  
47 the general assessment provisions of this article to require the evidence;

48 (3) fails to file a personal property return required under IC 6-1.1-3;

49 (4) fails to subscribe to an oath or certificate required under the general assessment provisions

1 of this article; or  
2 (5) temporarily converts property which is taxable under this article into property not taxable to  
3 evade the payment of taxes on the converted property; or  
4 **(6) fails to file an information return required by the department of local government**  
5 **finance under IC 6-1.1-4-42;**  
6 commits a Class A misdemeanor.

7 SECTION 174. IC 6-2.5-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
8 PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), "gross retail income" means the total  
9 gross receipts, of any kind or character, received in a retail transaction, amount of consideration,  
10 including cash, credit, property, and services, for which tangible personal property is sold, leased, or  
11 rented, valued in money, whether received in money or otherwise, without any deduction for:

- 12 (1) the seller's cost of the property sold;
- 13 (2) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to  
14 the seller, all taxes imposed on the seller, and any other expense of the seller;
- 15 (3) charges by the seller for any services necessary to complete the sale, other than delivery and  
16 installation charges;
- 17 (4) delivery charges; or
- 18 ~~(5) the value of exempt personal property given to the purchaser where taxable and exempt~~  
19 ~~personal property have been bundled together and sold by the seller as a single product or piece~~  
20 ~~of merchandise.~~

- 21 **(5) consideration received by the seller from a third party if:**  
22 **(A) the seller actually receives consideration from a party other than the purchaser and**  
23 **the consideration is directly related to a price reduction or discount on the sale;**  
24 **(B) the seller has an obligation to pass the price reduction or discount through to the**  
25 **purchaser;**  
26 **(C) the amount of the consideration attributable to the sale is fixed and determinable by**  
27 **the seller at the time of the sale of the item to the purchaser; and**  
28 **(D) the price reduction or discount is identified as a third party price reduction or**  
29 **discount on the invoice received by the purchaser or on a coupon, certificate, or other**  
30 **documentation presented by the purchaser.**

31 For purposes of subdivision (4), delivery charges are charges by the seller for preparation and delivery  
32 of the property to a location designated by the purchaser of property, including but not limited to  
33 transportation, shipping, postage, handling, crating, and packing.

- 34 (b) "Gross retail income" does not include that part of the gross receipts attributable to:  
35 (1) the value of any tangible personal property received in a like kind exchange in the retail  
36 transaction, if the value of the property given in exchange is separately stated on the invoice, bill  
37 of sale, or similar document given to the purchaser;  
38 (2) the receipts received in a retail transaction which constitute interest, finance charges, or  
39 insurance premiums on either a promissory note or an installment sales contract;  
40 (3) discounts, including cash, terms, or coupons that are not reimbursed by a third party that are  
41 allowed by a seller and taken by a purchaser on a sale;  
42 (4) interest, financing, and carrying charges from credit extended on the sale of personal property  
43 if the amount is separately stated on the invoice, bill of sale, or similar document given to the  
44 purchaser;  
45 (5) any taxes legally imposed directly on the consumer that are separately stated on the invoice,  
46 bill of sale, or similar document given to the purchaser; or  
47 (6) installation charges that are separately stated on the invoice, bill of sale, or similar document  
48 given to the purchaser.  
49 (c) A public utility's or a power subsidiary's gross retail income includes all gross retail income

1 received by the public utility or power subsidiary, including any minimum charge, flat charge,  
2 membership fee, or any other form of charge or billing.

3 SECTION 175. IC 6-2.5-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
4 2009]: Sec. 6. (a) For purposes of this section, "person" includes an individual who is personally liable  
5 for use tax under IC 6-2.5-9-3.

6 (b) The person who uses, stores, or consumes the tangible personal property acquired in a retail  
7 transaction is personally liable for the use tax.

8 (c) The person liable for the use tax shall pay the tax to the retail merchant from whom the person  
9 acquired the property, and the retail merchant shall collect the tax as an agent for the state, if the retail  
10 merchant is engaged in business in Indiana or if the retail merchant has departmental permission to  
11 collect the tax. In all other cases, the person shall pay the use tax to the department.

12 (d) Notwithstanding subsection (c), a person liable for the use tax imposed in respect to a vehicle,  
13 watercraft, or aircraft under section 2(b) of this chapter shall pay the tax:

14 (1) to the titling agency when the person applies for a title for the vehicle or the watercraft; ~~or~~

15 (2) to the registering agency when the person registers the aircraft; **or**

16 **(3) to the registering agency when the person registers the watercraft because it is a United**  
17 **States Coast Guard documented vessel;**

18 unless the person presents proof to the agency that the use tax or state gross retail tax has already been  
19 paid with respect to the purchase of the vehicle, watercraft, or aircraft or proof that the taxes are  
20 inapplicable because of an exemption under this article.

21 (e) At the time a person pays the use tax for the purchase of a vehicle to a titling agency pursuant  
22 to subsection (d), the titling agency shall compute the tax due based on the presumption that the sale  
23 price was the average selling price for that vehicle, as determined under a used vehicle buying guide  
24 to be chosen by the titling agency. However, the titling agency shall compute the tax due based on the  
25 actual sale price of the vehicle if the buyer, at the time the buyer pays the tax to the titling agency,  
26 presents documentation to the titling agency sufficient to rebut the presumption set forth in this  
27 subsection and to establish the actual selling price of the vehicle.

28 SECTION 176. IC 6-2.5-5-8, AS AMENDED BY P.L.224-2007, SECTION 53, IS AMENDED TO  
29 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 8. (a) As used in  
30 this section, "new motor vehicle" has the meaning set forth in IC 9-13-2-111.

31 (b) Transactions involving tangible personal property other than a new motor vehicle are exempt  
32 from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or  
33 leasing in the ordinary course of the person's business without changing the form of the property.

34 (c) The following transactions involving a new motor vehicle are exempt from the state gross retail  
35 tax:

36 (1) A transaction in which a person that has a franchise in effect at the time of the transaction for  
37 the vehicle trade name, trade or service mark, or related characteristics acquires a new motor  
38 vehicle for resale, rental, or leasing in the ordinary course of the person's business.

39 (2) A transaction in which a person that is a franchisee appointed by a manufacturer or converter  
40 manufacturer licensed under IC 9-23 acquires a new motor vehicle that has at least one (1) trade  
41 name, service mark, or related characteristic as a result of modification or further manufacture  
42 by the manufacturer or converter manufacturer for resale, rental, or leasing in the ordinary course  
43 of the person's business.

44 (3) A transaction in which a person acquires a new motor vehicle for rental or leasing in the  
45 ordinary course of the person's business.

46 (d) The rental or leasing of accommodations to a promoter by a political subdivision (including a  
47 capital improvement board) or the state fair commission is not exempt from the state gross retail tax,  
48 if the rental or leasing of the property by the promoter is exempt under IC 6-2.5-4-4.

49 (e) This subsection applies only **to aircraft acquired** after June 30, 2008. **Except as provided in**

1 **subsection (h)**, a transaction in which a person acquires an aircraft for rental or leasing in the ordinary  
2 course of the person's business is not exempt from the state gross retail tax unless the person  
3 establishes, under guidelines adopted by the department in the manner provided in IC 4-22-2-37.1 for  
4 the adoption of emergency rules, that the annual amount of the **gross** lease revenue derived from  
5 leasing or rental of the aircraft, **which may include revenue from related party transactions**, is  
6 equal to or greater than

7 (1) ten percent (10%) of the greater of the original cost or the book value of the aircraft; if the  
8 original cost of the aircraft was less than one million dollars (\$1,000,000); or

9 (2) seven and five-tenths percent (7.5%) of the: greater of the original cost or the

10 (1) book value of the aircraft, if the original cost of the aircraft was at least one million dollars  
11 (\$1,000,000); as published in the Vref Aircraft Value Reference guide for the aircraft; or

12 (2) net acquisition price for the aircraft.

13 **If a person acquires an aircraft below the Vref Aircraft Value Reference guide book value, the**  
14 **person may appeal to the department for a lower lease or rental threshold equal to the actual**  
15 **acquisition price paid if the person demonstrates that the transaction was completed in a**  
16 **commercially reasonable manner based on the aircraft's age, condition, and equipment. The**  
17 **department may request the person to submit to the department supporting documents showing**  
18 **the aircraft is available for general public lease or rental, copies of business and aircraft**  
19 **insurance policies, and other documents that assist the department in determining if an aircraft**  
20 **is exempt from the state gross retail tax.**

21 (f) A person is required to meet the requirements of subsection (e) until the earlier of the date  
22 the aircraft has generated sales tax on leases or rental income that is equal to the amount of the  
23 original sales tax exemption or the elapse of thirteen (13) years. If the aircraft is sold by the  
24 person before meeting the requirements of this section and before the sale the aircraft was  
25 exempt from gross retail tax under subsection (e), the sale of the aircraft shall not result in the  
26 assessment or collection of gross retail tax for the period from the date of acquisition to the date  
27 of sale by the person.

28 (g) The person is required to remit the gross retail tax on taxable lease and rental transactions  
29 no matter how long the aircraft is used for lease and rental.

30 (h) This subsection applies only to aircraft acquired after December 31, 2007. A transaction  
31 in which a person acquires an aircraft to rent or lease the aircraft to another person for  
32 predominant use in public transportation by the other person or by an affiliate of the other  
33 person is exempt from the state gross retail tax. The department may not require a person to  
34 meet the revenue threshold in subsection (e) with respect to the person's leasing or rental of the  
35 aircraft to receive or maintain the exemption. To maintain the exemption provided under this  
36 subsection, the department may require the person to submit only annual reports showing that  
37 the aircraft is predominantly used to provide public transportation.

38 (i) The exemptions allowed under subsections (e) and (h) apply regardless of the relationship,  
39 if any, between the person or lessor and the lessee or renter of the aircraft.

40 SECTION 177. IC 6-2.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
41 2009]: Sec. 13. Transactions involving tangible personal property are exempt from the state gross retail  
42 tax, if:

43 (1) the property is:

44 (A) classified as central office equipment, station equipment or apparatus, station connection,  
45 wiring, or large private branch exchanges according to the uniform system of accounts which  
46 was adopted and prescribed for the utility by the Indiana utility regulatory commission; or

47 (B) mobile telecommunications switching office equipment, radio or microwave transmitting  
48 or receiving equipment, including, without limitation, towers, antennae, and property that

1 perform a function similar to the function performed by any of the property described in  
2 clause (A); or

3 **(C) a part of a national, regional, or local headend or similar facility operated by a**  
4 **person furnishing video services, cable radio services, satellite television or radio**  
5 **services, or Internet access services; and**

6 (2) the person acquiring the property:

7 **(A) furnishes or sells intrastate telecommunication service in a retail transaction described in**  
8 **IC 6-2.5-4-6; or**

9 **(B) uses the property to furnish:**

10 **(i) video services or Internet access services; or**

11 **(ii) VOIP services.**

12 SECTION 178. IC 6-2.5-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
13 2009]: Sec. 18. (a) Sales of durable medical equipment, prosthetic devices, artificial limbs, orthopedic  
14 devices, dental prosthetic devices, eyeglasses, contact lenses, and other medical supplies and devices  
15 are exempt from the state gross retail tax, if the sales are prescribed by a person licensed to issue the  
16 prescription.

17 (b) Rentals of durable medical equipment and other medical supplies and devices are exempt from  
18 the state gross retail tax, if the rentals are prescribed by a person licensed to issue the prescription.

19 (c) Sales of hearing aids are exempt from the state gross retail tax if the hearing aids are fitted or  
20 dispensed by a person licensed or registered for that purpose. In addition, sales of hearing aid parts,  
21 attachments, or accessories are exempt from the state gross retail tax. For purposes of this subsection,  
22 a hearing aid is a device which is worn on the body and which is designed to aid, improve, or correct  
23 defective human hearing.

24 (d) Sales of colostomy bags, ileostomy bags, and the medical equipment, supplies, and devices used  
25 in conjunction with those bags are exempt from the state gross retail tax.

26 (e) Sales of equipment and devices used to administer insulin are exempt from the state gross retail  
27 tax.

28 **(f) Sales of equipment and devices used to monitor blood glucose level, including blood**  
29 **glucose meters and measuring strips, lancets, and other similar diabetic supplies, are exempt**  
30 **from the state gross retail tax, regardless of whether the equipment and devices are prescribed.**

31 SECTION 179. IC 6-2.5-5-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
32 1, 2009]: Sec. 19.5. (a) For purposes of this section, "drug sample" means a legend drug (as defined  
33 by IC 16-18-2-199) or a drug composed wholly or partly of insulin or an insulin analog that is  
34 furnished without charge. **For purposes of this section, "blood glucose monitoring device" means**  
35 **blood glucose meters and measuring strips, lancets, and other similar diabetic supplies furnished**  
36 **without charge.**

37 (b) Transactions involving the following are exempt from the state gross retail tax:

38 (1) A drug sample, ~~and~~ the packaging and literature for a drug sample, **a blood glucose**  
39 **monitoring device, and the packaging and literature for a blood glucose monitoring device.**

40 (2) Tangible personal property that will be used as a drug sample **or a blood glucose monitoring**  
41 **device or that** will be processed, manufactured, or incorporated into:

42 (A) a drug sample **or a blood glucose monitoring device;** or

43 (B) the packaging or literature for a drug sample **or a blood glucose monitoring device.**

44 SECTION 180. IC 6-2.5-6-1, AS AMENDED BY P.L.131-2008, SECTION 10, IS AMENDED TO  
45 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. (a) Except as otherwise provided  
46 in this section, each person liable for collecting the state gross retail or use tax shall file a return for  
47 each calendar month and pay the state gross retail and use taxes that the person collects during that  
48 month. A person shall file the person's return for a particular month with the department and make the

1 person's tax payment for that month to the department not more than thirty (30) days after the end of  
2 that month, if that person's average monthly liability for collections of state gross retail and use taxes  
3 under this section as determined by the department for the preceding calendar year did not exceed one  
4 thousand dollars (\$1,000). If a person's average monthly liability for collections of state gross retail  
5 and use taxes under this section as determined by the department for the preceding calendar year  
6 exceeded one thousand dollars (\$1,000), that person shall file the person's return for a particular month  
7 and make the person's tax payment for that month to the department not more than twenty (20) days  
8 after the end of that month.

9 (b) If a person files a combined sales and withholding tax report and either this section or  
10 IC 6-3-4-8.1 requires sales or withholding tax reports to be filed and remittances to be made within  
11 twenty (20) days after the end of each month, then the person shall file the combined report and remit  
12 the sales and withholding taxes due within twenty (20) days after the end of each month.

13 (c) Instead of the twelve (12) monthly reporting periods required by subsection (a), the department  
14 may permit a person to divide a year into a different number of reporting periods. The return and  
15 payment for each reporting period is due not more than twenty (20) days after the end of the period.

16 (d) Instead of the reporting periods required under subsection (a), the department may permit a  
17 retail merchant to report and pay the merchant's state gross retail and use taxes for a period covering  
18 a calendar year, if the retail merchant's state gross retail and use tax liability in the previous calendar  
19 year does not exceed one thousand dollars (\$1,000). A retail merchant using a reporting period allowed  
20 under this subsection must file the merchant's return and pay the merchant's tax for a reporting period  
21 not later than the last day of the month immediately following the close of that reporting period.

22 (e) If a retail merchant reports the merchant's adjusted gross income tax, or the tax the merchant  
23 pays in place of the adjusted gross income tax, over a fiscal year not corresponding to the calendar  
24 year, the merchant may, without prior departmental approval, report and pay the merchant's state gross  
25 retail and use taxes over the merchant's fiscal year that corresponds to the calendar year the merchant  
26 is permitted to use under subsection (d). However, the department may, at any time, require the retail  
27 merchant to stop using the fiscal reporting period.

28 (f) If a retail merchant files a combined sales and withholding tax report, the reporting period for  
29 the combined report is the shortest period required under:

- 30 (1) this section;
- 31 (2) IC 6-3-4-8; or
- 32 (3) IC 6-3-4-8.1.

33 (g) If the department determines that a person's:

- 34 (1) estimated monthly gross retail and use tax liability for the current year; or
- 35 (2) average monthly gross retail and use tax liability for the preceding year;

36 exceeds five thousand dollars (\$5,000), the person shall pay the monthly gross retail and use taxes due  
37 by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight  
38 courier a payment by cashier's check, certified check, or money order to the department. The transfer  
39 or payment shall be made on or before the date the tax is due.

40 **(h) A person that registers as a retail merchant after December 31, 2009, shall report and**  
41 **remit state gross retail and use taxes through the department's online tax filing program. This**  
42 **subsection does not apply to a retail merchant that was a registered retail merchant before**  
43 **January 1, 2010, but adds an additional place of business in accordance with IC 6-2.5-8-1(e)**  
44 **after December 31, 2009.**

45 ~~(h)~~ (i) A person:

- 46 (1) who has voluntarily registered as a seller under the Streamlined Sales and Use Tax  
47 Agreement;
- 48 (2) who is not a Model 1, Model 2, or Model 3 seller (as defined in the Streamlined Sales and  
49 Use Tax Agreement); and

1 (3) whose liability for collections of state gross retail and use taxes under this section for the  
2 preceding calendar year as determined by the department does not exceed one thousand dollars  
3 (\$1,000);

4 is not required to file a monthly gross retail and use tax return.

5 SECTION 181. IC 6-2.5-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
6 1, 2010]: Sec. 10. (a) Each refiner or terminal operator and each qualified distributor that has received  
7 a prepayment of the state gross retail tax under this chapter shall remit the tax received to the  
8 department semimonthly, **through the department's online tax filing system**, according to the  
9 following schedule:

10 (1) On or before the tenth day of each month for prepayments received after the fifteenth day and  
11 before the end of the preceding month.

12 (2) On or before the twenty-fifth day of each month for prepayments received after the end of the  
13 preceding month and before the sixteenth day of the month in which the prepayments are made.

14 (b) Before the end of each month, each refiner or terminal operator and each qualified distributor  
15 shall file a report covering the prepaid taxes received and the gallons of gasoline sold or shipped  
16 during the preceding month. The report must include the following:

17 (1) The number of gallons of gasoline sold or shipped during the preceding month, identifying  
18 each purchaser or receiver as required by the department.

19 (2) The amount of tax prepaid by each purchaser or receiver.

20 (3) Any other information reasonably required by the department.

21 SECTION 182. IC 6-2.5-7-14, AS AMENDED BY P.L.176-2006, SECTION 2, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Before June 10 and December 10  
23 of each year, the department shall determine and provide to:

24 (1) each refiner and terminal operator and each qualified distributor known to the department to  
25 be required to collect prepayments of the state gross retail tax under this chapter; and

26 (2) any other person that makes a request;

27 a notice of the prepayment rate to be used during the following six (6) month period. ~~The department~~  
28 ~~shall also have the prepayment rate published in the June and December issues of the Indiana Register.~~

29 **The department, after approval by the office of management and budget, may determine a new**  
30 **prepayment rate if the department finds that the statewide average retail price per gallon of**  
31 **gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax, has**  
32 **changed by at least twenty-five percent (25%) since the most recent determination.**

33 (b) In determining the prepayment rate under this section, the department shall use the most recent  
34 retail price of gasoline available to the department.

35 (c) The prepayment rate per gallon of gasoline determined by the department under this section is  
36 the amount per gallon of gasoline determined under STEP FOUR of the following formula:

37 STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the  
38 Indiana and federal gasoline taxes and the Indiana gross retail tax.

39 STEP TWO: Determine the product of the following:

40 (A) The STEP ONE amount.

41 (B) The Indiana gross retail tax rate.

42 (C) ~~Ninety Eighty percent (90%):~~ **(80%)**.

43 STEP THREE: Determine the lesser of:

44 (A) the STEP TWO result; or

45 (B) the product of:

46 (i) the prepayment rate in effect on the day immediately preceding the day on which the  
47 prepayment rate is redetermined under this section; multiplied by

48 (ii) one hundred twenty-five percent (125%).

49 STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001).

1 SECTION 183. IC 6-2.5-11-10, AS AMENDED BY P.L.145-2007, SECTION 9, IS AMENDED  
2 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) A certified service provider is  
3 the agent of a seller, with whom the certified service provider has contracted, for the collection and  
4 remittance of sales and use taxes. As the seller's agent, the certified service provider is liable for sales  
5 and use tax due each member state on all sales transactions it processes for the seller except as set out  
6 in this section. A seller that contracts with a certified service provider is not liable to the state for sales  
7 or use tax due on transactions processed by the certified service provider unless the seller  
8 misrepresented the type of items it sells or committed fraud. In the absence of probable cause to  
9 believe that the seller has committed fraud or made a material misrepresentation, the seller is not  
10 subject to audit on the transactions processed by the certified service provider. A seller is subject to  
11 audit for transactions not processed by the certified service provider. The member states acting jointly  
12 may perform a system check of the seller and review the seller's procedures to determine if the  
13 certified service provider's system is functioning properly and the extent to which the seller's  
14 transactions are being processed by the certified service provider.

15 (b) A person that provides a certified automated system is responsible for the proper functioning  
16 of that system and is liable to the state for underpayments of tax attributable to errors in the  
17 functioning of the certified automated system. A seller that uses a certified automated system remains  
18 responsible and is liable to the state for reporting and remitting tax.

19 (c) A seller that has a proprietary system for determining the amount of tax due on transactions and  
20 has signed an agreement establishing a performance standard for that system is liable for the failure  
21 of the system to meet the performance standard.

22 (d) A certified service provider or a seller using a certified automated system that obtains a  
23 certification from the department is not liable for sales or use tax collection errors that result from  
24 reliance on the department's certification. If the department determines that an item or transaction is  
25 incorrectly classified as to the taxability of the item or transaction, the department shall notify the  
26 certified service provider or the seller using a certified automated system of the incorrect  
27 classification. The certified service provider or the seller using a certified automated system must  
28 revise the incorrect classification within ten (10) days after receiving notice of the determination from  
29 the department. If the classification error is not corrected within ten (10) days after receiving the  
30 department's notice, the certified service provider or the seller using a certified automated system is  
31 liable for failure to collect the correct amount of sales or use tax due and owing.

32 (e) **If at least thirty (30) days are not provided between the enactment of a statute changing**  
33 **the rate set forth in IC 6-2.5-2-2 and the effective date of the rate change, the department shall**  
34 **relieve the seller of liability for failing to collect tax at the new rate if:**

35 **(1) the seller collected the tax at the immediately preceding effective rate; and**

36 **(2) the seller's failure to collect at the current rate does not extend beyond thirty (30) days**  
37 **after the effective date of the rate change.**

38 **A seller is not eligible for the relief provided for in this subsection if the seller fraudulently fails**  
39 **to collect at the current rate or solicits purchases based on the immediately preceding effective**  
40 **rate.**

41 (f) The department shall allow any monetary allowances that are provided by the member states  
42 to sellers or certified service providers in exchange for collecting the sales and use taxes as provided  
43 in article VI of the agreement.

44 SECTION 184. IC 6-2.5-12-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
45 2009]: Sec. 15. Except for the telecommunications services listed in section 16 of this chapter, a sale  
46 of:

47 **(1) telecommunications services sold on a basis other than a call by call basis;**

48 **(2) Internet access service; or**

49 **(3) an ancillary service;**

1 is sourced to the customer's place of primary use.

2 SECTION 185. IC 6-2.5-13-1, AS AMENDED BY P.L.19-2008, SECTION 7, IS AMENDED TO  
3 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. (a) As used in this section, the  
4 terms "receive" and "receipt" mean:

- 5 (1) taking possession of tangible personal property;
- 6 (2) making first use of services; or
- 7 (3) taking possession or making first use of digital goods;

8 whichever comes first. The terms "receive" and "receipt" do not include possession by a shipping  
9 company on behalf of the purchaser.

10 (b) This section:

- 11 (1) applies regardless of the characterization of a product as tangible personal property, a digital  
12 good, or a service;
- 13 (2) applies only to the determination of a seller's obligation to pay or collect and remit a sales or  
14 use tax with respect to the seller's retail sale of a product; and
- 15 (3) does not affect the obligation of a purchaser or lessee to remit tax on the use of the product  
16 to the taxing jurisdictions of that use.

17 (c) This section does not apply to sales or use taxes levied on the following:

- 18 (1) The retail sale or transfer of watercraft, modular homes, manufactured homes, or mobile  
19 homes. These items must be sourced according to the requirements of this article.
- 20 (2) The retail sale, excluding lease or rental, of motor vehicles, trailers, semitrailers, or aircraft  
21 that do not qualify as transportation equipment, as defined in subsection (g). The retail sale of  
22 these items shall be sourced according to the requirements of this article, and the lease or rental  
23 of these items must be sourced according to subsection (f).
- 24 (3) Telecommunications services, ancillary services, and Internet access service shall be sourced  
25 in accordance with IC 6-2.5-12.

26 (d) The retail sale, excluding lease or rental, of a product shall be sourced as follows:

- 27 (1) When the product is received by the purchaser at a business location of the seller, the sale is  
28 sourced to that business location.
- 29 (2) When the product is not received by the purchaser at a business location of the seller, the sale  
30 is sourced to the location where receipt by the purchaser (or the purchaser's donee, designated  
31 as such by the purchaser) occurs, including the location indicated by instructions for delivery to  
32 the purchaser (or donee), known to the seller.
- 33 (3) When subdivisions (1) and (2) do not apply, the sale is sourced to the location indicated by  
34 an address for the purchaser that is available from the business records of the seller that are  
35 maintained in the ordinary course of the seller's business when use of this address does not  
36 constitute bad faith.
- 37 (4) When subdivisions (1), (2), and (3) do not apply, the sale is sourced to the location indicated  
38 by an address for the purchaser obtained during the consummation of the sale, including the  
39 address of a purchaser's payment instrument, if no other address is available, when use of this  
40 address does not constitute bad faith.
- 41 (5) When none of the previous rules of subdivision (1), (2), (3), or (4) apply, including the  
42 circumstance in which the seller is without sufficient information to apply the previous rules, then  
43 the location will be determined by the address from which tangible personal property was  
44 shipped, from which the digital good or the computer software delivered electronically was first  
45 available for transmission by the seller, or from which the service was provided (disregarding for  
46 these purposes any location that merely provided the digital transfer of the product sold).

47 (e) The lease or rental of tangible personal property, other than property identified in subsection  
48 (f) or (g), shall be sourced as follows:

- 49 (1) For a lease or rental that requires recurring periodic payments, the first periodic payment is

1 sourced the same as a retail sale in accordance with the provisions of subsection (d). Periodic  
2 payments made subsequent to the first payment are sourced to the primary property location for  
3 each period covered by the payment. The primary property location shall be as indicated by an  
4 address for the property provided by the lessee that is available to the lessor from its records  
5 maintained in the ordinary course of business, when use of this address does not constitute bad  
6 faith. The property location shall not be altered by intermittent use at different locations, such as  
7 use of business property that accompanies employees on business trips and service calls.

8 (2) For a lease or rental that does not require recurring periodic payments, the payment is sourced  
9 the same as a retail sale in accordance with the provisions of subsection (d).

10 This subsection does not affect the imposition or computation of sales or use tax on leases or rentals  
11 based on a lump sum or an accelerated basis, or on the acquisition of property for lease.

12 (f) The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as  
13 transportation equipment, as defined in subsection (g), shall be sourced as follows:

14 (1) For a lease or rental that requires recurring periodic payments, each periodic payment is  
15 sourced to the primary property location. The primary property location shall be as indicated by  
16 an address for the property provided by the lessee that is available to the lessor from its records  
17 maintained in the ordinary course of business, when use of this address does not constitute bad  
18 faith. This location shall not be altered by intermittent use at different locations.

19 (2) For a lease or rental that does not require recurring periodic payments, the payment is sourced  
20 the same as a retail sale in accordance with the provisions of subsection (d).

21 This subsection does not affect the imposition or computation of sales or use tax on leases or rentals  
22 based on a lump sum or accelerated basis, or on the acquisition of property for lease.

23 (g) The retail sale, including lease or rental, of transportation equipment shall be sourced the same  
24 as a retail sale in accordance with the provisions of subsection (d), notwithstanding the exclusion of  
25 lease or rental in subsection (d). As used in this subsection, "transportation equipment" means any of  
26 the following:

27 (1) Locomotives and railcars that are used for the carriage of persons or property in interstate  
28 commerce.

29 (2) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one  
30 (10,001) pounds or greater, trailers, semitrailers, or passenger buses that are:

31 (A) registered through the International Registration Plan; and

32 (B) operated under authority of a carrier authorized and certificated by the U.S. Department  
33 of Transportation or another federal authority to engage in the carriage of persons or property  
34 in interstate commerce.

35 (3) Aircraft that are operated by air carriers authorized and certificated by the U.S. Department  
36 of Transportation or another federal or a foreign authority to engage in the carriage of persons  
37 or property in interstate or foreign commerce.

38 (4) Containers designed for use on and component parts attached or secured on the items set forth  
39 in subdivisions (1) through (3).

40 (h) ~~This subsection applies to retail sales of floral products that occur before January 1, 2010.~~  
41 Notwithstanding subsection (d), a retail sale of floral products in which a florist or floral business:

42 (1) takes a floral order from a purchaser; and

43 (2) transmits the floral order by telegraph, telephone, or other means of communication to another  
44 florist or floral business for delivery;

45 is sourced to the location of the florist or floral business that originally takes the floral order from the  
46 purchaser.

47 SECTION 186. IC 6-3-1-3.5, AS AMENDED BY P.L.1-2009, SECTION 49, IS AMENDED TO  
48 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3.5. When used  
49 in this article, the term "adjusted gross income" shall mean the following:

1 (a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal  
2 Revenue Code), modified as follows:

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

5 (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section  
6 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state  
7 level by any state of the United States.

8 (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and  
9 wife, subtract for each spouse one thousand dollars (\$1,000).

10 (4) Subtract one thousand dollars (\$1,000) for:

11 (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

12 (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

13 (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse,  
14 for the calendar year in which the taxable year of the taxpayer begins, has no gross income and  
15 is not the dependent of another taxpayer.

16 (5) Subtract:

17 (A) for taxable years beginning after December 31, 2004, one thousand five hundred dollars  
18 (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal  
19 Revenue Code (as effective January 1, 2004); and

20 (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1)  
21 of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and  
22 the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

23 This amount is in addition to the amount subtracted under subdivision (4).

24 (6) Subtract an amount equal to the lesser of:

25 (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal  
26 Revenue Code) for that taxable year that is subject to a tax that is imposed by a political  
27 subdivision of another state and that is imposed on or measured by income; or

28 (B) two thousand dollars (\$2,000).

29 (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined  
30 in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received  
31 by the individual during the taxable year and if the capital gain portion of the distribution is taxed  
32 in the manner provided in Section 402 of the Internal Revenue Code.

33 (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the  
34 Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from  
35 adjusted gross income.

36 (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue  
37 Code which amounts were received by the individual as supplemental railroad retirement  
38 annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

39 (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue  
40 Code for married couples filing joint returns if the taxable year began before January 1, 1987.

41 (11) Add an amount equal to the interest excluded from federal gross income by the individual  
42 for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began  
43 before January 1, 1985.

44 (12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement  
45 benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue  
46 Code.

47 (13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period  
48 of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant  
49 to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to

1 the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.  
2 (14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1,  
3 IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the  
4 individual's adjusted gross income with respect to which the individual is not allowed under  
5 federal law to retain an amount to pay state and local income taxes.  
6 (15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement  
7 payment included in the individual's federal adjusted gross income.  
8 (16) For taxable years beginning after December 31, 1999, subtract an amount equal to the  
9 portion of any premiums paid during the taxable year by the taxpayer for a qualified long term  
10 care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.  
11 (17) Subtract an amount equal to the lesser of:  
12 (A) for a taxable year:  
13 (i) including any part of 2004, the amount determined under subsection (f); and  
14 (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or  
15 (B) the amount of property taxes that are paid during the taxable year in Indiana by the  
16 individual on the individual's principal place of residence.  
17 (18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement  
18 payment included in the individual's federal adjusted gross income.  
19 (19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
20 owns property for which bonus depreciation was allowed in the current taxable year or in an  
21 earlier taxable year equal to the amount of adjusted gross income that would have been computed  
22 had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus  
23 depreciation to the property in the year that it was placed in service.  
24 (20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue  
25 Code.  
26 (21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
27 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service  
28 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross  
29 income that would have been computed had an election for federal income tax purposes not been  
30 made for the year in which the property was placed in service to take deductions under Section  
31 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars  
32 (\$25,000).  
33 (22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
34 production activities for the taxable year under Section 199 of the Internal Revenue Code for  
35 federal income tax purposes.  
36 (23) Subtract an amount equal to the amount of the taxpayer's qualified military income that was  
37 not excluded from the taxpayer's gross income for federal income tax purposes under Section 112  
38 of the Internal Revenue Code.  
39 (24) Subtract income that is:  
40 (A) exempt from taxation under IC 6-3-2-21.7; and  
41 (B) included in the individual's federal adjusted gross income under the Internal Revenue  
42 Code.  
43 (25) Subtract any amount of a credit (including an advance refund of the credit) that is provided  
44 to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in  
45 the individual's federal adjusted gross income.  
46 **(26) Add any amount of unemployment compensation excluded from federal gross income,**  
47 **as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal**  
48 **Revenue Code.**  
49 **(27) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal**

1 Revenue Code for the discharge of debt on a qualified principal residence.

2 (28) Add an amount equal to any income not included in gross income as a result of the  
3 deferral of income arising from business indebtedness discharged in connection with the  
4 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt  
5 instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the  
6 amount necessary from the adjusted gross income of any taxpayer that added an amount  
7 to adjusted gross income in a previous year to offset the amount included in federal gross  
8 income as a result of the deferral of income arising from business indebtedness discharged  
9 in connection with the reacquisition after December 31, 2008, and before January 1, 2011,  
10 of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue  
11 Code.

12 (29) Add the amount necessary to make the adjusted gross income of any taxpayer that  
13 placed qualified restaurant property in service during the taxable year and that was  
14 classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code  
15 equal to the amount of adjusted gross income that would have been computed had the  
16 classification not applied to the property in the year that it was placed in service.

17 (30) Add the amount necessary to make the adjusted gross income of any taxpayer that  
18 placed qualified retail improvement property in service during the taxable year and that  
19 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue  
20 Code equal to the amount of adjusted gross income that would have been computed had the  
21 classification not applied to the property in the year that it was placed in service.

22 (31) Add or subtract the amount necessary to make the adjusted gross income of any  
23 taxpayer that claimed the special allowance for qualified disaster assistance property under  
24 Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income  
25 that would have been computed had the special allowance not been claimed for the  
26 property.

27 (32) Add or subtract the amount necessary to make the adjusted gross income of any  
28 taxpayer that made an election under Section 179C of the Internal Revenue Code to expense  
29 costs for qualified refinery property equal to the amount of adjusted gross income that  
30 would have been computed had an election for federal income tax purposes not been made  
31 for the year.

32 (33) Add or subtract the amount necessary to make the adjusted gross income of any  
33 taxpayer that made an election under Section 181 of the Internal Revenue Code to expense  
34 costs for a qualified film or television production equal to the amount of adjusted gross  
35 income that would have been computed had an election for federal income tax purposes not  
36 been made for the year.

37 (34) Add or subtract the amount necessary to make the adjusted gross income of any  
38 taxpayer that treated a loss from the sale or exchange of preferred stock in:

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

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

43 as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008  
44 in the current taxable year or in an earlier taxable year equal to the amount of adjusted  
45 gross income that would have been computed had the loss not been treated as an ordinary  
46 loss.

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

49 (1) Subtract income that is exempt from taxation under this article by the Constitution and

1 statutes of the United States.

2 (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section  
3 170 of the Internal Revenue Code.

4 (3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section  
5 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state  
6 level by any state of the United States.

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

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

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

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

23 (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
24 production activities for the taxable year under Section 199 of the Internal Revenue Code for  
25 federal income tax purposes.

26 (9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in  
27 IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for  
28 the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the  
29 Internal Revenue Code) for federal income tax purposes.

30 (10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the  
31 Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in  
32 section 34.5 of this chapter).

33 (11) Subtract income that is:

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

35 (B) included in the corporation's taxable income under the Internal Revenue Code.

36 **(12) Add an amount equal to any income not included in gross income as a result of the**  
37 **deferral of income arising from business indebtedness discharged in connection with the**  
38 **reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt**  
39 **instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the**  
40 **adjusted gross income of any taxpayer that added an amount to adjusted gross income in**  
41 **a previous year the amount necessary to offset the amount included in federal gross income**  
42 **as a result of the deferral of income arising from business indebtedness discharged in**  
43 **connection with the reacquisition after December 31, 2008, and before January 1, 2011, of**  
44 **an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.**

45 **(13) Add the amount necessary to make the adjusted gross income of any taxpayer that**  
46 **placed qualified restaurant property in service during the taxable year and that was**  
47 **classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code**  
48 **equal to the amount of adjusted gross income that would have been computed had the**  
49 **classification not applied to the property in the year that it was placed in service.**

1 (14) Add the amount necessary to make the adjusted gross income of any taxpayer that  
2 placed qualified retail improvement property in service during the taxable year and that  
3 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue  
4 Code equal to the amount of adjusted gross income that would have been computed had the  
5 classification not applied to the property in the year that it was placed in service.

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

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

16 (17) Add or subtract the amount necessary to make the adjusted gross income of any  
17 taxpayer that made an election under Section 181 of the Internal Revenue Code to expense  
18 costs for a qualified film or television production equal to the amount of adjusted gross  
19 income that would have been computed had an election for federal income tax purposes not  
20 been made for the year.

21 (18) Add or subtract the amount necessary to make the adjusted gross income of any  
22 taxpayer that treated a loss from the sale or exchange of preferred stock in:

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

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

27 as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008  
28 in the current taxable year or in an earlier taxable year equal to the amount of adjusted  
29 gross income that would have been computed had the loss not been treated as an ordinary  
30 loss.

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

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

36 (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal  
37 Revenue Code.

38 (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section  
39 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the  
40 state level by any state.

41 (4) Subtract an amount equal to the amount included in the company's taxable income under  
42 Section 78 of the Internal Revenue Code.

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

48 (6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the  
49 Internal Revenue Code.

1 (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
2 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service  
3 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross  
4 income that would have been computed had an election for federal income tax purposes not been  
5 made for the year in which the property was placed in service to take deductions under Section  
6 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars  
7 (\$25,000).

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

11 (9) Subtract income that is:

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

13 (B) included in the insurance company's taxable income under the Internal Revenue Code.

14 **(10) Add an amount equal to any income not included in gross income as a result of the**  
15 **deferral of income arising from business indebtedness discharged in connection with the**  
16 **reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt**  
17 **instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the**  
18 **adjusted gross income of any taxpayer that added an amount to adjusted gross income in**  
19 **a previous year the amount necessary to offset the amount included in federal gross income**  
20 **as a result of the deferral of income arising from business indebtedness discharged in**  
21 **connection with the reacquisition after December 31, 2008, and before January 1, 2011, of**  
22 **an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.**

23 **(11) Add the amount necessary to make the adjusted gross income of any taxpayer that**  
24 **placed qualified restaurant property in service during the taxable year and that was**  
25 **classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code**  
26 **equal to the amount of adjusted gross income that would have been computed had the**  
27 **classification not applied to the property in the year that it was placed in service.**

28 **(12) Add the amount necessary to make the adjusted gross income of any taxpayer that**  
29 **placed qualified retail improvement property in service during the taxable year and that**  
30 **was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue**  
31 **Code equal to the amount of adjusted gross income that would have been computed had the**  
32 **classification not applied to the property in the year that it was placed in service.**

33 **(13) Add or subtract the amount necessary to make the adjusted gross income of any**  
34 **taxpayer that claimed the special allowance for qualified disaster assistance property under**  
35 **Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income**  
36 **that would have been computed had the special allowance not been claimed for the**  
37 **property.**

38 **(14) Add or subtract the amount necessary to make the adjusted gross income of any**  
39 **taxpayer that made an election under Section 179C of the Internal Revenue Code to expense**  
40 **costs for qualified refinery property equal to the amount of adjusted gross income that**  
41 **would have been computed had an election for federal income tax purposes not been made**  
42 **for the year.**

43 **(15) Add or subtract the amount necessary to make the adjusted gross income of any**  
44 **taxpayer that made an election under Section 181 of the Internal Revenue Code to expense**  
45 **costs for a qualified film or television production equal to the amount of adjusted gross**  
46 **income that would have been computed had an election for federal income tax purposes not**  
47 **been made for the year.**

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

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

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

5 as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008  
6 in the current taxable year or in an earlier taxable year equal to the amount of adjusted  
7 gross income that would have been computed had the loss not been treated as an ordinary  
8 loss.

9 (17) Add an amount equal to any exempt insurance income under Section 953(e) of the  
10 Internal Revenue Code that is active financing income under Subpart F of Subtitle A,  
11 Chapter 1, Subchapter N of the Internal Revenue Code.

12 (d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue  
13 Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the  
14 Internal Revenue Code), adjusted as follows:

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

17 (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal  
18 Revenue Code.

19 (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section  
20 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the  
21 state level by any state.

22 (4) Subtract an amount equal to the amount included in the company's taxable income under  
23 Section 78 of the Internal Revenue Code.

24 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
25 owns property for which bonus depreciation was allowed in the current taxable year or in an  
26 earlier taxable year equal to the amount of adjusted gross income that would have been computed  
27 had an election not been made 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 service.

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

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

38 (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
39 production activities for the taxable year under Section 199 of the Internal Revenue Code for  
40 federal income tax purposes.

41 (9) Subtract income that is:

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

43 (B) included in the insurance company's taxable income under the Internal Revenue Code.

44 (10) Add an amount equal to any income not included in gross income as a result of the  
45 deferral of income arising from business indebtedness discharged in connection with the  
46 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt  
47 instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the  
48 adjusted gross income of any taxpayer that added an amount to adjusted gross income in  
49 a previous year the amount necessary to offset the amount included in federal gross income

1 as a result of the deferral of income arising from business indebtedness discharged in  
2 connection with the reacquisition after December 31, 2008, and before January 1, 2011, of  
3 an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

4 (11) Add the amount necessary to make the adjusted gross income of any taxpayer that  
5 placed qualified restaurant property in service during the taxable year and that was  
6 classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code  
7 equal to the amount of adjusted gross income that would have been computed had the  
8 classification not applied to the property in the year that it was placed in service.

9 (12) Add the amount necessary to make the adjusted gross income of any taxpayer that  
10 placed qualified retail improvement property in service during the taxable year and that  
11 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue  
12 Code equal to the amount of adjusted gross income that would have been computed had the  
13 classification not applied to the property in the year that it was placed in service.

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

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

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

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

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

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

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

39 (17) Add an amount equal to any exempt insurance income under Section 953(e) of the  
40 Internal Revenue Code that is active financing income under Subpart F of Subtitle A,  
41 Chapter 1, Subchapter N of the Internal Revenue Code.

42 (e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section  
43 641(b) of the Internal Revenue Code) adjusted as follows:

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

46 (2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment  
47 included in the federal adjusted gross income of the estate of a victim of the September 11  
48 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist  
49 attack.

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

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

8 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
9 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service  
10 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross  
11 income that would have been computed had an election for federal income tax purposes not been  
12 made for the year in which the property was placed in service to take deductions under Section  
13 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars  
14 (\$25,000).

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

18 (7) Subtract income that is:

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

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

21 **(8) Add an amount equal to any income not included in gross income as a result of the**  
22 **deferral of income arising from business indebtedness discharged in connection with the**  
23 **reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt**  
24 **instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the**  
25 **adjusted gross income of any taxpayer that added an amount to adjusted gross income in**  
26 **a previous year the amount necessary to offset the amount included in federal gross income**  
27 **as a result of the deferral of income arising from business indebtedness discharged in**  
28 **connection with the reacquisition after December 31, 2008, and before January 1, 2011, of**  
29 **an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.**

30 **(9) Add the amount necessary to make the adjusted gross income of any taxpayer that**  
31 **placed qualified restaurant property in service during the taxable year and that was**  
32 **classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code**  
33 **equal to the amount of adjusted gross income that would have been computed had the**  
34 **classification not applied to the property in the year that it was placed in service.**

35 **(10) Add the amount necessary to make the adjusted gross income of any taxpayer that**  
36 **placed qualified retail improvement property in service during the taxable year and that**  
37 **was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue**  
38 **Code equal to the amount of adjusted gross income that would have been computed had the**  
39 **classification not applied to the property in the year that it was placed in service.**

40 **(11) Add or subtract the amount necessary to make the adjusted gross income of any**  
41 **taxpayer that claimed the special allowance for qualified disaster assistance property under**  
42 **Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income**  
43 **that would have been computed had the special allowance not been claimed for the**  
44 **property.**

45 **(12) Add or subtract the amount necessary to make the adjusted gross income of any**  
46 **taxpayer that made an election under Section 179C of the Internal Revenue Code to expense**  
47 **costs for qualified refinery property equal to the amount of adjusted gross income that**  
48 **would have been computed had an election for federal income tax purposes not been made**  
49 **for the year.**

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

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

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

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

12 as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008  
13 in the current taxable year or in an earlier taxable year equal to the amount of adjusted  
14 gross income that would have been computed had the loss not been treated as an ordinary  
15 loss.

16 (15) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal  
17 Revenue Code for the discharge of debt on a qualified principal residence.

18 (f) This subsection applies only to the extent that an individual paid property taxes in 2004 that  
19 were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The  
20 maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under  
21 STEP FIVE of the following formula:

22 STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31,  
23 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and  
24 the January 15, 2003, assessment date.

25 STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year  
26 for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

27 STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO  
28 amount.

29 STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

30 STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred  
31 dollars (\$2,500).

32 SECTION 187. IC 6-3-1-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
33 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 3.7. (a) This**  
34 **section applies only to an individual who in 2009 paid property taxes that:**

35 (1) were imposed on the individual's principal place of residence for the March 1, 2007,  
36 assessment date or the January 15, 2008, assessment date;

37 (2) are due after December 31, 2008; and

38 (3) are paid on or before the due date for the property taxes.

39 (b) An individual described in subsection (a) is entitled to a deduction from adjusted gross  
40 income for a taxable year beginning after December 31, 2008, and before January 1, 2010, in an  
41 amount equal to the amount determined in the following STEPS:

42 STEP ONE: Determine the lesser of:

43 (A) two thousand five hundred dollars (\$2,500); or

44 (B) the total amount of property taxes imposed on the individual's principal place of  
45 residence for the March 1, 2007, assessment date or the January 15, 2008, assessment  
46 date and paid in 2008 or 2009.

47 STEP TWO: Determine the greater of zero (0) or the result of:

48 (A) the STEP ONE result; minus

49 (B) the total amount of property taxes that:

1 (i) were imposed on the individual's principal place of residence for the March 1, 2007,  
2 assessment date or the January 15, 2008, assessment date;  
3 (ii) were paid in 2008; and  
4 (iii) were deducted from adjusted gross income under section 3.5(a)(17) of this chapter  
5 by the individual on the individual's state income tax return for a taxable year  
6 beginning before January 1, 2009.

7 (c) The deduction under this section is in addition to any deduction that an individual is  
8 otherwise entitled to claim under section 3.5(a)(17) of this chapter. However, an individual may  
9 not deduct under section 3.5(a)(17) of this chapter any property taxes deducted under this  
10 section.

11 (d) This section expires January 1, 2014.

12 SECTION 188. IC 6-3-1-11, AS AMENDED BY P.L.131-2008, SECTION 12, IS AMENDED TO  
13 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 11. (a) The term  
14 "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended  
15 and in effect on ~~January 1, 2008~~; **February 17, 2009**.

16 (b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that  
17 are referred to, together with all the other provisions of the Internal Revenue Code in effect on ~~January~~  
18 ~~1, 2008~~; **February 17, 2009**, that pertain to the provisions specifically mentioned, shall be regarded  
19 as incorporated in this article by reference and have the same force and effect as though fully set forth  
20 in this article. To the extent the provisions apply to this article, regulations adopted under Section  
21 7805(a) of the Internal Revenue Code and in effect on ~~January 1, 2008~~; **February 17, 2009**, shall be  
22 regarded as rules adopted by the department under this article, unless the department adopts specific  
23 rules that supersede the regulation.

24 (c) An amendment to the Internal Revenue Code made by an act passed by Congress before ~~January~~  
25 ~~1, 2008~~; **February 17, 2009**, that is effective for any taxable year that began before January 1, ~~2008~~;  
26 **2009**, and that affects:

- 27 (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- 28 (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- 29 (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- 30 (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue
- 31 Code);
- 32 (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal
- 33 Revenue Code); or
- 34 (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

35 is also effective for that same taxable year for purposes of determining adjusted gross income under  
36 section 3.5 of this chapter.

37 SECTION 189. IC 6-3-1-34.5, AS ADDED BY P.L.211-2007, SECTION 20, IS AMENDED TO  
38 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 34.5. (a) Except  
39 as provided in subsection (b), "captive real estate investment trust" means a corporation, a trust, or an  
40 association:

- 41 (1) that is considered a real estate investment trust for the taxable year under Section 856 of the
- 42 Internal Revenue Code;
- 43 (2) that is not regularly traded on an established securities market; and
- 44 (3) in which more than fifty percent (50%) of the:
  - 45 (A) voting power;
  - 46 (B) beneficial interests; or
  - 47 (C) shares;

48 are owned or controlled, directly or constructively, by a single entity that is subject to Subchapter

1 C of Chapter 1 of the Internal Revenue Code.

2 (b) The term does not include a corporation, a trust, or an association in which more than fifty  
3 percent (50%) of the entity's voting power, beneficial interests, or shares are owned by a single entity  
4 described in subsection (a)(3) that is owned or controlled, directly or constructively, by:

5 (1) a corporation, a trust, or an association that is considered a real estate investment trust under  
6 Section 856 of the Internal Revenue Code;

7 (2) a person exempt from taxation under Section 501 of the Internal Revenue Code;

8 **(3) a listed property trust or other foreign real estate investment trust that is organized in**  
9 **a country that has a tax treaty with the United States Treasury Department governing the**  
10 **tax treatment of these trusts; or**

11 ~~(4)~~ **(4) a real estate investment trust that:**

12 (A) is intended to become regularly traded on an established securities market; and

13 (B) satisfies the requirements of Section 856(a)(5) and Section 856(a)(6) of the Internal  
14 Revenue Code under Section 856(h) of the Internal Revenue Code.

15 (c) For purposes of this section, the constructive ownership rules of Section 318 of the Internal  
16 Revenue Code, as modified by Section 856(d)(5) of the Internal Revenue Code, apply to the  
17 determination of the ownership of stock, assets, or net profits of any person.

18 SECTION 190. IC 6-3-1-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
19 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 35. As used in**  
20 **this article, "pass through entity" means:**

21 **(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);**

22 **(2) a partnership;**

23 **(3) a trust;**

24 **(4) a limited liability company; or**

25 **(5) a limited liability partnership.**

26 SECTION 191. IC 6-3-2-2, AS AMENDED BY P.L.162-2006, SECTION 25, IS AMENDED TO  
27 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) With regard  
28 to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana",  
29 for the purposes of this article, shall mean and include:

30 (1) income from real or tangible personal property located in this state;

31 (2) income from doing business in this state;

32 (3) income from a trade or profession conducted in this state;

33 (4) compensation for labor or services rendered within this state; and

34 (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and  
35 formulas, good will, trademarks, trade brands, franchises, and other intangible personal property  
36 if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter.

37 **Income from a pass through entity shall be characterized in a manner consistent with the**  
38 **income's characterization for federal income tax purposes and shall be considered Indiana**  
39 **source income as if the person, corporation, or pass through entity that received the income had**  
40 **directly engaged in the income producing activity. Income that is derived from one (1) pass**  
41 **through entity and is considered to pass through to another pass through entity does not change**  
42 **these characteristics or attribution provisions.** In the case of nonbusiness income described in  
43 subsection (g), only so much of such income as is allocated to this state under the provisions of  
44 subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of  
45 business income, only so much of such income as is apportioned to this state under the provision of  
46 subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of  
47 compensation of a team member (as defined in section 2.7 of this chapter), only the portion of income  
48 determined to be Indiana income under section 2.7 of this chapter is considered derived from sources

1 within Indiana. In the case of a corporation that is a life insurance company (as defined in Section  
2 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831  
3 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under  
4 subsection (r) is considered derived from sources within Indiana.

5 (b) Except as provided in subsection (l), if business income of a corporation or a nonresident person  
6 is derived from sources within the state of Indiana and from sources without the state of Indiana, the  
7 business income derived from sources within this state shall be determined by multiplying the business  
8 income derived from sources both within and without the state of Indiana by the following:

9 (1) For all taxable years that begin after December 31, 2006, and before January 1, 2008, a  
10 fraction. The:

11 (A) numerator of the fraction is the sum of the property factor plus the payroll factor plus the  
12 product of the sales factor multiplied by three (3); and

13 (B) denominator of the fraction is five (5).

14 (2) For all taxable years that begin after December 31, 2007, and before January 1, 2009, a  
15 fraction. The:

16 (A) numerator of the fraction is the property factor plus the payroll factor plus the product of  
17 the sales factor multiplied by four and sixty-seven hundredths (4.67); and

18 (B) denominator of the fraction is six and sixty-seven hundredths (6.67).

19 (3) For all taxable years beginning after December 31, 2008, and before January 1, 2010, a  
20 fraction. The:

21 (A) numerator of the fraction is the property factor plus the payroll factor plus the product of  
22 the sales factor multiplied by eight (8); and

23 (B) denominator of the fraction is ten (10).

24 (4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a  
25 fraction. The:

26 (A) numerator of the fraction is the property factor plus the payroll factor plus the product of  
27 the sales factor multiplied by eighteen (18); and

28 (B) denominator of the fraction is twenty (20).

29 (5) For all taxable years beginning after December 31, 2010, the sales factor.

30 (c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's  
31 real and tangible personal property owned or rented and used in this state during the taxable year and  
32 the denominator of which is the average value of all the taxpayer's real and tangible personal property  
33 owned or rented and used during the taxable year. However, with respect to a foreign corporation, the  
34 denominator does not include the average value of real or tangible personal property owned or rented  
35 and used in a place that is outside the United States. Property owned by the taxpayer is valued at its  
36 original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net  
37 annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by  
38 the taxpayer from subrentals. The average of property shall be determined by averaging the values at  
39 the beginning and ending of the taxable year, but the department may require the averaging of monthly  
40 values during the taxable year if reasonably required to reflect properly the average value of the  
41 taxpayer's property.

42 (d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state  
43 during the taxable year by the taxpayer for compensation, and the denominator of which is the total  
44 compensation paid everywhere during the taxable year. However, with respect to a foreign  
45 corporation, the denominator does not include compensation paid in a place that is outside the United  
46 States. Compensation is paid in this state if:

47 (1) the individual's service is performed entirely within the state;

48 (2) the individual's service is performed both within and without this state, but the service  
49 performed without this state is incidental to the individual's service within this state; or

1 (3) some of the service is performed in this state and:

2 (A) the base of operations or, if there is no base of operations, the place from which the  
3 service is directed or controlled is in this state; or

4 (B) the base of operations or the place from which the service is directed or controlled is not  
5 in any state in which some part of the service is performed, but the individual is a resident of  
6 this state.

7 (e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this  
8 state during the taxable year, and the denominator of which is the total sales of the taxpayer  
9 everywhere during the taxable year. Sales include receipts from intangible property and receipts from  
10 the sale or exchange of intangible property. However, with respect to a foreign corporation, the  
11 denominator does not include sales made in a place that is outside the United States. Receipts from  
12 intangible personal property are derived from sources within Indiana if the receipts from the intangible  
13 personal property are attributable to Indiana under section 2.2 of this chapter. Regardless of the f.o.b.  
14 point or other conditions of the sale, sales of tangible personal property are in this state if:

15 (1) the property is delivered or shipped to a purchaser that is within Indiana, other than the United  
16 States government; or

17 (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of  
18 storage in this state and:

19 (A) the purchaser is the United States government; or

20 (B) the taxpayer is not taxable in the state of the purchaser.

21 Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 shall be treated as sales  
22 of tangible personal property for purposes of this chapter.

23 (f) Sales, other than receipts from intangible property covered by subsection (e) and sales of  
24 tangible personal property, are in this state if:

25 (1) the income-producing activity is performed in this state; or

26 (2) the income-producing activity is performed both within and without this state and a greater  
27 proportion of the income-producing activity is performed in this state than in any other state,  
28 based on costs of performance.

29 (g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends,  
30 or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be  
31 allocated as provided in subsections (h) through (k).

32 (h)(1) Net rents and royalties from real property located in this state are allocable to this state.

33 (2) Net rents and royalties from tangible personal property are allocated to this state:

34 (i) if and to the extent that the property is utilized in this state; or

35 (ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not  
36 organized under the laws of or taxable in the state in which the property is utilized.

37 (3) The extent of utilization of tangible personal property in a state is determined by multiplying  
38 the rents and royalties by a fraction, the numerator of which is the number of days of physical location  
39 of the property in the state during the rental or royalty period in the taxable year, and the denominator  
40 of which is the number of days of physical location of the property everywhere during all rental or  
41 royalty periods in the taxable year. If the physical location of the property during the rental or royalty  
42 period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state  
43 in which the property was located at the time the rental or royalty payer obtained possession.

44 (i)(1) Capital gains and losses from sales of real property located in this state are allocable to this  
45 state.

46 (2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

47 (i) the property had a situs in this state at the time of the sale; or

48 (ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state  
49 in which the property had a situs.

1 (3) Capital gains and losses from sales of intangible personal property are allocable to this state if  
2 the taxpayer's commercial domicile is in this state.

3 (j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this  
4 state.

5 (k)(1) Patent and copyright royalties are allocable to this state:

6 (i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or

7 (ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which  
8 the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

9 (2) A patent is utilized in a state to the extent that it is employed in production, fabrication,  
10 manufacturing, or other processing in the state or to the extent that a patented product is produced  
11 in the state. If the basis of receipts from patent royalties does not permit allocation to states or  
12 if the accounting procedures do not reflect states of utilization, the patent is utilized in the state  
13 in which the taxpayer's commercial domicile is located.

14 (3) A copyright is utilized in a state to the extent that printing or other publication originates in  
15 the state. If the basis of receipts from copyright royalties does not permit allocation to states or  
16 if the accounting procedures do not reflect states of utilization, the copyright is utilized in the  
17 state in which the taxpayer's commercial domicile is located.

18 (l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's  
19 income derived from sources within the state of Indiana, the taxpayer may petition for or the  
20 department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

21 (1) separate accounting;

22 (2) for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of  
23 the factors, except the sales factor;

24 (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's  
25 income derived from sources within the state of Indiana; or

26 (4) the employment of any other method to effectuate an equitable allocation and apportionment  
27 of the taxpayer's income.

28 (m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly  
29 or indirectly by the same interests, the department shall distribute, apportion, or allocate the income  
30 derived from sources within the state of Indiana between and among those organizations, trades, or  
31 businesses in order to fairly reflect and report the income derived from sources within the state of  
32 Indiana by various taxpayers.

33 (n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable  
34 in another state if:

35 (1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net  
36 income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

37 (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether,  
38 in fact, the state does or does not.

39 (o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances,  
40 require that income, deductions, and credits attributable to a taxpayer and another entity be reported  
41 in a combined income tax return for any taxable year, if the other entity is:

42 (1) a foreign corporation; or

43 (2) a corporation that is classified as a foreign operating corporation for the taxable year by  
44 section 2.4 of this chapter.

45 (p) Notwithstanding subsections (l) and (m), the department may not require that income,  
46 deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1)  
47 or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is  
48 unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other  
49 powers granted to the department by subsections (l) and (m).

1 (q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department  
2 under subsection (l) for permission to file a combined income tax return for a taxable year. The  
3 petition to file a combined income tax return must be completed and filed with the department not  
4 more than thirty (30) days after the end of the taxpayer's taxable year. A taxpayer filing a combined  
5 income tax return must petition the department within thirty (30) days after the end of the taxpayer's  
6 taxable year to discontinue filing a combined income tax return.

7 (r) This subsection applies to a corporation that is a life insurance company (as defined in Section  
8 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831  
9 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources  
10 within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

11 (1) the numerator of which is the direct premiums and annuity considerations received during the  
12 taxable year for insurance upon property or risks in the state; and

13 (2) the denominator of which is the direct premiums and annuity considerations received during  
14 the taxable year for insurance upon property or risks everywhere.

15 The term "direct premiums and annuity considerations" means the gross premiums received from  
16 direct business as reported in the corporation's annual statement filed with the department of insurance.

17 SECTION 192. IC 6-3-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
18 1, 2009 (RETROACTIVE)]: Sec. 2.5. (a) This section applies to a resident person.

19 (b) Resident persons are entitled to a net operating loss deduction. The amount of the deduction  
20 taken in a taxable year may not exceed the taxpayer's unused Indiana net operating losses carried back  
21 or carried over to that year.

22 (c) An Indiana net operating loss equals the taxpayer's federal net operating loss for a taxable year  
23 as calculated under Section 172 of the Internal Revenue Code, adjusted for the modifications required  
24 by IC 6-3-1-3.5.

25 (d) The following provisions apply for purposes of subsection (c):

26 (1) The modifications that are to be applied are those modifications required under IC 6-3-1-3.5  
27 for the same taxable year in which each net operating loss was incurred.

28 (2) An Indiana net operating loss includes a net operating loss that arises when the modifications  
29 required by IC 6-3-1-3.5 exceed the taxpayer's federal adjusted gross income (as defined in  
30 Section 62 of the Internal Revenue Code) for the taxable year in which the Indiana net operating  
31 loss is determined.

32 (e) Subject to the limitations contained in subsection (g), an Indiana net operating loss carryback  
33 or carryover shall be available as a deduction from the taxpayer's adjusted gross income (as defined  
34 in IC 6-3-1-3.5) in the carryback or carryover year provided in subsection (f).

35 (f) Carrybacks and carryovers shall be determined under this subsection as follows:

36 (1) An Indiana net operating loss shall be an Indiana net operating loss carryback to each of the  
37 carryback years preceding the taxable year of the loss.

38 (2) An Indiana net operating loss shall be an Indiana net operating loss carryover to each of the  
39 carryover years following the taxable year of the loss.

40 (3) Carryback years shall be determined by reference to the number of years allowed for carrying  
41 back a net operating loss under Section 172(b) of the Internal Revenue Code. **However, with**  
42 **respect to the carryback period for a net operating loss:**

43 **(A) for which an eligible small business, as defined in Section 172(b)(1)(H)(iv) of the**  
44 **Internal Revenue Code, made an election to use five (5) years instead of two (2) years**  
45 **under Section 172(b)(1)(H) of the Internal Revenue Code, two (2) years shall be used**  
46 **instead of five (5) years; or**

47 **(B) that is a qualified disaster loss for which the taxpayer elected to have the net**  
48 **operating loss carryback period with respect to the loss year determined without regard**  
49 **to Section 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall be used.**

1 (4) Carryover years shall be determined by reference to the number of years allowed for carrying  
2 over net operating losses under Section 172(b) of the Internal Revenue Code.

3 (5) A taxpayer who makes an election under Section 172(b)(3) of the Internal Revenue Code to  
4 relinquish the carryback period with respect to a net operating loss for any taxable year shall be  
5 considered to have also relinquished the carryback of the Indiana net operating loss for purposes  
6 of this section.

7 (g) The entire amount of the Indiana net operating loss for any taxable year shall be carried to the  
8 earliest of the taxable years to which (as determined under subsection (f)) the loss may be carried. The  
9 amount of the Indiana net operating loss remaining after the deduction is taken under this section in  
10 a taxable year may be carried back or carried over as provided in subsection (f). The amount of the  
11 Indiana net operating loss carried back or carried over from year to year shall be reduced to the extent  
12 that the Indiana net operating loss carryback or carryover is used by the taxpayer to obtain a deduction  
13 in a taxable year until the occurrence of the earlier of the following:

14 (1) The entire amount of the Indiana net operating loss has been used as a deduction.

15 (2) The Indiana net operating loss has been carried over to each of the carryover years provided  
16 by subsection (f).

17 SECTION 193. IC 6-3-2-2.6, AS AMENDED BY P.L.2-2005, SECTION 21, IS AMENDED TO  
18 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2.6. (a) This  
19 section applies to a corporation or a nonresident person.

20 (b) Corporations and nonresident persons are entitled to a net operating loss deduction. The amount  
21 of the deduction taken in a taxable year may not exceed the taxpayer's unused Indiana net operating  
22 losses carried back or carried over to that year.

23 (c) An Indiana net operating loss equals the taxpayer's federal net operating loss for a taxable year  
24 as calculated under Section 172 of the Internal Revenue Code, derived from sources within Indiana  
25 and adjusted for the modifications required by IC 6-3-1-3.5.

26 (d) The following provisions apply for purposes of subsection (c):

27 (1) The modifications that are to be applied are those modifications required under IC 6-3-1-3.5  
28 for the same taxable year in which each net operating loss was incurred.

29 (2) The amount of the taxpayer's net operating loss that is derived from sources within Indiana  
30 shall be determined in the same manner that the amount of the taxpayer's adjusted income derived  
31 from sources within Indiana is determined under section 2 of this chapter for the same taxable  
32 year during which each loss was incurred.

33 (3) An Indiana net operating loss includes a net operating loss that arises when the modifications  
34 required by IC 6-3-1-3.5 exceed the taxpayer's federal taxable income (as defined in Section 63  
35 of the Internal Revenue Code), if the taxpayer is a corporation, or when the modifications  
36 required by IC 6-3-1-3.5 exceed the taxpayer's federal adjusted gross income (as defined by  
37 Section 62 of the Internal Revenue Code), if the taxpayer is a nonresident person, for the taxable  
38 year in which the Indiana net operating loss is determined.

39 (e) Subject to the limitations contained in subsection (g), an Indiana net operating loss carryback  
40 or carryover shall be available as a deduction from the taxpayer's adjusted gross income derived from  
41 sources within Indiana (as defined in section 2 of this chapter) in the carryback or carryover year  
42 provided in subsection (f).

43 (f) Carrybacks and carryovers shall be determined under this subsection as follows:

44 (1) An Indiana net operating loss shall be an Indiana net operating loss carryback to each of the  
45 carryback years preceding the taxable year of the loss.

46 (2) An Indiana net operating loss shall be an Indiana net operating loss carryover to each of the  
47 carryover years following the taxable year of the loss.

48 (3) Carryback years shall be determined by reference to the number of years allowed for carrying  
49 back a net operating loss under Section 172(b) of the Internal Revenue Code. **However, with**

1 **respect to the carryback period for a net operating loss:**

2 **(A) for which an eligible small business, as defined in Section 172(b)(1)(H)(iv) of the**  
3 **Internal Revenue Code, made an election to use five (5) years instead of two (2) years**  
4 **under Section 172(b)(1)(H) of the Internal Revenue Code, two (2) years shall be used**  
5 **instead of five (5) years; or**

6 **(B) that is a qualified disaster loss for which the taxpayer elected to have the net**  
7 **operating loss carryback period with respect to the loss year determined without regard**  
8 **to Section 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall be used.**

9 (4) Carryover years shall be determined by reference to the number of years allowed for carrying  
10 over net operating losses under Section 172(b) of the Internal Revenue Code.

11 (5) A taxpayer who makes an election under Section 172(b)(3) of the Internal Revenue Code to  
12 relinquish the carryback period with respect to a net operating loss for any taxable year shall be  
13 considered to have also relinquished the carryback of the Indiana net operating loss for purposes  
14 of this section.

15 (g) The entire amount of the Indiana net operating loss for any taxable year shall be carried to the  
16 earliest of the taxable years to which (as determined under subsection (f)) the loss may be carried. The  
17 amount of the Indiana net operating loss remaining after the deduction is taken under this section in  
18 a taxable year may be carried back or carried over as provided in subsection (f). The amount of the  
19 Indiana net operating loss carried back or carried over from year to year shall be reduced to the extent  
20 that the Indiana net operating loss carryback or carryover is used by the taxpayer to obtain a deduction  
21 in a taxable year until the occurrence of the earlier of the following:

22 (1) The entire amount of the Indiana net operating loss has been used as a deduction.

23 (2) The Indiana net operating loss has been carried over to each of the carryover years provided  
24 by subsection (f).

25 (h) An Indiana net operating loss deduction determined under this section shall be allowed  
26 notwithstanding the fact that in the year the taxpayer incurred the net operating loss the taxpayer was  
27 not subject to the tax imposed under section 1 of this chapter because the taxpayer was:

28 (1) a life insurance company (as defined in Section 816(a) of the Internal Revenue Code); or

29 (2) an insurance company subject to tax under Section 831 of the Internal Revenue Code.

30 (i) In the case of a life insurance company that claims an operations loss deduction under Section  
31 810 of the Internal Revenue Code, this section shall be applied by:

32 (1) substituting the corresponding provisions of Section 810 of the Internal Revenue Code in  
33 place of references to Section 172 of the Internal Revenue Code; and

34 (2) substituting life insurance company taxable income (as defined in Section 801 the Internal  
35 Revenue Code) in place of references to taxable income (as defined in Section 63 of the Internal  
36 Revenue Code).

37 (j) For purposes of an amended return filed to carry back an Indiana net operating loss:

38 (1) the term "due date of the return", as used in IC 6-8.1-9-1(a)(1), means the due date of the  
39 return for the taxable year in which the net operating loss was incurred; and

40 (2) the term "date the payment was due", as used in IC 6-8.1-9-2(c), means the due date of the  
41 return for the taxable year in which the net operating loss was incurred.

42 SECTION 194. IC 6-3-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
43 1, 2009 (RETROACTIVE)]: Sec. 8. (a) For purposes of this section, "qualified employee" means an  
44 individual who is employed by a taxpayer, a pass through entity, an employer exempt from adjusted  
45 gross income tax (IC 6-3-1 through IC 6-3-7) under IC 6-3-2-2.8(3), IC 6-3-2-2.8(4), or  
46 IC 6-3-2-2.8(5), a nonprofit entity, the state, a political subdivision of the state, or the United States  
47 government and who:

48 (1) has the employee's principal place of residence in the enterprise zone in which the employee  
49 is employed;

1 (2) performs services for the taxpayer, the employer, the nonprofit entity, the state, the political  
2 subdivision, or the United States government, ninety percent (90%) of which are directly related  
3 to:

4 (A) the conduct of the taxpayer's or employer's trade or business; or

5 (B) the activities of the nonprofit entity, the state, the political subdivision, or the United  
6 States government;

7 that is located in an enterprise zone; and

8 (3) performs at least fifty percent (50%) of the employee's service for the taxpayer or employer  
9 during the taxable year in the enterprise zone.

10 ~~(b)~~ For purposes of this section, "pass through entity" means a:

11 ~~(1)~~ corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

12 ~~(2)~~ partnership;

13 ~~(3)~~ trust;

14 ~~(4)~~ limited liability company; or

15 ~~(5)~~ limited liability partnership.

16 ~~(c)~~ ~~(b)~~ Except as provided in subsection ~~(d)~~; ~~(c)~~, a qualified employee is entitled to a deduction  
17 from ~~his~~ **the employee's** adjusted gross income in each taxable year in the amount of the lesser of:

18 (1) one-half (1/2) of ~~his~~ **the employee's** adjusted gross income for the taxable year that ~~he~~ **the**  
19 **employee** earns as a qualified employee; or

20 (2) seven thousand five hundred dollars (\$7,500).

21 ~~(d)~~ ~~(c)~~ No qualified employee is entitled to a deduction under this section for a taxable year that  
22 begins after the termination of the enterprise zone in which ~~he~~ **the employee** resides.

23 SECTION 195. IC 6-3-2-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
24 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 5.3. (a) This**  
25 **section applies to taxable years beginning after December 31, 2008.**

26 **(b) As used in this section, "solar powered roof vent or fan" means a roof vent or fan that is**  
27 **powered by solar energy and used to release heat from a building.**

28 **(c) A resident individual taxpayer is entitled to a deduction from the taxpayer's adjusted gross**  
29 **income for a particular taxable year if, during that taxable year, the taxpayer installs a solar**  
30 **powered roof vent or fan on a building owned or leased by the taxpayer.**

31 **(d) The amount of the deduction to which a taxpayer is entitled in a particular taxable year**  
32 **is the lesser of:**

33 **(1) one-half (1/2) of the amount the taxpayer pays for labor and materials for the**  
34 **installation of a solar powered roof vent or fan that is installed during the taxable year; or**

35 **(2) one thousand dollars (\$1,000).**

36 **(e) To obtain the deduction provided by this section, a taxpayer must file with the department**  
37 **proof of the taxpayer's costs for the installation of a solar powered roof vent or fan and a list of**  
38 **the persons or corporation that supplied labor or materials for the installation of the solar**  
39 **powered roof vent or fan.**

40 SECTION 196. IC 6-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
41 1, 2009 (RETROACTIVE)]: Sec. 10. (a) An individual who received unemployment compensation,  
42 as defined in subsection (c), during the taxable year is entitled to a deduction from the individual's  
43 adjusted gross income for that taxable year in the amount determined using the following formula:

44 STEP ONE: Determine the **greater of zero (0) or the** difference between:

45 (A) the **sum of:**

46 **(i) the** federal adjusted gross income of the individual (or the individual and the individual's  
47 spouse, in the case of a joint return), as defined in Section 62 of the Internal Revenue Code;

48 **plus**

1           (ii) the amount of unemployment compensation excluded from federal gross income,  
2           as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the  
3           Internal Revenue Code; minus

4           (B) the base amount as defined in subsection (b).

5           STEP TWO: Determine the greater of zero (0) or the difference between:

6           (A) the individual's unemployment compensation for the taxable year; minus

7           (B) one-half (1/2) of the amount determined under STEP ONE.

8           (b) As used in this section, "base amount" means:

9           (1) twelve thousand dollars (\$12,000) in all cases not covered by subdivision (2) or (3);

10           (2) eighteen thousand dollars (\$18,000) in the case of an individual who files a joint return for  
11           the taxable year; or

12           (3) zero (0), in the case of an individual who:

13           (A) is married at the close of the taxable year, as determined under Section 143 of the Internal  
14           Revenue Code;

15           (B) does not file a joint return for the taxable year; and

16           (C) does not live apart from the individual's spouse at all times during the taxable year.

17           (c) As used in this section, "unemployment compensation" means the amount of unemployment  
18           compensation that is included in the individual's federal gross income under Section 85 of the Internal  
19           Revenue Code.

20           SECTION 197. IC 6-3-3-10, AS AMENDED BY P.L.4-2005, SECTION 50, IS AMENDED TO  
21           READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 10. (a) As used  
22           in this section:

23           "Base period wages" means the following:

24           (1) In the case of a taxpayer other than a pass through entity, wages paid or payable by a taxpayer  
25           to its employees during the year that ends on the last day of the month that immediately precedes  
26           the month in which an enterprise zone is established, to the extent that the wages would have  
27           been qualified wages if the enterprise zone had been in effect for that year. If the taxpayer did not  
28           engage in an active trade or business during that year in the area that is later designated as an  
29           enterprise zone, then the base period wages equal zero (0). If the taxpayer engaged in an active  
30           trade or business during only part of that year in an area that is later designated as an enterprise  
31           zone, then the department shall determine the amount of base period wages.

32           (2) In the case of a taxpayer that is a pass through entity, base period wages equal zero (0).

33           "Enterprise zone" means an enterprise zone created under IC 5-28-15.

34           "Enterprise zone adjusted gross income" means adjusted gross income of a taxpayer that is derived  
35           from sources within an enterprise zone. Sources of adjusted gross income shall be determined with  
36           respect to an enterprise zone, to the extent possible, in the same manner that sources of adjusted gross  
37           income are determined with respect to the state of Indiana under IC 6-3-2-2.

38           "Enterprise zone gross income" means gross income of a taxpayer that is derived from sources  
39           within an enterprise zone.

40           "Enterprise zone insurance premiums" means insurance premiums derived from sources within an  
41           enterprise zone.

42           "Monthly base period wages" means base period wages divided by twelve (12).

43           "Pass through entity" means a:

44           (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

45           (2) partnership;

46           (3) trust;

47           (4) limited liability company; or

48           (5) limited liability partnership.

49           "Qualified employee" means an individual who is employed by a taxpayer and who:

- 1 (1) has the individual's principal place of residence in the enterprise zone in which the individual
- 2 is employed;
- 3 (2) performs services for the taxpayer, ninety percent (90%) of which are directly related to the
- 4 conduct of the taxpayer's trade or business that is located in an enterprise zone;
- 5 (3) performs at least fifty percent (50%) of the individual's services for the taxpayer during the
- 6 taxable year in the enterprise zone; and
- 7 (4) in the case of an individual who is employed by a taxpayer that is a pass through entity, was
- 8 first employed by the taxpayer after December 31, 1998.

9 "Qualified increased employment expenditures" means the following:

- 10 (1) For a taxpayer's taxable year other than the taxpayer's taxable year in which the enterprise
- 11 zone is established, the amount by which qualified wages paid or payable by the taxpayer during
- 12 the taxable year to qualified employees exceeds the taxpayer's base period wages.
- 13 (2) For the taxpayer's taxable year in which the enterprise zone is established, the amount by
- 14 which qualified wages paid or payable by the taxpayer during all of the full calendar months in
- 15 the taxpayer's taxable year that succeed the date on which the enterprise zone was established
- 16 exceed the taxpayer's monthly base period wages multiplied by that same number of full calendar
- 17 months.

18 "Qualified state tax liability" means a taxpayer's total income tax liability incurred under:

- 19 (1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax) with respect to enterprise zone adjusted
- 20 gross income;
- 21 (2) IC 27-1-18-2 (insurance premiums tax) with respect to enterprise zone insurance premiums;
- 22 and
- 23 (3) IC 6-5.5 (the financial institutions tax);

24 as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the

25 credit provided by this section.

26 "Qualified wages" means the wages paid or payable to qualified employees during a taxable year.

27 "Taxpayer" includes a pass through entity.

28 (b) A taxpayer is entitled to a credit against the taxpayer's qualified state tax liability for a taxable

29 year in the amount of the lesser of:

- 30 (1) the product of ten percent (10%) multiplied by the qualified increased employment
- 31 expenditures of the taxpayer for the taxable year; or
- 32 (2) one thousand five hundred dollars (\$1,500) multiplied by the number of qualified employees
- 33 employed by the taxpayer during the taxable year.

34 (c) The amount of the credit provided by this section that a taxpayer uses during a particular taxable

35 year may not exceed the taxpayer's qualified state tax liability for the taxable year. If the credit

36 provided by this section exceeds the amount of that tax liability for the taxable year it is first claimed,

37 then the excess may be carried back to preceding taxable years or carried over to succeeding taxable

38 years and used as a credit against the taxpayer's qualified state tax liability for those taxable years.

39 Each time that the credit is carried back to a preceding taxable year or carried over to a succeeding

40 taxable year, the amount of the carryover is reduced by the amount used as a credit for that taxable

41 year. Except as provided in subsection (e), the credit provided by this section may be carried forward

42 and applied in the ten (10) taxable years that succeed the taxable year in which the credit accrues. The

43 credit provided by this section may be carried back and applied in the three (3) taxable years that

44 precede the taxable year in which the credit accrues.

45 (d) A credit earned by a taxpayer in a particular taxable year shall be applied against the taxpayer's

46 qualified state tax liability for that taxable year before any credit carryover or carryback is applied

47 against that liability under subsection (c).

48 (e) Notwithstanding subsection (c), if a credit under this section results from wages paid in a

49 particular enterprise zone, and if that enterprise zone terminates in a taxable year that succeeds the last

1 taxable year in which a taxpayer is entitled to use the credit carryover that results from those wages  
2 under subsection (c), then the taxpayer may use the credit carryover for any taxable year up to and  
3 including the taxable year in which the enterprise zone terminates.

4 (f) A taxpayer is not entitled to a refund of any unused credit.

5 (g) A taxpayer that:

6 (1) does not own, rent, or lease real property outside of an enterprise zone that is an integral part  
7 of its trade or business; and

8 (2) is not owned or controlled directly or indirectly by a taxpayer that owns, rents, or leases real  
9 property outside of an enterprise zone;

10 is exempt from the allocation and apportionment provisions of this section.

11 (h) If a pass through entity is entitled to a credit under subsection (b) but does not have state tax  
12 liability against which the tax credit may be applied, an individual who is a shareholder, partner,  
13 beneficiary, or member of the pass through entity is entitled to a tax credit equal to:

14 (1) the tax credit determined for the pass through entity for the taxable year; multiplied by

15 (2) the percentage of the pass through entity's distributive income to which the shareholder,  
16 partner, beneficiary, or member is entitled.

17 The credit provided under this subsection is in addition to a tax credit to which a shareholder, partner,  
18 beneficiary, or member of a pass through entity is entitled. However, a pass through entity and an  
19 individual who is a shareholder, partner, beneficiary, or member of a pass through entity may not claim  
20 more than one (1) credit for the qualified expenditure.

21 SECTION 198. IC 6-3-3-12, AS AMENDED BY P.L.131-2008, SECTION 13, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 12. (a) As used in this section,  
23 "account" has the meaning set forth in IC 21-9-2-2.

24 (b) As used in this section, "account beneficiary" has the meaning set forth in IC 21-9-2-3.

25 (c) As used in this section, "account owner" has the meaning set forth in IC 21-9-2-4.

26 (d) As used in this section, "college choice 529 education savings plan" refers to a college choice  
27 529 investment plan established under IC 21-9.

28 **(e) As used in this section, "contribution" means the amount of money directly provided to**  
29 **a college choice 529 education savings plan account by a taxpayer. A contribution does not**  
30 **include any of the following:**

31 **(1) Money credited to an account as a result of bonus points or other forms of consideration**  
32 **earned by the taxpayer that result in a transfer of money to the account.**

33 **(2) Money transferred from any other qualified tuition program under Section 529 of the**  
34 **Internal Revenue Code or from any other similar plan.**

35 ~~(f)~~ **(f)** As used in this section, "nonqualified withdrawal" means a withdrawal or distribution from  
36 a college choice 529 education savings plan that is not a qualified withdrawal.

37 ~~(g)~~ **(g)** As used in this section, "qualified higher education expenses" has the meaning set forth in  
38 IC 21-9-2-19.5.

39 ~~(h)~~ **(h)** As used in this section, "qualified withdrawal" means a withdrawal or distribution from a  
40 college choice 529 education savings plan that is made:

41 (1) to pay for qualified higher education expenses, excluding any withdrawals or distributions  
42 used to pay for qualified higher education expenses if the withdrawals or distributions are made  
43 from an account of a college choice 529 education savings plan that is terminated within twelve  
44 (12) months after the account is opened;

45 (2) as a result of the death or disability of an account beneficiary;

46 (3) because an account beneficiary received a scholarship that paid for all or part of the qualified  
47 higher education expenses of the account beneficiary, to the extent that the withdrawal or  
48 distribution does not exceed the amount of the scholarship; or

49 (4) by a college choice 529 education savings plan as the result of a transfer of funds by a college

1 choice 529 education savings plan from one (1) third party custodian to another.  
2 A qualified withdrawal does not include a rollover distribution or transfer of assets from a college  
3 choice 529 education savings plan to any other qualified tuition program under Section 529 of the  
4 Internal Revenue Code or to any other similar plan.

5 ~~(h)~~ (i) As used in this section, "taxpayer" means:

- 6 (1) an individual filing a single return; or
- 7 (2) a married couple filing a joint return.

8 ~~(i)~~ (j) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed  
9 by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

- 10 (1) Twenty percent (20%) of the amount of the total contributions made by the taxpayer to an  
11 account or accounts of a college choice 529 education savings plan during the taxable year.
- 12 (2) One thousand dollars (\$1,000).
- 13 (3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7  
14 for the taxable year, reduced by the sum of all credits (as determined without regard to this  
15 section) allowed by IC 6-3-1 through IC 6-3-7.

16 ~~(j)~~ (k) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

17 ~~(k)~~ (l) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this  
18 section.

19 ~~(l)~~ (m) To receive the credit provided by this section, a taxpayer must claim the credit on the  
20 taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer  
21 shall submit to the department all information that the department determines is necessary for the  
22 calculation of the credit provided by this section.

23 ~~(m)~~ (n) An account owner of an account of a college choice 529 education savings plan must repay  
24 all or a part of the credit in a taxable year in which any nonqualified withdrawal is made from the  
25 account. The amount the taxpayer must repay is equal to the lesser of:

- 26 (1) twenty percent (20%) of the total amount of nonqualified withdrawals made during the  
27 taxable year from the account; or
- 28 (2) the excess of:
  - 29 (A) the cumulative amount of all credits provided by this section that are claimed by any  
30 taxpayer with respect to the taxpayer's contributions to the account for all prior taxable years  
31 beginning on or after January 1, 2007; over
  - 32 (B) the cumulative amount of repayments paid by the account owner under this subsection for  
33 all prior taxable years beginning on or after January 1, 2008.

34 ~~(n)~~ (o) Any required repayment under subsection ~~(m)~~ (o) shall be reported by the account owner  
35 on the account owner's annual state income tax return for any taxable year in which a nonqualified  
36 withdrawal is made.

37 ~~(o)~~ (p) A nonresident account owner who is not required to file an annual income tax return for a  
38 taxable year in which a nonqualified withdrawal is made shall make any required repayment on the  
39 form required under IC 6-3-4-1(2). If the nonresident account owner does not make the required  
40 repayment, the department shall issue a demand notice in accordance with IC 6-8.1-5-1.

41 ~~(p)~~ (q) The executive director of the Indiana education savings authority shall submit or cause to  
42 be submitted to the department a copy of all information returns or statements issued to account  
43 owners, account beneficiaries, and other taxpayers for each taxable year with respect to:

- 44 (1) nonqualified withdrawals made from accounts of a college choice 529 education savings plan  
45 for the taxable year; or
- 46 (2) account closings for the taxable year.

47 SECTION 199. IC 6-3-4-8.1, AS AMENDED BY P.L.211-2007, SECTION 25, IS AMENDED TO  
48 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8.1. (a) Any entity that is required

1 to file a monthly return and make a monthly remittance of taxes under sections 8, 12, 13, and 15 of this  
2 chapter shall file those returns and make those remittances twenty (20) days (rather than thirty (30)  
3 days) after the end of each month for which those returns and remittances are filed, if that entity's  
4 average monthly remittance for the immediately preceding calendar year exceeds one thousand dollars  
5 (\$1,000).

6 (b) The department may require any entity to make the entity's monthly remittance and file the  
7 entity's monthly return twenty (20) days (rather than thirty (30) days) after the end of each month for  
8 which a return and payment are made if the department estimates that the entity's average monthly  
9 payment for the current calendar year will exceed one thousand dollars (\$1,000).

10 (c) If the department determines that a withholding agent is not withholding, reporting, or remitting  
11 an amount of tax in accordance with this chapter, the department may require the withholding agent:

12 (1) to make periodic deposits during the reporting period; and

13 (2) to file an informational return with each periodic deposit.

14 (d) If a person files a combined sales and withholding tax report and either this section or  
15 IC 6-2.5-6-1 requires the sales or withholding tax report to be filed and remittances to be made within  
16 twenty (20) days after the end of each month, then the person shall file the combined report and remit  
17 the sales and withholding taxes due within twenty (20) days after the end of each month.

18 (e) If the department determines that an entity's:

19 (1) estimated monthly withholding tax remittance for the current year; or

20 (2) average monthly withholding tax remittance for the preceding year;

21 exceeds five thousand dollars (\$5,000), the entity shall remit the monthly withholding taxes due by  
22 electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier  
23 a payment by cashier's check, certified check, or money order to the department. The transfer or  
24 payment shall be made on or before the date the remittance is due.

25 ~~(f) If an entity's withholding tax remittance is made by electronic fund transfer, the entity is not  
26 required to file a monthly withholding tax return.~~

27 **(f) An entity that registers to withhold taxes after December 31, 2009, shall file the  
28 withholding tax report and remit withholding taxes electronically through the department's  
29 online tax filing program.**

30 SECTION 200. IC 6-3-4-8.2, AS AMENDED BY P.L.91-2006, SECTION 8, IS AMENDED TO  
31 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.2. (a) Each person in Indiana who is  
32 required under the Internal Revenue Code to withhold federal tax from winnings shall deduct and  
33 retain adjusted gross income tax at the time and in the amount described in withholding instructions  
34 issued by the department.

35 (b) In addition to amounts withheld under subsection (a), every person engaged in a gambling  
36 operation (as defined in IC 4-33-2-10) **or a gambling game (as defined in IC 4-35-2-5)** and making  
37 a payment in the course of the gambling operation (as defined in IC 4-33-2-10) **or a gambling game  
38 (as defined in IC 4-35-2-5)** of:

39 (1) winnings (not reduced by the wager) valued at one thousand two hundred dollars (\$1,200) or  
40 more from slot machine play; or

41 (2) winnings (reduced by the wager) valued at one thousand five hundred dollars (\$1,500) or  
42 more from a keno game;

43 shall deduct and retain adjusted gross income tax at the time and in the amount described in  
44 withholding instructions issued by the department. The department's instructions must provide that  
45 amounts withheld shall be paid to the department before the close of the business day following the  
46 day the winnings are paid, actually or constructively. Slot machine and keno winnings from a gambling  
47 operation (as defined in IC 4-33-2-10) **or a gambling game (as defined in IC 4-35-2-5)** that are  
48 reportable for federal income tax purposes shall be treated as subject to withholding under this section,  
49 even if federal tax withholding is not required.

1 (c) The adjusted gross income tax due on prize money or prizes:  
2 (1) received from a winning lottery ticket purchased under IC 4-30; and  
3 (2) exceeding one thousand two hundred dollars (\$1,200) in value;  
4 shall be deducted and retained at the time and in the amount described in withholding instructions  
5 issued by the department, even if federal withholding is not required.

6 (d) In addition to the amounts withheld under subsection (a), a qualified organization (as defined  
7 in IC 4-32.2-2-24(a)) that awards a prize under IC 4-32.2 exceeding one thousand two hundred dollars  
8 (\$1,200) in value shall deduct and retain adjusted gross income tax at the time and in the amount  
9 described in withholding instructions issued by the department. The department's instructions must  
10 provide that amounts withheld shall be paid to the department before the close of the business day  
11 following the day the winnings are paid, actually or constructively.

12 SECTION 201. IC 6-3.1-4-2, AS AMENDED BY P.L.193-2005, SECTION 13, IS AMENDED TO  
13 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2. (a) A taxpayer who incurs Indiana  
14 qualified research expense in a particular taxable year is entitled to a research expense tax credit for  
15 the taxable year.

16 (b) For Indiana qualified research expense incurred before January 1, 2008, the amount of the  
17 research expense tax credit is equal to the product of ten percent (10%) multiplied by the remainder  
18 of:

- 19 (1) the taxpayer's Indiana qualified research expenses for the taxable year; minus  
20 (2) the taxpayer's base amount.

21 (c) **Except as provided in subsection (d)**, for Indiana qualified research expense incurred after  
22 December 31, 2007, the amount of the research expense tax credit is determined under STEP FOUR  
23 of the following formula:

24 STEP ONE: Subtract the taxpayer's base amount from the taxpayer's Indiana qualified research  
25 expense for the taxable year.

26 STEP TWO: Multiply the lesser of:

- 27 (A) one million dollars (\$1,000,000); or  
28 (B) the STEP ONE remainder;

29 by fifteen percent (15%).

30 STEP THREE: If the STEP ONE remainder exceeds one million dollars (\$1,000,000), multiply  
31 the amount of that excess by ten percent (10%).

32 STEP FOUR: Add the STEP TWO and STEP THREE products.

33 **(d) For Indiana qualified research expense incurred after December 31, 2009, a taxpayer may**  
34 **choose to have the amount of the research expense tax credit determined under this subsection**  
35 **rather than under subsection (c). At the election of the taxpayer, the amount of the taxpayer's**  
36 **research expense tax credit is equal to ten percent (10%) of the part of the taxpayer's Indiana**  
37 **qualified research expense for the taxable year that exceeds fifty percent (50%) of the taxpayer's**  
38 **average Indiana qualified research expense for the three (3) taxable years preceding the taxable**  
39 **year for which the credit is being determined. However, if the taxpayer did not have Indiana**  
40 **qualified research expense in any one (1) of the three (3) taxable years preceding the taxable year**  
41 **for which the credit is being determined, the amount of the research expense tax credit is equal**  
42 **to five percent (5%) of the taxpayer's Indiana qualified research expense for the taxable year.**

43 SECTION 202. IC 6-3.1-26-26, AS AMENDED BY P.L.137-2006, SECTION 7, IS AMENDED  
44 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) This chapter applies to taxable  
45 years beginning after December 31, 2003.

46 (b) Notwithstanding the other provisions of this chapter, the corporation may not approve a credit  
47 for a qualified investment made after December 31, ~~2011~~ **2013**. However, this section may not be  
48 construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified  
49 investment made before January 1, ~~2012~~ **2014**, forward to a taxable year beginning after December

1 31, ~~2011~~, **2013**, in the manner provided by section 15 of this chapter.

2 SECTION 203. IC 6-3.1-29-19, AS AMENDED BY P.L.52-2008, SECTION 1, IS AMENDED TO  
3 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The corporation shall enter into  
4 an agreement with an applicant that is awarded a credit under this chapter. The agreement must include  
5 all the following:

6 (1) A detailed description of the project that is the subject of the agreement.

7 (2) The first taxable year for which the credit may be claimed.

8 (3) The maximum tax credit amount that will be allowed for each taxable year.

9 (4) A requirement that the taxpayer shall maintain operations at the project location for at least  
10 ten (10) years during the term that the tax credit is available.

11 (5) If the facility is an integrated coal gasification powerplant, a requirement that the taxpayer  
12 shall pay an average wage to its employees at the integrated coal gasification powerplant, other  
13 than highly compensated employees, in each taxable year that a tax credit is available, that equals  
14 at least one hundred twenty-five percent (125%) of the average county wage in the county in  
15 which the integrated coal gasification powerplant is located.

16 (6) For a project involving a qualified investment in an integrated coal gasification powerplant,  
17 a requirement that the taxpayer will maintain at the location where the qualified investment is  
18 made, during the term of the tax credit, a total payroll that is at least equal to the payroll that  
19 existed on the date that the taxpayer placed the integrated coal gasification powerplant into  
20 service.

21 (7) A requirement that:

22 (A) one hundred percent (100%) of the coal used:

23 (i) at the integrated coal gasification powerplant, for a project involving a qualified  
24 investment in an integrated coal gasification powerplant; or

25 (ii) as fuel in a fluidized bed combustion unit, in a project involving a qualified investment  
26 in a fluidized bed combustion technology, if the unit is dedicated primarily to serving  
27 Indiana retail electric utility consumers;

28 must be Indiana coal, unless the applicant wishes to assign the tax credit as allowed under  
29 section 20.5(c) of this chapter **or elects to receive a refundable tax credit under section**  
30 **20.7 of this chapter** and the applicant certifies to the corporation that partial use of other coal  
31 is necessary to result in lower rates for Indiana retail utility customers; or

32 (B) seventy-five percent (75%) of the coal used as fuel in a fluidized bed combustion unit  
33 must be Indiana coal, in a project involving a qualified investment in a fluidized bed  
34 combustion technology, if the unit is not dedicated primarily to serving Indiana retail electric  
35 utility consumers.

36 (8) A requirement that the taxpayer obtain from the commission a determination under  
37 IC 8-1-8.5-2 that public convenience and necessity require, or will require:

38 (A) the construction of the taxpayer's integrated coal gasification powerplant, in the case of  
39 a project involving a qualified investment in an integrated coal gasification powerplant; or

40 (B) the installation of the taxpayer's fluidized bed combustion unit, in the case of a project  
41 involving a qualified investment in a fluidized bed combustion technology.

42 (b) A taxpayer must comply with the terms of the agreement described in subsection (a) to receive  
43 an annual installment of the tax credit awarded under this chapter. The corporation shall annually  
44 determine whether the taxpayer is in compliance with the agreement. If the corporation determines that  
45 the taxpayer is in compliance, the corporation shall issue a certificate of compliance to the taxpayer.

46 SECTION 204. IC 6-3.1-29-20.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
47 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.7. (a) The findings in**  
48 **IC 4-4-11.6-12 are incorporated by reference into this section. The general assembly further**

1 finds that the refundable credit provided by this section is also necessary to achieve the purposes  
2 set forth in IC 4-4-11.6-12.

3 (b) This section applies to a taxpayer that:

- 4 (1) makes a qualified investment in an integrated coal gasification powerplant; and
- 5 (2) enters into a contract to sell substitute natural gas (as defined in IC 4-4-11.6-11) to the  
6 Indiana finance authority under IC 4-4-11.6.

7 (c) Notwithstanding anything in this chapter to the contrary, a taxpayer may elect in the  
8 manner prescribed by the department to take and receive all credits to which the taxpayer is  
9 entitled under section 15 of this chapter (without regard to section 16 of this chapter) as a  
10 refundable credit against the taxpayer's state tax liability, if any, over a period of twenty (20)  
11 taxable years, beginning not later than the taxable year in which the taxpayer places into service  
12 its integrated coal gasification powerplant. If, in a taxable year, a taxpayer that makes an  
13 election under this subsection has no state tax liability, the department shall pay to the taxpayer  
14 the full amount of the refundable credit for that taxable year.

15 (d) The amount of a credit to which a taxpayer that makes an election under subsection (c)  
16 is entitled for a particular taxable year equals the result determined under STEP FOUR:

17 STEP ONE: Determine the total credit amount to which the taxpayer is entitled under  
18 section 15 of this chapter (without regard to section 16 of this chapter).

19 STEP TWO: Divide the STEP ONE amount by twenty (20).

20 STEP THREE: Determine the ratio of Indiana coal to total coal used in the taxpayer's  
21 integrated coal gasification powerplant in the taxable year.

22 STEP FOUR: Multiply the STEP TWO and STEP THREE amounts.

23 (e) A taxpayer shall claim a refund under this section in the manner provided by the  
24 department. The department shall pay the refunded amount to the taxpayer not more than  
25 ninety (90) days after the date on which the refund is claimed.

26 (f) The shareholders, members, or partners of a pass through entity that makes an election  
27 under subsection (c) are not entitled to a credit allowed under section 20(b) of this chapter.

28 (g) A credit allowed under this section is not assignable under section 20.5 of this chapter.

29 SECTION 205. IC 6-3.1-30.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
30 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

31 **Chapter 30.5. School Scholarship Tax Credit**

32 **Sec. 1.** As used in this chapter, "credit" refers to a credit granted under this chapter.

33 **Sec. 2.** As used in this chapter, "pass through entity" has the meaning set forth in IC 6-3-1-35.

34 **Sec. 3.** As used in this chapter, "scholarship granting organization" refers to an organization  
35 that:

36 (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue  
37 Code; and

38 (2) conducts a school scholarship program.

39 **Sec. 4.** As used in this chapter, "school scholarship program" refers to a scholarship program  
40 certified by the department of education under IC 20-51.

41 **Sec. 5.** As used in this chapter, "state tax liability" means a taxpayer's total tax liability that  
42 is incurred under:

43 (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

44 (2) IC 6-5.5 (the financial institutions tax); and

45 (3) IC 27-1-18-2 (the insurance premiums tax);

46 as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before  
47 the credit provided by this chapter.

48 **Sec. 6.** As used in this chapter, "taxpayer" means an individual or entity that has any state  
49 tax liability.

1       **Sec. 7. A taxpayer that makes a contribution to a scholarship granting organization for use**  
2 **by the scholarship granting organization in a school scholarship program is entitled to a credit**  
3 **against the taxpayer's state tax liability in the taxable year in which the taxpayer makes the**  
4 **contribution.**

5       **Sec. 8. The amount of a taxpayer's credit is equal to fifty percent (50%) of the amount of the**  
6 **contribution made to the scholarship granting organization for a school scholarship program.**

7       **Sec. 9. A taxpayer is not entitled to a carryover, carryback, or refund of an unused credit.**

8       **Sec. 10. If a pass through entity is entitled to a credit under section 7 of this chapter but does**  
9 **not have state tax liability against which the tax credit may be applied, a shareholder, partner,**  
10 **or member of the pass through entity is entitled to a tax credit equal to:**

11       **(1) the tax credit determined for the pass through entity for the taxable year; multiplied by**

12       **(2) the percentage of the pass through entity's distributive income to which the shareholder,**  
13 **partner, or member is entitled.**

14       **Sec. 11. To apply a credit against the taxpayer's state tax liability, a taxpayer must claim the**  
15 **credit on the taxpayer's annual state tax return or returns in the manner prescribed by the**  
16 **department. The taxpayer shall submit to the department the information that the department**  
17 **determines is necessary for the department to determine whether the taxpayer is eligible for the**  
18 **credit.**

19       **Sec. 12. A contribution shall be treated as having been made for use in a school scholarship**  
20 **program if:**

21       **(1) the contribution is made directly to a scholarship granting organization; and**

22       **(2) either:**

23           **(A) not later than the date of the contribution, the taxpayer designates in writing to the**  
24 **scholarship granting organization that the contribution is to be used only for a school**  
25 **scholarship program; or**

26           **(B) the scholarship granting organization provides the taxpayer with written**  
27 **confirmation that the contribution will be dedicated solely for use in a school scholarship**  
28 **program.**

29       **Sec. 13. The total amount of tax credits awarded under this chapter may not exceed two**  
30 **million five hundred thousand dollars (\$2,500,000) in any state fiscal year.**

31       **Sec. 14. The department, on an Internet web site used by the department to provide**  
32 **information to the public, shall provide the following information:**

33       **(1) The application for the credit provided in this chapter.**

34       **(2) A timeline for receiving the credit provided in this chapter.**

35       **(3) The total amount of credits awarded under this chapter during the current state fiscal**  
36 **year.**

37       **Sec. 15. The department shall adopt rules under IC 4-22-2 to implement this chapter.**

38       **SECTION 206. IC 6-3.1-31.9-1, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO**  
39 **READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "alternative**  
40 **fuel" means:**

41       **(1) methanol, denatured ethanol, and other alcohols;**

42       **(2) mixtures containing eighty-five percent (85%) or more by volume of methanol, denatured**  
43 **ethanol, and other alcohols with gasoline or other fuel;**

44       **(3) natural gas;**

45       **(4) liquefied petroleum gas;**

46       **(5) hydrogen;**

47       **(6) coal-derived liquid fuels;**

48       **(7) non-alcohol fuels derived from biological material;**

49       **(8) P-Series fuels; or**

1 (9) electricity; or

2 **(10) biodiesel or ultra low sulfur diesel fuel.**

3 SECTION 207. IC 6-3.1-31.9-2, AS ADDED BY P.L.223-2007, SECTION 4, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "alternative  
5 fuel vehicle" means any ~~vehicle~~ **passenger car or light truck with a gross weight of eight thousand**  
6 **five hundred (8,500) pounds or less that is** designed to operate on at least one (1) alternative fuel.

7 SECTION 208. IC 6-3.1-32-9, AS ADDED BY P.L.131-2008, SECTION 18, IS AMENDED TO  
8 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Subject to subsection (b), a qualified  
9 applicant that:

10 (1) incurs or makes qualified production expenditures of:

11 (A) at least one hundred thousand dollars (\$100,000), in the case of a qualified media  
12 production described in section 5(a)(1) of this chapter; or

13 (B) at least fifty thousand dollars (\$50,000), in the case of a qualified media production  
14 described in section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter; and

15 (2) satisfies the requirements of this chapter;

16 may claim a refundable tax credit as provided in this chapter.

17 (b) The maximum amount of tax credits that may be allowed under this chapter during a state fiscal  
18 year for all taxpayers is ~~five two million five hundred~~ **two million five hundred** dollars (~~\$5,000,000~~). **(\$2,500,000).**

19 SECTION 209. IC 6-3.5-1.1-1.1, AS ADDED BY P.L.207-2005, SECTION 1, IS AMENDED TO  
20 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.1. (a) For purposes of allocating the  
21 certified distribution made to a county under this chapter among the civil taxing units and school  
22 corporations in the county, the allocation amount for a civil taxing unit or school corporation is the  
23 amount determined using the following formula:

24 STEP ONE: Determine the sum of the total property taxes being collected by the civil taxing unit  
25 or school corporation during the calendar year of the distribution.

26 STEP TWO: Determine the sum of the following:

27 (A) Amounts appropriated from property taxes to pay the principal of or interest on any  
28 debenture or other debt obligation issued after June 30, 2005, other than an obligation  
29 described in subsection (b).

30 (B) Amounts appropriated from property taxes to make payments on any lease entered into  
31 after June 30, 2005, other than a lease described in subsection (c).

32 (C) The proceeds of any property that are:

33 (i) received as the result of the issuance of a debt obligation described in clause (A) or a  
34 lease described in clause (B); and

35 (ii) appropriated from property taxes for any purpose other than to refund or otherwise  
36 refinance a debt obligation or lease described in subsection (b) or (c).

37 STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

38 STEP FOUR: Determine the sum of:

39 (A) the STEP THREE amount; plus

40 (B) the civil taxing unit's or school corporation's certified distribution for the previous  
41 calendar year.

42 **The allocation amount is subject to adjustment as provided in IC 36-8-19-7.5.**

43 (b) Except as provided in this subsection, an appropriation from property taxes to repay interest and  
44 principal of a debt obligation is not deducted from the allocation amount for a civil taxing unit or  
45 school corporation if:

46 (1) the debt obligation was issued; and

47 (2) the proceeds appropriated from property taxes;

48 to refund or otherwise refinance a debt obligation or a lease issued before July 1, 2005. However, an  
49 appropriation from property taxes related to a debt obligation issued after June 30, 2005, is deducted

1 if the debt extends payments on a debt or lease beyond the time in which the debt or lease would have  
2 been payable if the debt or lease had not been refinanced or increases the total amount that must be  
3 paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not  
4 been refinanced. The amount of the deduction is the annual amount for each year of the extension  
5 period or the annual amount of the increase over the amount that would have been paid.

6 (c) Except as provided in this subsection, an appropriation from property taxes to make payments  
7 on a lease is not deducted from the allocation amount for a civil taxing unit or school corporation if:

8 (1) the lease was issued; and

9 (2) the proceeds were appropriated from property taxes;

10 to refinance a debt obligation or lease issued before July 1, 2005. However, an appropriation from  
11 property taxes related to a lease entered into after June 30, 2005, is deducted if the lease extends  
12 payments on a debt or lease beyond the time in which the debt or lease would have been payable if the  
13 debt or lease had not been refinanced or increases the total amount that must be paid on a debt or lease  
14 in excess of the amount that would have been paid if the debt or lease had not been refinanced. The  
15 amount of the deduction is the annual amount for each year of the extension period or the annual  
16 amount of the increase over the amount that would have been paid.

17 SECTION 210. IC 6-3.5-1.1-9, AS AMENDED BY P.L.146-2008, SECTION 327, IS AMENDED  
18 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9. (a) Revenue derived from the  
19 imposition of the county adjusted gross income tax shall, in the manner prescribed by this section, be  
20 distributed to the county that imposed it. The amount to be distributed to a county during an ensuing  
21 calendar year equals the amount of county adjusted gross income tax revenue that the ~~department~~, **after**  
22 ~~reviewing the recommendation of the~~ budget agency determines has been:

23 (1) received from that county for a taxable year ending before the calendar year in which the  
24 determination is made; and

25 (2) reported on an annual return or amended return processed by the department in the state fiscal  
26 year ending before July 1 of the calendar year in which the determination is made;

27 as adjusted (~~as determined after review of the recommendation of the budget agency~~) for refunds of  
28 county adjusted gross income tax made in the state fiscal year.

29 (b) Before August 2 of each calendar year, the ~~department~~, **after reviewing the recommendation of**  
30 ~~the~~ budget agency shall certify to the county auditor of each adopting county the amount determined  
31 under subsection (a) plus the amount of interest in the county's account that has accrued and has not  
32 been included in a certification made in a preceding year. The amount certified is the county's  
33 "certified distribution" for the immediately succeeding calendar year. The amount certified shall be  
34 adjusted under subsections (c), (d), (e), (f), (g), and (h). The budget agency shall provide the county  
35 council with an informative summary of the calculations used to determine the certified distribution.  
36 The summary of calculations must include:

37 (1) the amount reported on individual income tax returns processed by the department during the  
38 previous fiscal year;

39 (2) adjustments for over distributions in prior years;

40 (3) adjustments for clerical or mathematical errors in prior years;

41 (4) adjustments for tax rate changes; and

42 (5) the amount of excess account balances to be distributed under IC 6-3.5-1.1-21.1.

43 The ~~department~~ **budget agency** shall also certify information concerning the part of the certified  
44 distribution that is attributable to a tax rate under section 24, 25, or 26 of this chapter. This information  
45 must be certified to the county auditor, **the department**, and ~~to~~ the department of local government  
46 finance not later than September 1 of each calendar year. The part of the certified distribution that is  
47 attributable to a tax rate under section 24, 25, or 26 of this chapter may be used only as specified in  
48 those provisions.

49 (c) The ~~department~~ **budget agency** shall certify an amount less than the amount determined under

1 subsection (b) if the ~~department, after reviewing the recommendation of the~~ budget agency determines  
2 that the reduced distribution is necessary to offset overpayments made in a calendar year before the  
3 calendar year of the distribution. The ~~department after reviewing the recommendation of the~~ budget  
4 agency may reduce the amount of the certified distribution over several calendar years so that any  
5 overpayments are offset over several years rather than in one (1) lump sum.

6 (d) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
7 certified distribution of a county to correct for any clerical or mathematical errors made in any  
8 previous certification under this section. The ~~department, after reviewing the recommendation of the~~  
9 budget agency may reduce the amount of the certified distribution over several calendar years so that  
10 any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

11 (e) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
12 certified distribution of a county to provide the county with the distribution required under section  
13 10(b) of this chapter.

14 (f) This subsection applies to a county that:

15 (1) initially imposes the county adjusted gross income tax; or

16 (2) increases the county adjusted income tax rate;

17 under this chapter in the same calendar year in which the ~~department~~ **budget agency** makes a  
18 certification under this section. The ~~department, after reviewing the recommendation of the~~ budget  
19 agency shall adjust the certified distribution of a county to provide for a distribution in the  
20 immediately following calendar year and in each calendar year thereafter. The ~~department~~ **budget**  
21 **agency** shall provide for a full transition to certification of distributions as provided in subsection  
22 (a)(1) through (a)(2) in the manner provided in subsection (c).

23 (g) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
24 certified distribution of a county to provide the county with the distribution required under section 3.3  
25 of this chapter beginning not later than the tenth month after the month in which additional revenue  
26 from the tax authorized under section 3.3 of this chapter is initially collected.

27 (h) This subsection applies in the year in which a county initially imposes a tax rate under section  
28 24 of this chapter. Notwithstanding any other provision, the ~~department~~ **budget agency** shall adjust  
29 the part of the county's certified distribution that is attributable to the tax rate under section 24 of this  
30 chapter to provide for a distribution in the immediately following calendar year equal to the result of:

31 (1) the sum of the amounts determined under STEP ONE through STEP FOUR of  
32 IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 24 of  
33 this chapter; multiplied by

34 (2) two (2).

35 SECTION 211. IC 6-3.5-1.1-14, AS AMENDED BY P.L.146-2008, SECTION 328, IS AMENDED  
36 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 14. (a) In  
37 determining the amount of property tax replacement credits civil taxing units and school corporations  
38 of a county are entitled to receive during a calendar year, the department of local government finance  
39 shall consider only property taxes imposed on tangible property that was assessed in that county.

40 (b) If a civil taxing unit or a school corporation is located in more than one (1) county and receives  
41 property tax replacement credits from one (1) or more of the counties, then the property tax  
42 replacement credits received from each county shall be used only to reduce the property tax rates that  
43 are imposed within the county that distributed the property tax replacement credits.

44 (c) A civil taxing unit shall treat any property tax replacement credits that it receives or is to receive  
45 during a particular calendar year as a part of its property tax levy for that same calendar year for  
46 purposes of fixing its budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5.

47 (d) Subject to subsection (e), if a civil taxing unit or school corporation of an adopting county does  
48 not impose a property tax levy that is first due and payable in a calendar year in which property tax  
49 replacement credits are being distributed, the civil taxing unit or school corporation is entitled to use

1 the property tax replacement credits distributed to the civil taxing unit or school corporation for any  
2 purpose for which a property tax levy could be used.

3 (e) A school corporation shall treat any property tax replacement credits that the school corporation  
4 receives or is to receive during a particular calendar year as a part of its property tax levy for its debt  
5 service fund, capital projects fund, transportation fund, **and** school bus replacement fund **and special**  
6 **education preschool fund** in proportion to the levy for each of these funds for that same calendar year  
7 for purposes of fixing its budget. A school corporation shall allocate the property tax replacement  
8 credits described in this subsection to all ~~five (5)~~ **four (4)** funds in proportion to the levy for each fund.

9 SECTION 212. IC 6-3.5-1.1-15, AS AMENDED BY P.L.146-2008, SECTION 329, IS AMENDED  
10 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) As used in this section,  
11 "attributed allocation amount" of a civil taxing unit for a calendar year means the sum of:

12 (1) the allocation amount of the civil taxing unit for that calendar year; plus

13 (2) the current ad valorem property tax levy of any special taxing district, authority, board, or  
14 other entity formed to discharge governmental services or functions on behalf of or ordinarily  
15 attributable to the civil taxing unit; plus

16 (3) in the case of a county, an amount equal to the welfare allocation amount.

17 The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the  
18 county in 1999 for the county's welfare fund and welfare administration fund and, if the county  
19 received a certified distribution under this chapter or IC 6-3.5-6 in 2008, the property taxes imposed  
20 by the county in 2008 for the county's county medical assistance to wards fund, family and children's  
21 fund, children's psychiatric residential treatment services fund, county hospital care for the indigent  
22 fund and children with special health care needs county fund.

23 (b) The part of a county's certified distribution that is to be used as certified shares shall be  
24 allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to  
25 receive a certified share during a calendar year in an amount determined in STEP TWO of the  
26 following formula:

27 STEP ONE: Divide:

28 (A) the attributed allocation amount of the civil taxing unit during that calendar year; by

29 (B) the sum of the attributed allocation amounts of all the civil taxing units of the county  
30 during that calendar year.

31 STEP TWO: Multiply the part of the county's certified distribution that is to be used as certified  
32 shares by the STEP ONE amount.

33 (c) The ~~local government tax control board established by IC 6-1.1-18.5-11~~ **department of local**  
34 **government finance** shall determine the attributed levies of civil taxing units that are entitled to  
35 receive certified shares during a calendar year. If the ad valorem property tax levy of any special taxing  
36 district, authority, board, or other entity is attributed to another civil taxing unit under subsection  
37 (a)(2), then the special taxing district, authority, board, or other entity shall not be treated as having  
38 an attributed allocation amount of its own. The ~~local government tax control board~~ **department of**  
39 **local government finance** shall certify the attributed allocation amounts to the appropriate county  
40 auditor. The county auditor shall then allocate the certified shares among the civil taxing units of the  
41 auditor's county.

42 (d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the  
43 purpose of fixing its budget for the calendar year during which the certified shares will be received.  
44 The certified shares may be allocated to or appropriated for any purpose, including property tax relief  
45 or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in  
46 the determination of its attributed allocation amount.

47 SECTION 213. IC 6-3.5-1.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
48 JANUARY 1, 2010]: Sec. 21. Before October 2 of each year, the ~~department budget agency~~ shall

1 submit a report to each county auditor indicating the balance in the county's adjusted gross income tax  
2 account as of the cutoff date specified by the budget agency.

3 SECTION 214. IC 6-3.5-1.1-21.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2010]: Sec. 21.1. (a) If ~~after receiving a recommendation from~~ the budget agency the  
5 ~~department~~ determines that a sufficient balance exists in a county account in excess of the amount  
6 necessary, when added to other money that will be deposited in the account after the date of the  
7 ~~recommendation, determination~~, to make certified distributions to the county in the ensuing year, the  
8 ~~department budget agency~~ shall make a supplemental distribution to a county from the county's  
9 adjusted gross income tax account.

10 (b) A supplemental distribution described in subsection (a) must be:

11 (1) made in January of the ensuing calendar year; and

12 (2) allocated and, subject to subsection (d), used in the same manner as certified distributions.

13 (c) A determination under this section must be made before October 2.

14 (d) This subsection applies to that part of a distribution made under this section that is allocated and  
15 available for use in the same manner as certified shares. The civil taxing unit receiving the money shall  
16 deposit the money in the civil taxing unit's rainy day fund established under IC 36-1-8-5.1.

17 SECTION 215. IC 6-3.5-1.5-1, AS AMENDED BY P.L.146-2008, SECTION 334, IS AMENDED  
18 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1. (a) The  
19 department of local government finance and the department of state revenue (**before January 1, 2010**)  
20 **or the budget agency (after December 31, 2009)** shall, before July 1 of each year, jointly calculate  
21 the county adjusted income tax rate or county option income tax rate (as applicable) that must be  
22 imposed in a county to raise income tax revenue in the following year equal to the sum of the  
23 following STEPS:

24 STEP ONE: Determine the greater of zero (0) or the result of:

25 (1) the department of local government finance's estimate of the sum of the maximum  
26 permissible ad valorem property tax levies calculated under IC 6-1.1-18.5 for all civil taxing  
27 units in the county for the ensuing calendar year (before any adjustment under  
28 IC 6-1.1-18.5-3(g) or IC 6-1.1-18.5-3(h) for the ensuing calendar year); minus

29 (2) the sum of the maximum permissible ad valorem property tax levies calculated under  
30 IC 6-1.1-18.5 for all civil taxing units in the county for the current calendar year.

31 In the case of a civil taxing unit that is located in more than one (1) county, the department of  
32 local government finance shall, for purposes of making the determination under this subdivision,  
33 apportion the civil taxing unit's maximum permissible ad valorem property tax levy among the  
34 counties in which the civil taxing unit is located.

35 STEP TWO: This STEP applies only to property taxes first due and payable before January 1,  
36 2009. Determine the greater of zero (0) or the result of:

37 (1) the department of local government finance's estimate of the family and children property  
38 tax levy that will be imposed by the county under IC 12-19-7-4 for the ensuing calendar year  
39 (before any adjustment under IC 12-19-7-4(b) for the ensuing calendar year); minus

40 (2) the county's family and children property tax levy imposed by the county under  
41 IC 12-19-7-4 for the current calendar year.

42 STEP THREE: This STEP applies only to property taxes first due and payable before January  
43 1, 2009. Determine the greater of zero (0) or the result of:

44 (1) the department of local government finance's estimate of the children's psychiatric  
45 residential treatment services property tax levy that will be imposed by the county under  
46 IC 12-19-7.5-6 for the ensuing calendar year (before any adjustment under IC 12-19-7.5-6(b)  
47 for the ensuing calendar year); minus

48 (2) the children's psychiatric residential treatment services property tax imposed by the county  
49 under IC 12-19-7.5-6 for the current calendar year.

1 STEP FOUR: Determine the greater of zero (0) or the result of:

2 (1) the department of local government finance's estimate of the county's maximum  
3 community mental health centers property tax levy under IC 12-29-2-2 for the ensuing  
4 calendar year (before any adjustment under IC 12-29-2-2(c) for the ensuing calendar year);  
5 minus

6 (2) the county's maximum community mental health centers property tax levy under  
7 IC 12-29-2-2 for the current calendar year.

8 (b) In the case of a county that wishes to impose a tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30  
9 (as applicable) for the first time, the department of local government finance and the department of  
10 state revenue (**before January 1, 2010) or the budget agency (after December 31, 2009)** shall  
11 jointly estimate the amount that will be calculated under subsection (a) in the second year after the tax  
12 rate is first imposed. The department of local government finance and the department of state revenue  
13 (**before January 1, 2010) or the budget agency (after December 31, 2009)** shall calculate the tax  
14 rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 (as applicable) that must be imposed in the county in the  
15 second year after the tax rate is first imposed to raise income tax revenue equal to the estimate under  
16 this subsection.

17 (c) The department (**before January 1, 2010) or the budget agency (after December 31, 2009)**  
18 and the department of local government finance shall make the calculations under subsections (a) and  
19 (b) based on the best information available at the time the calculation is made.

20 (d) Notwithstanding IC 6-3.5-1.1-24(h) and IC 6-3.5-6-30(h), if a county has adopted an income  
21 tax rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 to replace property tax levy growth, the part of the tax  
22 rate under IC 6-3.5-1.1-24 or IC 6-3.5-6-30 that was used before January 1, 2009, to reduce levy  
23 growth in the county family and children's fund property tax levy and the children's psychiatric  
24 residential treatment services property tax levy shall instead be used for property tax relief in the same  
25 manner that a tax rate under IC 6-3.5-1.1-26 or ~~IC 6-3.5-6-30~~ **IC 6-3.5-6-32** is used for property tax  
26 relief.

27 SECTION 216. IC 6-3.5-1.5-3, AS ADDED BY P.L.224-2007, SECTION 69, IS AMENDED TO  
28 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. The department of local  
29 government finance and the ~~department of state revenue~~ **budget agency** may take any actions  
30 necessary to carry out the purposes of this chapter.

31 SECTION 217. IC 6-3.5-6-1.1, AS AMENDED BY P.L.146-2008, SECTION 336, IS AMENDED  
32 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.1. (a) For purposes of allocating the  
33 certified distribution made to a county under this chapter among the civil taxing units in the county,  
34 the allocation amount for a civil taxing unit is the amount determined using the following formula:

35 STEP ONE: Determine the total property taxes that are first due and payable to the civil taxing  
36 unit during the calendar year of the distribution plus, for a county, an amount equal to the welfare  
37 allocation amount.

38 STEP TWO: Determine the sum of the following:

39 (A) Amounts appropriated from property taxes to pay the principal of or interest on any  
40 debenture or other debt obligation issued after June 30, 2005, other than an obligation  
41 described in subsection (b).

42 (B) Amounts appropriated from property taxes to make payments on any lease entered into  
43 after June 30, 2005, other than a lease described in subsection (c).

44 (C) The proceeds of any property that are:

45 (i) received as the result of the issuance of a debt obligation described in clause (A) or a  
46 lease described in clause (B); and

47 (ii) appropriated from property taxes for any purpose other than to refund or otherwise  
48 refinance a debt obligation or lease described in subsection (b) or (c).

1 STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

2 STEP FOUR: Determine the sum of:

3 (A) the STEP THREE amount; plus

4 (B) the civil taxing unit or school corporation's certified distribution for the previous calendar  
5 year.

6 **The allocation amount is subject to adjustment as provided in IC 36-8-19-7.5.** The welfare  
7 allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999  
8 for the county's welfare fund and welfare administration fund and, if the county received a certified  
9 distribution under IC 6-3.5-1.1 or this chapter in 2008, the property taxes imposed by the county in  
10 2008 for the county's county medical assistance to wards fund, family and children's fund, children's  
11 psychiatric residential treatment services fund, county hospital care for the indigent fund, and children  
12 with special health care needs county fund.

13 (b) Except as provided in this subsection, an appropriation from property taxes to repay interest and  
14 principal of a debt obligation is not deducted from the allocation amount for a civil taxing unit if:

15 (1) the debt obligation was issued; and

16 (2) the proceeds appropriated from property taxes;

17 to refund or otherwise refinance a debt obligation or a lease issued before July 1, 2005. However, an  
18 appropriation from property taxes related to a debt obligation issued after June 30, 2005, is deducted  
19 if the debt extends payments on a debt or lease beyond the time in which the debt or lease would have  
20 been payable if the debt or lease had not been refinanced or increases the total amount that must be  
21 paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not  
22 been refinanced. The amount of the deduction is the annual amount for each year of the extension  
23 period or the annual amount of the increase over the amount that would have been paid.

24 (c) Except as provided in this subsection, an appropriation from property taxes to make payments  
25 on a lease is not deducted from the allocation amount for a civil taxing unit if:

26 (1) the lease was issued; and

27 (2) the proceeds were appropriated from property taxes;

28 to refinance a debt obligation or lease issued before July 1, 2005. However, an appropriation from  
29 property taxes related to a lease entered into after June 30, 2005, is deducted if the lease extends  
30 payments on a debt or lease beyond the time in which the debt or lease would have been payable if it  
31 had not been refinanced or increases the total amount that must be paid on a debt or lease in excess  
32 of the amount that would have been paid if the debt or lease had not been refinanced. The amount of  
33 the deduction is the annual amount for each year of the extension period or the annual amount of the  
34 increase over the amount that would have been paid.

35 SECTION 218. IC 6-3.5-6-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO**  
36 **READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. A county income tax council**  
37 **must before August 1 of each odd-numbered year hold at least one (1) public meeting at which**  
38 **the county income tax council discusses whether the county option income tax rate under this**  
39 **chapter should be adjusted.**

40 SECTION 219. IC 6-3.5-6-17, AS AMENDED BY P.L.146-2008, SECTION 338, IS AMENDED  
41 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 17. (a) Revenue derived from the  
42 imposition of the county option income tax shall, in the manner prescribed by this section, be  
43 distributed to the county that imposed it. The amount that is to be distributed to a county during an  
44 ensuing calendar year equals the amount of county option income tax revenue that the ~~department;~~  
45 ~~after reviewing the recommendation of the~~ budget agency determines has been:

46 (1) received from that county for a taxable year ending in a calendar year preceding the calendar  
47 year in which the determination is made; and

48 (2) reported on an annual return or amended return processed by the department in the state fiscal  
49 year ending before July 1 of the calendar year in which the determination is made;

1 as adjusted (as determined after review of the recommendation of the budget agency) for refunds of  
2 county option income tax made in the state fiscal year.

3 (b) Before August 2 of each calendar year, the ~~department, after reviewing the recommendation of~~  
4 ~~the~~ budget agency shall certify to the county auditor of each adopting county the amount determined  
5 under subsection (a) plus the amount of interest in the county's account that has accrued and has not  
6 been included in a certification made in a preceding year. The amount certified is the county's  
7 "certified distribution" for the immediately succeeding calendar year. The amount certified shall be  
8 adjusted, as necessary, under subsections (c), (d), (e), and (f). The budget agency shall provide the  
9 county council with an informative summary of the calculations used to determine the certified  
10 distribution. The summary of calculations must include:

- 11 (1) the amount reported on individual income tax returns processed by the department during the  
12 previous fiscal year;
- 13 (2) adjustments for over distributions in prior years;
- 14 (3) adjustments for clerical or mathematical errors in prior years;
- 15 (4) adjustments for tax rate changes; and
- 16 (5) the amount of excess account balances to be distributed under IC 6-3.5-6-17.3.

17 The ~~department~~ **budget agency** shall also certify information concerning the part of the certified  
18 distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter. This information  
19 must be certified to the county auditor and to the department of local government finance not later than  
20 September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate  
21 under section 30, 31, or 32 of this chapter may be used only as specified in those provisions.

22 (c) The ~~department~~ **budget agency** shall certify an amount less than the amount determined under  
23 subsection (b) if the ~~department, after reviewing the recommendation of the~~ budget agency determines  
24 that the reduced distribution is necessary to offset overpayments made in a calendar year before the  
25 calendar year of the distribution. The ~~department, after reviewing the recommendation of the~~ budget  
26 agency may reduce the amount of the certified distribution over several calendar years so that any  
27 overpayments are offset over several years rather than in one (1) lump sum.

28 (d) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
29 certified distribution of a county to correct for any clerical or mathematical errors made in any  
30 previous certification under this section. The ~~department, after reviewing the recommendation of the~~  
31 budget agency may reduce the amount of the certified distribution over several calendar years so that  
32 any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

33 (e) This subsection applies to a county that:

- 34 (1) initially imposed the county option income tax; or
- 35 (2) increases the county option income tax rate;

36 under this chapter in the same calendar year in which the ~~department~~ **budget agency** makes a  
37 certification under this section. The ~~department, after reviewing the recommendation of the~~ budget  
38 agency shall adjust the certified distribution of a county to provide for a distribution in the  
39 immediately following calendar year and in each calendar year thereafter. The ~~department~~ **budget**  
40 **agency** shall provide for a full transition to certification of distributions as provided in subsection  
41 (a)(1) through (a)(2) in the manner provided in subsection (c).

42 (f) This subsection applies in the year a county initially imposes a tax rate under section 30 of this  
43 chapter. Notwithstanding any other provision, the ~~department~~ **budget agency** shall adjust the part of  
44 the county's certified distribution that is attributable to the tax rate under section 30 of this chapter to  
45 provide for a distribution in the immediately following calendar year equal to the result of:

- 46 (1) the sum of the amounts determined under STEP ONE through STEP FOUR of  
47 IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 30 of  
48 this chapter; multiplied by

1 (2) the following:

2 (A) In a county containing a consolidated city, one and five-tenths (1.5).

3 (B) In a county other than a county containing a consolidated city, two (2).

4 (g) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be  
5 distributed from its account established under section 16 of this chapter to the appropriate county  
6 treasurer on the first day of each month of that calendar year.

7 (h) Upon receipt, each monthly payment of a county's certified distribution shall be allocated  
8 among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and  
9 19 of this chapter.

10 (i) All distributions from an account established under section 16 of this chapter shall be made by  
11 warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

12 SECTION 220. IC 6-3.5-6-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JANUARY 1, 2010]: Sec. 17.2. Before October 2 of each year, the ~~department~~ **budget agency** shall  
14 submit a report to each county auditor indicating the balance in the county's special account as of the  
15 cutoff date set by the budget agency.

16 SECTION 221. IC 6-3.5-6-17.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2010]: Sec. 17.3. (a) If ~~after receiving a recommendation from~~ the budget agency ~~the~~  
18 ~~department~~ determines that a sufficient balance exists in a county account in excess of the amount  
19 necessary, when added to other money that will be deposited in the account after the date of the  
20 ~~recommendation~~, **determination**, to make certified distributions to the county in the ensuing year, the  
21 ~~department~~ **budget agency** shall make a supplemental distribution to a county from the county's  
22 special account.

23 (b) A supplemental distribution described in subsection (a) must be:

24 (1) made in January of the ensuing calendar year; and

25 (2) allocated in the same manner as certified distributions for deposit in a civil unit's rainy day  
26 fund established under IC 36-1-8-5.1.

27 (c) A determination under this section must be made before October 2.

28 SECTION 222. IC 6-3.5-6-18, AS AMENDED BY P.L.224-2007, SECTION 79, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) The revenue a county auditor  
30 receives under this chapter shall be used to:

31 (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased  
32 homestead credit within the county;

33 (2) fund the operation of a public communications system and computer facilities district as  
34 provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

35 (3) fund the operation of a public transportation corporation as provided in an election, if any,  
36 made by the county fiscal body under IC 36-9-4-42;

37 (4) make payments permitted under **IC 36-7-14-25.5** or IC 36-7-15.1-17.5;

38 (5) make payments permitted under subsection (i);

39 (6) make distributions of distributive shares to the civil taxing units of a county; and

40 (7) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

41 (b) The county auditor shall retain from the payments of the county's certified distribution, an  
42 amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county.  
43 This money shall be distributed to the civil taxing units and school corporations of the county as  
44 though they were property tax collections and in such a manner that no civil taxing unit or school  
45 corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

46 (c) The county auditor shall retain:

47 (1) the amount, if any, specified by the county fiscal body for a particular calendar year under  
48 subsection (i), **IC 36-7-14-25.5**, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the

1 county's certified distribution for that same calendar year; and  
2 (2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this  
3 chapter.

4 The county auditor shall distribute amounts retained under this subsection to the county.

5 (d) All certified distribution revenues that are not retained and distributed under subsections (b) and  
6 (c) shall be distributed to the civil taxing units of the county as distributive shares.

7 (e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive  
8 during a month equals the product of the following:

9 (1) The amount of revenue that is to be distributed as distributive shares during that month;  
10 multiplied by

11 (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit  
12 for the calendar year in which the month falls. The denominator of the fraction equals the sum  
13 of the allocation amounts of all the civil taxing units of the county for the calendar year in which  
14 the month falls.

15 (f) The department of local government finance shall provide each county auditor with the  
16 fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to  
17 receive monthly under this section.

18 (g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a  
19 property tax levy that is first due and payable in a calendar year in which distributive shares are being  
20 distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be  
21 distributed as distributive shares under this section within the county. The fractional amount such a  
22 civil taxing unit is entitled to receive each month during that calendar year equals the product of the  
23 following:

24 (1) The amount to be distributed as distributive shares during that month; multiplied by

25 (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that  
26 calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing  
27 units of that county for that calendar year.

28 (h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by  
29 subsection (g), then the formula used in subsection (e) to determine all other civil taxing units'  
30 distributive shares shall be changed each month for that same year by reducing the amount to be  
31 distributed as distributive shares under subsection (e) by the amount of distributive shares allocated  
32 under subsection (g) for that same month. The department of local government finance shall make any  
33 adjustments required by this subsection and provide them to the appropriate county auditors.

34 (i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this  
35 chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this  
36 chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax  
37 project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that  
38 the project will promote significant opportunities for the gainful employment or retention of  
39 employment of the county's residents.

40 SECTION 223. IC 6-3.5-6-27, AS ADDED BY P.L.214-2005, SECTION 18, IS AMENDED TO  
41 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 27. (a) This section applies only to  
42 Miami County. Miami County possesses unique economic development challenges due to:

43 (1) underemployment in relation to similarly situated counties; and

44 (2) the presence of a United States government military base or other military installation that is  
45 completely or partially inactive or closed.

46 Maintaining low property tax rates is essential to economic development, and the use of county option  
47 income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to  
48 finance the construction, acquisition, improvement, renovation, and equipping described under  
49 subsection (c), rather than use of property taxes, promotes that purpose.

1 (b) In addition to the rates permitted by sections 8 and 9 of this chapter, the county council may  
2 impose the county option income tax at a rate of twenty-five hundredths percent (0.25%) on the  
3 adjusted gross income of resident county taxpayers if the county council makes the finding and  
4 determination set forth in subsection (c). Section 8(e) of this chapter applies to the application of the  
5 additional rate to nonresident taxpayers.

6 (c) In order to impose the county option income tax as provided in this section, the county council  
7 must adopt an ordinance finding and determining that revenues from the county option income tax are  
8 needed to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail,  
9 including the repayment of bonds issued, or leases entered into, for financing, constructing, acquiring,  
10 renovating, and equipping a county jail.

11 (d) If the county council makes a determination under subsection (c), the county council may adopt  
12 a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is  
13 necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping a county  
14 jail.

15 (e) The county treasurer shall establish a county jail revenue fund to be used only for the purposes  
16 described in this section. County option income tax revenues derived from the tax rate imposed under  
17 this section shall be deposited in the county jail revenue fund before making a certified distribution  
18 under section 18 of this chapter.

19 (f) County option income tax revenues derived from the tax rate imposed under this section:

20 (1) may only be used for the purposes described in this section;

21 (2) may not be considered by the department of local government finance in determining the  
22 county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

23 (3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes  
24 described in subsection (c).

25 (g) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
26 certified distribution of a county to provide for an increased distribution of taxes in the immediately  
27 following calendar year after the county adopts an increased tax rate under this section and in each  
28 calendar year thereafter. The ~~department~~ **budget agency** shall provide for a full transition to  
29 certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the  
30 manner provided in section 17(c) of this chapter.

31 SECTION 224. IC 6-3.5-6-28, AS AMENDED BY P.L.224-2007, SECTION 80, IS AMENDED  
32 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 28. (a) This section applies only  
33 to Howard County.

34 (b) Maintaining low property tax rates is essential to economic development, and the use of county  
35 option income tax revenues as provided in this section and as needed in the county to fund the  
36 operation and maintenance of a jail and juvenile detention center, rather than the use of property taxes,  
37 promotes that purpose.

38 (c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may  
39 impose a county option income tax at a rate that does not exceed twenty-five hundredths percent  
40 (0.25%) on the adjusted gross income of resident county taxpayers. The tax rate may be adopted in  
41 any increment of one hundredth percent (0.01%). Before the county fiscal body may adopt a tax rate  
42 under this section, the county fiscal body must make the finding and determination set forth in  
43 subsection (d). Section 8(e) of this chapter applies to the application of the additional tax rate to  
44 nonresident taxpayers.

45 (d) In order to impose the county option income tax as provided in this section, the county fiscal  
46 body must adopt an ordinance:

47 (1) finding and determining that revenues from the county option income tax are needed in the  
48 county to fund the operation and maintenance of a jail, a juvenile detention center, or both; and

49 (2) agreeing to freeze the part of any property tax levy imposed in the county for the operation

1 of the jail or juvenile detention center, or both, covered by the ordinance at the rate imposed in  
2 the year preceding the year in which a full year of additional county option income tax is certified  
3 for distribution to the county under this section for the term in which an ordinance is in effect  
4 under this section.

5 (e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may  
6 adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body  
7 may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax  
8 rate imposed under this section. As soon as practicable after the adoption of an ordinance under this  
9 section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the  
10 department of local government finance, and the department of state revenue. An ordinance adopted  
11 under this section before April 1 in a year applies to the imposition of county income taxes after June  
12 30 in that year. An ordinance adopted under this section after March 31 of a year initially applies to  
13 the imposition of county option income taxes after June 30 of the immediately following year.

14 (f) The county treasurer shall establish a county jail revenue fund to be used only for the purposes  
15 described in this section. County option income tax revenues derived from the tax rate imposed under  
16 this section shall be deposited in the county jail revenue fund before making a certified distribution  
17 under section 18 of this chapter.

18 (g) County option income tax revenues derived from the tax rate imposed under this section:

19 (1) may only be used for the purposes described in this section; and

20 (2) may not be considered by the department of local government finance in determining the  
21 county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

22 (h) The department of local government finance shall enforce an agreement under subsection (d)(2).

23 (i) ~~The department, after reviewing the recommendation of the~~ budget agency shall adjust the  
24 certified distribution of a county to provide for an increased distribution of taxes in the immediately  
25 following calendar year after the county adopts an increased tax rate under this section and in each  
26 calendar year thereafter. ~~The department~~ **budget agency** shall provide for a full transition to  
27 certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the  
28 manner provided in section 17(c) of this chapter.

29 (j) The department shall separately designate a tax rate imposed under this section in any tax form  
30 as the Howard County jail operating and maintenance income tax.

31 SECTION 225. IC 6-3.5-6-29, AS AMENDED BY P.L.224-2007, SECTION 81, IS AMENDED  
32 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 29. (a) This section applies only  
33 to Scott County. Scott County is a county in which:

34 (1) maintaining low property tax rates is essential to economic development; and

35 (2) the use of additional county option income tax revenues as provided in this section, rather  
36 than the use of property taxes, to fund:

37 (A) the financing, construction, acquisition, improvement, renovation, equipping, operation,  
38 or maintenance of jail facilities; and

39 (B) the repayment of bonds issued or leases entered into for the purposes described in clause

40 (A), except operation or maintenance;

41 promotes the purpose of maintaining low property tax rates.

42 (b) The county fiscal body may impose the county option income tax on the adjusted gross income  
43 of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this  
44 chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to  
45 the application of the additional rate to nonresident taxpayers.

46 (c) To impose the county option income tax as provided in this section, the county fiscal body must  
47 adopt an ordinance finding and determining that additional revenues from the county option income  
48 tax are needed in the county to fund:

49 (1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or

1 maintenance of jail facilities; and  
2 (2) the repayment of bonds issued or leases entered into for the purposes described in subdivision  
3 (1), except operation or maintenance.

4 (d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may  
5 adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the  
6 county fiscal body may amend an ordinance adopted under this section to increase, decrease, or  
7 rescind the additional tax rate imposed under this section. As soon as practicable after the adoption  
8 of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance  
9 to the county auditor, the department of local government finance, and the department. An ordinance  
10 adopted under this section before June 1, 2006, or August 1 in a subsequent year applies to the  
11 imposition of county income taxes after June 30 (in the case of an ordinance adopted before June 1,  
12 2006) or September 30 (in the case of an ordinance adopted in 2007 or thereafter) in that year. An  
13 ordinance adopted under this section after May 31, 2006, or July 31 of a subsequent year initially  
14 applies to the imposition of county option income taxes after June 30 (in the case of an ordinance  
15 adopted before June 1, 2006) or September 30 (in the case of an ordinance adopted in 2007 or  
16 thereafter) of the immediately following year.

17 (e) If the county imposes an additional tax rate under this section, the county treasurer shall  
18 establish a county jail revenue fund to be used only for the purposes described in this section. County  
19 option income tax revenues derived from the tax rate imposed under this section shall be deposited in  
20 the county jail revenue fund before making a certified distribution under section 18 of this chapter.

21 (f) County option income tax revenues derived from an additional tax rate imposed under this  
22 section:

- 23 (1) may be used only for the purposes described in this section;
- 24 (2) may not be considered by the department of local government finance in determining the  
25 county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- 26 (3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes  
27 described in subsection (c)(1), except operation or maintenance.

28 (g) If the county imposes an additional tax rate under this section, the ~~department, after reviewing~~  
29 ~~the recommendation of the~~ budget agency shall adjust the certified distribution of the county to  
30 provide for an increased distribution of taxes in the immediately following calendar year after the  
31 county adopts the increased tax rate and in each calendar year thereafter. The ~~department budget~~  
32 ~~agency~~ shall provide for a full transition to certification of distributions as provided in section 17(a)(1)  
33 through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

34 SECTION 226. IC 6-3.5-6-33, AS ADDED BY P.L.224-2007, SECTION 86, IS AMENDED TO  
35 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 33. (a) This section applies only to  
36 Monroe County.

37 (b) Maintaining low property tax rates is essential to economic development, and the use of county  
38 option income tax revenues as provided in this chapter and as needed in the county to fund the  
39 operation and maintenance of a juvenile detention center and other facilities to provide juvenile  
40 services, rather than the use of property taxes, promotes that purpose.

41 (c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may  
42 impose an additional county option income tax at a rate of not more than twenty-five hundredths  
43 percent (0.25%) on the adjusted gross income of resident county taxpayers if the county fiscal body  
44 makes the finding and determination set forth in subsection (d). Section 8(e) of this chapter applies  
45 to the application of the additional rate to nonresident taxpayers.

46 (d) In order to impose the county option income tax as provided in this section, the county fiscal  
47 body must adopt an ordinance:

- 48 (1) finding and determining that revenues from the county option income tax are needed in the  
49 county to fund the operation and maintenance of a juvenile detention center and other facilities

1 necessary to provide juvenile services; and

2 (2) agreeing to freeze for the term in which an ordinance is in effect under this section the part  
3 of any property tax levy imposed in the county for the operation of the juvenile detention center  
4 and other facilities covered by the ordinance at the rate imposed in the year preceding the year  
5 in which a full year of additional county option income tax is certified for distribution to the  
6 county under this section.

7 (e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may  
8 adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body  
9 may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax  
10 rate imposed under this section. As soon as practicable after the adoption of an ordinance under this  
11 section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the  
12 department of local government finance, and the department of state revenue. An ordinance adopted  
13 under this section before August 1 in a year applies to the imposition of county income taxes after  
14 September 30 in that year. An ordinance adopted under this section after July 31 of a year initially  
15 applies to the imposition of county option income taxes after September 30 of the immediately  
16 following year.

17 (f) The county treasurer shall establish a county juvenile detention center revenue fund to be used  
18 only for the purposes described in this section. County option income tax revenues derived from the  
19 tax rate imposed under this section shall be deposited in the county juvenile detention center revenue  
20 fund before a certified distribution is made under section 18 of this chapter.

21 (g) County option income tax revenues derived from the tax rate imposed under this section:

22 (1) may be used only for the purposes described in this section; and

23 (2) may not be considered by the department of local government finance in determining the  
24 county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

25 (h) The department of local government finance shall enforce an agreement made under subsection  
26 (d)(2).

27 (i) ~~The department, after reviewing the recommendation of the~~ budget agency shall adjust the  
28 certified distribution of a county to provide for an increased distribution of taxes in the immediately  
29 following calendar year after the county adopts an increased tax rate under this section and in each  
30 calendar year thereafter. ~~The department~~ **budget agency** shall provide for a full transition to  
31 certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the  
32 manner provided in section 17(c) of this chapter.

33 SECTION 227. IC 6-3.5-7-13.1, AS AMENDED BY P.L.146-2008, SECTION 347, IS AMENDED  
34 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.1. (a) The fiscal officer of each  
35 county, city, or town for a county in which the county economic development tax is imposed shall  
36 establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and  
37 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited  
38 in the unit's economic development income tax fund.

39 (b) As used in this subsection, "homestead" means a homestead that is eligible for a standard  
40 deduction under IC 6-1.1-12-37. Except as provided in sections 15, 23, 25, 26, and 27 of this chapter,  
41 revenues from the county economic development income tax may be used as follows:

42 (1) By a county, city, or town for economic development projects, for paying, notwithstanding  
43 any other law, under a written agreement all or a part of the interest owed by a private developer  
44 or user on a loan extended by a financial institution or other lender to the developer or user if the  
45 proceeds of the loan are or are to be used to finance an economic development project, for the  
46 retirement of bonds under section 14 of this chapter for economic development projects, for  
47 leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the  
48 date the economic development income tax was imposed if the purpose of the lease or bonds  
49 would have qualified as a purpose under this chapter at the time the lease was entered into or the

1 bonds were issued.

2 (2) By a county, city, or town for:

3 (A) the construction or acquisition of, or remedial action with respect to, a capital project for  
4 which the unit is empowered to issue general obligation bonds or establish a fund under any  
5 statute listed in IC 6-1.1-18.5-9.8;

6 (B) the retirement of bonds issued under any provision of Indiana law for a capital project;

7 (C) the payment of lease rentals under any statute for a capital project;

8 (D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist  
9 government in planning and implementing economic development projects;

10 (E) operating expenses of a governmental entity that plans or implements economic  
11 development projects;

12 (F) to the extent not otherwise allowed under this chapter, funding substance removal or  
13 remedial action in a designated unit; or

14 (G) funding of a revolving fund established under IC 5-1-14-14.

15 (3) By a county, city, or town for any lawful purpose for which money in any of its other funds  
16 may be used.

17 (4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by  
18 IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30,  
19 2005, in a county having a population of more than one hundred forty-five thousand (145,000)  
20 but less than one hundred forty-eight thousand (148,000), the first three million five hundred  
21 thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase  
22 shall be used by the county **or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the**  
23 **county** only to make the county's transfer required by IC 36-7.5-4-2. The first three million five  
24 hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate  
25 increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional  
26 development authority under IC 36-7.5-4-2 before certified distributions are made to the county  
27 or any cities or towns in the county under this chapter from the tax revenue that results each year  
28 from the tax rate increase. **If a county having a population of more than one hundred**  
29 **forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000)**  
30 **ceases to be a member of the northwest Indiana regional development authority under**  
31 **IC 36-7.5 but two (2) or more municipalities in the county have become members of the**  
32 **northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the**  
33 **county treasurer shall continue to transfer the three million five hundred thousand dollars**  
34 **(\$3,500,000) to the treasurer of the northwest Indiana regional development authority**  
35 **under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or**  
36 **towns in the county.** In a county having a population of more than one hundred forty-five  
37 thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax  
38 revenue that results each year from the tax rate increase that is in excess of the first three million  
39 five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must  
40 be used by the county and cities and towns in the county for homestead credits under subdivision  
41 (5).

42 (5) This subdivision applies only in a county having a population of more than one hundred  
43 forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). All of  
44 the tax revenue that results each year from a tax rate increase described in subdivision (4) that  
45 is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each  
46 year from the tax rate increase must be used by the county and cities and towns in the county for  
47 homestead credits under this subdivision. The following apply to homestead credits provided  
48 under this subdivision:

49 (A) The homestead credits must be applied uniformly to provide a homestead credit for

1 homesteads in the county, city, or town.

2 (B) The homestead credits shall be treated for all purposes as property tax levies.

3 (C) The homestead credits shall be applied to the net property taxes due on the homestead  
4 after the application of all other assessed value deductions or property tax deductions and  
5 credits that apply to the amount owed under IC 6-1.1.

6 (D) The department of local government finance shall determine the homestead credit  
7 percentage for a particular year based on the amount of county economic development income  
8 tax revenue that will be used under this subdivision to provide homestead credits in that year.

9 (6) This subdivision applies only in a county having a population of more than four hundred  
10 thousand (400,000) but less than seven hundred thousand (700,000). A county or a city or town  
11 in the county may use county economic development income tax revenue to provide homestead  
12 credits in the county, city, or town. The following apply to homestead credits provided under this  
13 subdivision:

14 (A) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead  
15 credits. The ordinance must:

16 (i) be adopted before September 1 of a year to apply to property taxes first due and payable  
17 in the following year; and

18 (ii) specify the amount of county economic development income tax revenue that will be  
19 used to provide homestead credits in the following year.

20 (B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must  
21 forward a copy of the ordinance to the county auditor and the department of local government  
22 finance not more than thirty (30) days after the ordinance is adopted.

23 (C) The homestead credits must be applied uniformly to increase the homestead credit under  
24 IC 6-1.1-20.9 for homesteads in the county, city, or town (for property taxes first due and  
25 payable before January 1, 2009) or to provide a homestead credit for homesteads in the  
26 county, city, or town (for property taxes first due and payable after December 31, 2008).

27 (D) The homestead credits shall be treated for all purposes as property tax levies.

28 (E) The homestead credits shall be applied to the net property taxes due on the homestead  
29 after the application of all other assessed value deductions or property tax deductions and  
30 credits that apply to the amount owed under IC 6-1.1.

31 (F) The department of local government finance shall determine the homestead credit  
32 percentage for a particular year based on the amount of county economic development income  
33 tax revenue that will be used under this subdivision to provide homestead credits in that year.

34 (7) For a regional venture capital fund established under section 13.5 of this chapter or a local  
35 venture capital fund established under section 13.6 of this chapter.

36 (8) This subdivision applies only to a county:

37 (A) that has a population of more than one hundred ten thousand (110,000) but less than one  
38 hundred fifteen thousand (115,000); and

39 (B) in which:

40 (i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that  
41 the county is joining the northwest Indiana regional development authority; and

42 (ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under  
43 IC 36-7.5-2-3(e) providing that the city is joining the development authority.

44 Revenue from the county economic development income tax may be used by a county or a city  
45 described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the  
46 county economic development income tax rate is increased after June 30, 2006, in the county, the  
47 first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each  
48 year from the tax rate increase shall be used by the county only to make the county's transfer  
49 required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of

1 the tax revenue that results each year from the tax rate increase shall be paid by the county  
2 treasurer to the treasurer of the northwest Indiana regional development authority under  
3 IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the  
4 county under this chapter from the tax revenue that results each year from the tax rate increase.  
5 All of the tax revenue that results each year from the tax rate increase that is in excess of the first  
6 three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate  
7 increase must be used by the county and cities and towns in the county for homestead credits  
8 under subdivision (9).

9 (9) This subdivision applies only to a county described in subdivision (8). All of the tax revenue  
10 that results each year from a tax rate increase described in subdivision (8) that is in excess of the  
11 first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax  
12 rate increase must be used by the county and cities and towns in the county for homestead credits  
13 under this subdivision. The following apply to homestead credits provided under this subdivision:

14 (A) The homestead credits must be applied uniformly to provide a homestead credit for  
15 homesteads in the county, city, or town.

16 (B) The homestead credits shall be treated for all purposes as property tax levies.

17 (C) The homestead credits shall be applied to the net property taxes due on the homestead  
18 after the application of all other assessed value deductions or property tax deductions and  
19 credits that apply to the amount owed under IC 6-1.1.

20 (D) The department of local government finance shall determine the homestead credit  
21 percentage for a particular year based on the amount of county economic development income  
22 tax revenue that will be used under this subdivision to provide homestead credits in that year.

23 (c) As used in this section, an economic development project is any project that:

24 (1) the county, city, or town determines will:

25 (A) promote significant opportunities for the gainful employment of its citizens;

26 (B) attract a major new business enterprise to the unit; or

27 (C) retain or expand a significant business enterprise within the unit; and

28 (2) involves an expenditure for:

29 (A) the acquisition of land;

30 (B) interests in land;

31 (C) site improvements;

32 (D) infrastructure improvements;

33 (E) buildings;

34 (F) structures;

35 (G) rehabilitation, renovation, and enlargement of buildings and structures;

36 (H) machinery;

37 (I) equipment;

38 (J) furnishings;

39 (K) facilities;

40 (L) administrative expenses associated with such a project, including contract payments  
41 authorized under subsection (b)(2)(D);

42 (M) operating expenses authorized under subsection (b)(2)(E); or

43 (N) to the extent not otherwise allowed under this chapter, substance removal or remedial  
44 action in a designated unit;

45 or any combination of these.

46 (d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases  
47 in effect under section 21 of this chapter, a county, city, or town may not expend money from its  
48 economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner  
49 that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

1 SECTION 228. IC 6-3.5-7-11, AS AMENDED BY P.L.1-2009, SECTION 54, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 11. (a) Revenue derived from the  
3 imposition of the county economic development income tax shall, in the manner prescribed by this  
4 section, be distributed to the county that imposed it.

5 (b) Before August 2 of each calendar year, the ~~department, after reviewing the recommendation of~~  
6 ~~the~~ budget agency, shall certify to the county auditor of each adopting county the sum of the amount  
7 of county economic development income tax revenue that the ~~department~~ **budget agency** determines  
8 has been:

9 (1) received from that county for a taxable year ending before the calendar year in which the  
10 determination is made; and

11 (2) reported on an annual return or amended return processed by the department in the state fiscal  
12 year ending before July 1 of the calendar year in which the determination is made;

13 as adjusted (~~as determined after review of the recommendation of the budget agency~~) for refunds of  
14 county economic development income tax made in the state fiscal year plus the amount of interest in  
15 the county's account that has been accrued and has not been included in a certification made in a  
16 preceding year. The amount certified is the county's certified distribution, which shall be distributed  
17 on the dates specified in section 16 of this chapter for the following calendar year.

18 (c) The amount certified under subsection (b) shall be adjusted under subsections (d), (e), (f), (g),  
19 and (h). The budget agency shall provide the county council with an informative summary of the  
20 calculations used to determine the certified distribution. The summary of calculations must include:

21 (1) the amount reported on individual income tax returns processed by the department during the  
22 previous fiscal year;

23 (2) adjustments for over distributions in prior years;

24 (3) adjustments for clerical or mathematical errors in prior years;

25 (4) adjustments for tax rate changes; and

26 (5) the amount of excess account balances to be distributed under IC 6-3.5-7-17.3.

27 (d) The ~~department~~ **budget agency** shall certify an amount less than the amount determined under  
28 subsection (b) if the ~~department, after reviewing the recommendation of the~~ budget agency determines  
29 that the reduced distribution is necessary to offset overpayments made in a calendar year before the  
30 calendar year of the distribution. The ~~department, after reviewing the recommendation of the~~ budget  
31 agency may reduce the amount of the certified distribution over several calendar years so that any  
32 overpayments are offset over several years rather than in one (1) lump sum.

33 (e) ~~After reviewing the recommendation of~~ The budget agency ~~the department~~ shall adjust the  
34 certified distribution of a county to correct for any clerical or mathematical errors made in any  
35 previous certification under this section. The ~~department, after reviewing the recommendation of the~~  
36 budget agency may reduce the amount of the certified distribution over several calendar years so that  
37 any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

38 (f) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
39 certified distribution of a county to provide the county with the distribution required under section  
40 16(b) of this chapter.

41 (g) The ~~department, after reviewing the recommendation of the~~ budget agency shall adjust the  
42 certified distribution of a county to provide the county with the amount of any tax increase imposed  
43 under section 25 or 26 of this chapter to provide additional homestead credits as provided in those  
44 provisions.

45 (h) This subsection applies to a county that:

46 (1) initially imposed the county economic development income tax; or

47 (2) increases the county economic development income rate;

48 under this chapter in the same calendar year in which the ~~department~~ **budget agency** makes a  
49 certification under this section. The ~~department, after reviewing the recommendation of the~~ budget

1 agency shall adjust the certified distribution of a county to provide for a distribution in the  
2 immediately following calendar year and in each calendar year thereafter. The ~~department budget~~  
3 **agency** shall provide for a full transition to certification of distributions as provided in subsection  
4 (b)(1) through (b)(2) in the manner provided in subsection (d).

5 SECTION 229. IC 6-3.5-7-12, AS AMENDED BY P.L.146-2008, SECTION 346, IS AMENDED  
6 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Except as provided in sections  
7 23, 25, 26, 27, and 28 of this chapter, the county auditor shall distribute in the manner specified in this  
8 section the certified distribution to the county.

9 (b) Except as provided in subsections (c) and (h) and sections 15 and 25 of this chapter, **and**  
10 **subject to adjustment as provided in IC 36-8-19-7.5**, the amount of the certified distribution that  
11 the county and each city or town in a county is entitled to receive during May and November of each  
12 year equals the product of the following:

13 (1) The amount of the certified distribution for that month; multiplied by

14 (2) A fraction. The numerator of the fraction equals the sum of:

15 (A) total property taxes that are first due and payable to the county, city, or town during the  
16 calendar year in which the month falls; plus

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

18 The denominator of the fraction equals the sum of the total property taxes that are first due and  
19 payable to the county and all cities and towns of the county during the calendar year in which the  
20 month falls, plus the welfare allocation amount. The welfare allocation amount is an amount  
21 equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare  
22 fund and welfare administration fund and, if the county received a certified distribution under this  
23 chapter in 2008, the property taxes imposed by the county in 2008 for the county's county  
24 medical assistance to wards fund, family and children's fund, children's psychiatric residential  
25 treatment services fund, county hospital care for the indigent fund, and children with special  
26 health care needs county fund.

27 (c) This subsection applies to a county council or county income tax council that imposes a tax  
28 under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July  
29 1 of a year to provide for the distribution of certified distributions under this subsection instead of a  
30 distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

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

32 (2) Except as provided in sections 25 and 26 of this chapter, the amount of the certified  
33 distribution that the county and each city and town in the county is entitled to receive during May  
34 and November of each year equals the product of:

35 (A) the amount of the certified distribution for the month; multiplied by

36 (B) a fraction. For a city or town, the numerator of the fraction equals the population of the  
37 city or the town. For a county, the numerator of the fraction equals the population of the part  
38 of the county that is not located in a city or town. The denominator of the fraction equals the  
39 sum of the population of all cities and towns located in the county and the population of the  
40 part of the county that is not located in a city or town.

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

43 (d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the  
44 adoption of the proposed ordinance, any of the following have pledged the county economic  
45 development income tax for any purpose permitted by IC 5-1-14 or any other statute:

46 (1) The county.

47 (2) A city or town in the county.

48 (3) A commission, a board, a department, or an authority that is authorized by statute to pledge  
49 the county economic development income tax.

1 (e) The department of local government finance shall provide each county auditor with the  
2 fractional amount of the certified distribution that the county and each city or town in the county is  
3 entitled to receive under this section.

4 (f) Money received by a county, city, or town under this section shall be deposited in the unit's  
5 economic development income tax fund.

6 (g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified  
7 distribution the county and its cities and towns are entitled to receive under subsection (b) during a  
8 calendar year, the department of local government finance shall consider only property taxes imposed  
9 on tangible property subject to assessment in that county.

10 (h) In a county having a consolidated city, only the consolidated city is entitled to the certified  
11 distribution, subject to the requirements of sections 15, 25, and 26 of this chapter.

12 SECTION 230. IC 6-3.5-7-17.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JANUARY 1, 2010]: Sec. 17.3. (a) If ~~after receiving a recommendation from~~ the budget agency ~~the~~  
14 ~~department~~ determines that a sufficient balance exists in a county account in excess of the amount  
15 necessary, when added to other money that will be deposited in the account after the date of the  
16 ~~recommendation; determination~~, to make certified distributions to the county in the ensuing year, the  
17 ~~department budget agency~~ shall make a supplemental distribution to a county from the county's  
18 special account.

19 (b) A supplemental distribution described in subsection (a) must be:

20 (1) made in January of the ensuing calendar year; and

21 (2) allocated in the same manner as certified distributions for deposit in a civil unit's rainy day  
22 fund established under IC 36-1-8-5.1.

23 (c) A determination under this section must be made before October 2.

24 SECTION 231. IC 6-4.1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
25 2009]: Sec. 1. The inheritance tax imposed as a result of a decedent's death is a lien on the property  
26 transferred by the decedent. Except as otherwise provided in IC 6-4.1-6-6(b), the inheritance tax  
27 accrues and the lien attaches at the time of the decedent's death. The lien terminates when the  
28 inheritance tax is paid, when IC 6-4.1-4-0.5 provides for the termination of the lien, or ~~five (5)~~ **ten (10)**  
29 years after the date of the decedent's death, whichever occurs first. In addition to the lien, the  
30 transferee of the property and any personal representative or trustee who has possession of or control  
31 over the property are personally liable for the inheritance tax.

32 SECTION 232. IC 6-4.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 33, IS AMENDED  
33 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A person may file with the  
34 department of state revenue a claim for the refund of inheritance or Indiana estate tax which has been  
35 erroneously or illegally collected. Except as provided in section 2 of this chapter, the person must file  
36 the claim within three (3) years after the tax is paid or within one (1) year after the tax is finally  
37 determined, whichever is later.

38 (b) The amount of the refund that a person is entitled to receive under this chapter equals the  
39 amount of the erroneously or illegally collected tax, plus interest calculated as specified in subsection  
40 (c).

41 (c) If a tax payment that has been erroneously or illegally collected is not refunded within ninety  
42 (90) days after ~~the later of~~ the date on which:

43 (1) the refund claim is filed with the department of state revenue; **or**

44 (2) **the inheritance tax return is received by the department of state revenue;**

45 interest accrues at the rate of six percent (6%) per annum computed from the date ~~the refund claim is~~  
46 **filed under subdivision (1) or (2), whichever applies**, until the tax payment is refunded.

47 SECTION 233. IC 6-5.5-1-2, AS AMENDED BY P.L.223-2007, SECTION 5, IS AMENDED TO  
48 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) Except as

1 provided in subsections (b) through (d), "adjusted gross income" means taxable income as defined in  
2 Section 63 of the Internal Revenue Code, adjusted as follows:

3 (1) Add the following amounts:

4 (A) An amount equal to a deduction allowed or allowable under Section 166, Section 585, or  
5 Section 593 of the Internal Revenue Code.

6 (B) An amount equal to a deduction allowed or allowable under Section 170 of the Internal  
7 Revenue Code.

8 (C) An amount equal to a deduction or deductions allowed or allowable under Section 63 of  
9 the Internal Revenue Code for taxes based on or measured by income and levied at the state  
10 level by a state of the United States or levied at the local level by any subdivision of a state  
11 of the United States.

12 (D) The amount of interest excluded under Section 103 of the Internal Revenue Code or under  
13 any other federal law, minus the associated expenses disallowed in the computation of taxable  
14 income under Section 265 of the Internal Revenue Code.

15 (E) An amount equal to the deduction allowed under Section 172 or 1212 of the Internal  
16 Revenue Code for net operating losses or net capital losses.

17 (F) For a taxpayer that is not a large bank (as defined in Section 585(c)(2) of the Internal  
18 Revenue Code), an amount equal to the recovery of a debt, or part of a debt, that becomes  
19 worthless to the extent a deduction was allowed from gross income in a prior taxable year  
20 under Section 166(a) of the Internal Revenue Code.

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

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

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

36 **(J) Add an amount equal to any income not included in gross income as a result of the**  
37 **deferral of income arising from business indebtedness discharged in connection with the**  
38 **reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt**  
39 **instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from**  
40 **the adjusted gross income of any taxpayer that added an amount to adjusted gross**  
41 **income in a previous year the amount necessary to offset the amount included in federal**  
42 **gross income as a result of the deferral of income arising from business indebtedness**  
43 **discharged in connection with the reacquisition after December 31, 2008, and before**  
44 **January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the**  
45 **Internal Revenue Code.**

46 **(K) Add the amount necessary to make the adjusted gross income of any taxpayer that**  
47 **placed qualified restaurant property in service during the taxable year and that was**  
48 **classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue**  
49 **Code equal to the amount of adjusted gross income that would have been computed had**

1 the classification not applied to the property in the year that it was placed in service.

2 (L) Add the amount necessary to make the adjusted gross income of any taxpayer that  
3 placed qualified retail improvement property in service during the taxable year and that  
4 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue  
5 Code equal to the amount of adjusted gross income that would have been computed had  
6 the classification not applied to the property in the year that it was placed in service.

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

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

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

22 (P) Add or subtract the amount necessary to make the adjusted gross income of any  
23 taxpayer that treated a loss from the sale or exchange of preferred stock in:

24 (i) the Federal National Mortgage Association, established under the Federal National  
25 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

26 (ii) the Federal Home Loan Mortgage Corporation, established under the Federal  
27 Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

28 as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of  
29 2008 in the current taxable year or in an earlier taxable year equal to the amount of  
30 adjusted gross income that would have been computed had the loss not been treated as  
31 an ordinary loss.

32 (Q) Add an amount equal to any exempt insurance income under Section 953(e) of the  
33 Internal Revenue Code for active financing income under Subpart F, Subtitle A,  
34 Chapter 1, Subchapter N of the Internal Revenue Code.

35 (2) Subtract the following amounts:

36 (A) Income that the United States Constitution or any statute of the United States prohibits  
37 from being used to measure the tax imposed by this chapter.

38 (B) Income that is derived from sources outside the United States, as defined by the Internal  
39 Revenue Code.

40 (C) An amount equal to a debt or part of a debt that becomes worthless, as permitted under  
41 Section 166(a) of the Internal Revenue Code.

42 (D) An amount equal to any bad debt reserves that are included in federal income because of  
43 accounting method changes required by Section 585(c)(3)(A) or Section 593 of the Internal  
44 Revenue Code.

45 (E) The amount necessary to make the adjusted gross income of any taxpayer that owns  
46 property for which bonus depreciation was allowed in the current taxable year or in an earlier  
47 taxable year equal to the amount of adjusted gross income that would have been computed had  
48 an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus  
49 depreciation.

1 (F) The amount necessary to make the adjusted gross income of any taxpayer that placed  
2 Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in  
3 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross  
4 income that would have been computed had an election for federal income tax purposes not  
5 been made for the year in which the property was placed in service to take deductions under  
6 Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand  
7 dollars (\$25,000).

8 (G) Income that is:

9 (i) exempt from taxation under IC 6-3-2-21.7; and

10 (ii) included in the taxpayer's taxable income under the Internal Revenue Code.

11 (b) In the case of a credit union, "adjusted gross income" for a taxable year means the total transfers  
12 to undivided earnings minus dividends for that taxable year after statutory reserves are set aside under  
13 IC 28-7-1-24.

14 (c) In the case of an investment company, "adjusted gross income" means the company's federal  
15 taxable income multiplied by the quotient of:

16 (1) the aggregate of the gross payments collected by the company during the taxable year from  
17 old and new business upon investment contracts issued by the company and held by residents of  
18 Indiana; divided by

19 (2) the total amount of gross payments collected during the taxable year by the company from the  
20 business upon investment contracts issued by the company and held by persons residing within  
21 Indiana and elsewhere.

22 (d) As used in subsection (c), "investment company" means a person, copartnership, association,  
23 limited liability company, or corporation, whether domestic or foreign, that:

24 (1) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

25 (2) solicits or receives a payment to be made to itself and issues in exchange for the payment:

26 (A) a so-called bond;

27 (B) a share;

28 (C) a coupon;

29 (D) a certificate of membership;

30 (E) an agreement;

31 (F) a pretended agreement; or

32 (G) other evidences of obligation;

33 entitling the holder to anything of value at some future date, if the gross payments received by  
34 the company during the taxable year on outstanding investment contracts, plus interest and  
35 dividends earned on those contracts (by prorating the interest and dividends earned on investment  
36 contracts by the same proportion that certificate reserves (as defined by the Investment Company  
37 Act of 1940) is to the company's total assets) is at least fifty percent (50%) of the company's gross  
38 payments upon investment contracts plus gross income from all other sources except dividends  
39 from subsidiaries for the taxable year. The term "investment contract" means an instrument listed  
40 in clauses (A) through (G).

41 SECTION 234. IC 6-6-1.1-606.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
42 1, 2009]: Sec. 606.5. (a) Every person included within the terms of section 606(a) and 606(c) of this  
43 chapter shall register with the administrator before engaging in those activities. The administrator shall  
44 issue a transportation license to a person who registers with the administrator under this section.

45 (b) Every person included within the terms of section 606(a) of this chapter who transports gasoline  
46 in a vehicle on the highways in Indiana for purposes other than use and consumption by that person  
47 may not make a delivery of that gasoline to any person in Indiana other than a licensed distributor  
48 except:

49 (1) when the tax imposed by this chapter on the receipt of the transported gasoline was charged

1 and collected by the parties; and

2 (2) under the circumstances described in section 205 of this chapter.

3 (c) Every person included within the terms of section 606(c) of this chapter who transports gasoline  
4 in a vehicle upon the highways of Indiana for purposes other than use and consumption by that person  
5 may not, on the journey carrying that gasoline to points outside Indiana, make delivery of that fuel to  
6 any person in Indiana.

7 (d) Every transporter of gasoline included within the terms of section 606(a) and ~~section 606(c)~~ of  
8 this chapter who transports gasoline upon the highways of Indiana for purposes other than use and  
9 consumption by that person shall at the time of registration and on an annual basis list with the  
10 administrator a description of all vehicles, including the vehicles' license numbers, to be used on the  
11 highways of Indiana in transporting gasoline from:

12 (1) points outside Indiana to points inside Indiana; and

13 (2) points inside Indiana to points outside Indiana.

14 (e) The description that subsection (d) requires shall contain the information that is reasonably  
15 required by the administrator including the carrying capacity of the vehicle. When the vehicle is a  
16 tractor-trailer type, the trailer is the vehicle to be described. When additional vehicles are placed in  
17 service or when a vehicle previously listed is retired from service during the year, the administrator  
18 shall be notified within ten (10) days of the change so that the listing of the vehicles may be kept  
19 accurate.

20 (f) A distributor's or an Indiana transportation license is required for a person or the person's agent  
21 acting in the person's behalf to operate a vehicle for the purpose of delivering gasoline within the  
22 boundaries of Indiana when the vehicle has a total tank capacity of at least eight hundred fifty (850)  
23 gallons.

24 (g) The operator of a vehicle to which this section applies shall at all times when engaged in the  
25 transporting of gasoline on the highways have with the vehicle an invoice or manifest showing the  
26 origin, quantity, nature, and destination of the gasoline that is being transported.

27 **(h) The department shall provide for relief if a shipment of gasoline is legitimately diverted**  
28 **from the represented destination state after the shipping paper has been issued by a terminal**  
29 **operator or if a terminal operator failed to cause proper information to be printed on the**  
30 **shipping paper. Provisions for relief under this subsection:**

31 **(1) must require that the shipper or its agent provide notification to the department before**  
32 **a diversion or correction if an intended diversion or correction is to occur; and**

33 **(2) must be consistent with the refund provisions of this chapter.**

34 SECTION 235. IC 6-6-4.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
35 2009]: Sec. 12. (a) Except as authorized under section 13 of this chapter, a carrier may operate a  
36 commercial motor vehicle upon the highways in Indiana only if the carrier has been issued an annual  
37 permit, cab card, and emblem under this section.

38 (b) The department shall issue:

39 (1) an annual permit; and

40 (2) a cab card and an emblem for each commercial motor vehicle that will be operated by the  
41 carrier upon the highways in Indiana;

42 to a carrier who applies for an annual permit and pays to the department an annual permit fee of  
43 twenty-five dollars (\$25) **not later than September 1 of the year before the annual permit is**  
44 **effective under subsection (c).**

45 (c) The annual permit, cab card, and emblem are effective from January 1 of each year through  
46 December 31 of the same year. The department may extend the expiration date of the annual permit,  
47 cab card, and emblem for no more than sixty (60) days. The annual permit, each cab card, and each  
48 emblem issued to a carrier remain the property of this state and may be suspended or revoked by the  
49 department for any violation of this chapter or of the rules concerning this chapter adopted by the

1 department under IC 4-22-2.

2 (d) As evidence of compliance with this section, and for the purpose of enforcement, a carrier shall  
3 display on each commercial motor vehicle an emblem when the vehicle is being operated by the carrier  
4 in Indiana. The carrier shall affix the emblem to the vehicle in the location designated by the  
5 department. The carrier shall display in each vehicle the cab card issued by the department. The carrier  
6 shall retain the original annual permit at the address shown on the annual permit. During the month  
7 of December, the carrier shall display the cab card and emblem that are valid through December 31  
8 or a full year cab card and emblem issued to the carrier for the ensuing twelve (12) months. If the  
9 department grants an extension of the expiration date, the carrier shall continue to display the cab card  
10 and emblem upon which the extension was granted.

11 (e) If a commercial motor vehicle is operated by more than one (1) carrier, as evidence of  
12 compliance with this section and for purposes of enforcement each carrier shall display in the  
13 commercial motor vehicle a reproduced copy of the carrier's annual permit when the vehicle is being  
14 operated by the carrier in Indiana.

15 (f) A person who fails to display an emblem required by this section on a commercial motor  
16 vehicle, does not have proof in the vehicle that the annual permit has been obtained, and operates that  
17 vehicle on an Indiana highway commits a Class C infraction. Each day of operation without an emblem  
18 constitutes a separate infraction. Notwithstanding IC 34-28-5-4, a judgment of not less than one  
19 hundred dollars (\$100) shall be entered for each Class C infraction under this subsection.

20 (g) A person who displays an altered, false, or fictitious cab card required by this section in a  
21 commercial motor vehicle, does not have proof in the vehicle that the annual permit has been obtained,  
22 and operates that vehicle on an Indiana highway commits a Class C infraction. Each day of operation  
23 with an altered, false, or fictitious cab card constitutes a separate infraction.

24 SECTION 236. IC 6-6-4.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
25 2009]: Sec. 13. (a) A carrier may, in lieu of paying the tax imposed under this chapter that would  
26 otherwise result from the operation of a particular commercial motor vehicle, obtain from the  
27 department a trip permit authorizing the carrier to operate the commercial motor vehicle for a period  
28 of five (5) consecutive days. The department shall specify the beginning and ending days on the face  
29 of the permit. The fee for a trip permit for each commercial motor vehicle is fifty dollars (\$50). The  
30 report otherwise required under section 10 of this chapter is not required with respect to a vehicle for  
31 which a trip permit has been issued under this subsection.

32 (b) The department may issue a temporary written authorization if unforeseen or uncertain  
33 circumstances require operations by a carrier of a commercial motor vehicle for which neither a trip  
34 permit described in subsection (a) nor an annual permit described in section 12 of this chapter has been  
35 obtained. A temporary authorization may be issued only if the department finds that undue hardship  
36 would result if operation under a temporary authorization were prohibited. A carrier who receives a  
37 temporary authorization shall:

38 (1) pay the trip permit fee at the time the temporary authorization is issued; or

39 (2) subsequently apply for and obtain an annual permit.

40 (c) A carrier may obtain an International Fuel Tax Agreement (IFTA) repair and maintenance  
41 permit to:

42 (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles,  
43 semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

44 (2) return to the same state after the repair or maintenance is completed.

45 The permit allows the travel described in this section. In addition to any other fee established in this  
46 chapter, and instead of paying the quarterly motor fuel tax imposed under this chapter, a carrier may  
47 pay an annual IFTA repair and maintenance fee of forty dollars (\$40) and receive an IFTA annual  
48 repair and maintenance permit. The IFTA annual repair and maintenance permit and fee applies to all  
49 of the motor vehicles operated by a carrier. The IFTA annual repair and maintenance permit is not

1 transferable to another carrier. A carrier may not carry cargo or passengers under the IFTA annual  
2 repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor  
3 carrier regulation fund (IC 8-2.1-23). The report otherwise required under section 10 of this chapter  
4 is not required with respect to a motor vehicle that is operated under an IFTA annual repair and  
5 maintenance permit.

6 (d) A carrier may obtain an International Registration Plan (IRP) repair and maintenance permit to:

7 (1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles,  
8 semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

9 (2) return to the same state after the repair or maintenance is completed.

10 The permit allows the travel described in this section. In addition to any other fee established in this  
11 chapter, and instead of paying apportioned or temporary IRP fees under IC 9-18-2 or IC 9-18-7, a  
12 carrier may pay an annual IRP repair and maintenance fee of forty dollars (\$40) and receive an IRP  
13 annual repair and maintenance permit. The IRP annual repair and maintenance permit and fee applies  
14 to all of the motor vehicles operated by a carrier. The IRP annual repair and maintenance permit is not  
15 transferable to another carrier. A carrier may not carry cargo or passengers under the IRP annual repair  
16 and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier  
17 regulation fund (IC 8-2.1-23).

18 (e) A person may obtain a repair and maintenance permit to:

19 (1) move an unregistered off-road vehicle from a quarry or mine to a maintenance or repair  
20 facility; and

21 (2) return the unregistered off-road vehicle to its place of origin.

22 The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all  
23 unregistered off-road vehicles from the same quarry or mine.

24 (f) A carrier may obtain a repair, maintenance, and relocation permit to:

25 (1) move a yard tractor from a terminal or loading or spotting facility to:

26 (A) a maintenance or repair facility; or

27 (B) another terminal or loading or spotting facility; and

28 (2) return the yard tractor to its place of origin.

29 The fee for the permit is forty dollars (\$40). The permit is an annual permit and applies to all yard  
30 tractors operated by the carrier. The permit is not transferable to another carrier. A carrier may not  
31 carry cargo or transport or draw a semitrailer or other vehicle under the permit. A carrier may operate  
32 a yard tractor under the permit instead of paying the tax imposed under this chapter. A yard tractor that  
33 is being operated on a public highway under this subsection must display a license plate issued under  
34 IC 9-18-32. As used in this section, "yard tractor" has the meaning set forth under IC 9-13-2-201.

35 (g) The department shall establish procedures, by rules adopted under IC 4-22-2, for:

36 (1) the issuance and use of trip permits, temporary authorizations, and repair and maintenance  
37 permits; and

38 (2) the display in commercial motor vehicles of evidence of compliance with this chapter.

39 SECTION 237. IC 6-6-5-10, AS AMENDED BY P.L.146-2008, SECTION 353, IS AMENDED  
40 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) The bureau shall establish  
41 procedures necessary for the collection of the tax imposed by this chapter and for the proper  
42 accounting for the same. The necessary forms and records shall be subject to approval by the state  
43 board of accounts.

44 (b) The county treasurer, upon receiving the excise tax collections, shall receipt such collections  
45 into a separate account for settlement thereof at the same time as property taxes are accounted for and  
46 settled in June and December of each year, with the right and duty of the treasurer and auditor to make  
47 advances prior to the time of final settlement of such property taxes in the same manner as provided  
48 in IC 5-13-6-3.

49 (c) As used in this subsection, "taxing district" has the meaning set forth in IC 6-1.1-1-20, "taxing

1 unit" has the meaning set forth in IC 6-1.1-1-21, and "tuition support levy" refers to a school  
2 corporation's tuition support property tax levy under IC 20-45-3-11 (repealed) for the school  
3 corporation's general fund. The county auditor shall determine the total amount of excise taxes  
4 collected for each taxing district in the county and the amount so collected (and the distributions  
5 received under section 9.5 of this chapter) shall be apportioned and distributed among the respective  
6 funds of the taxing units in the same manner and at the same time as property taxes are apportioned  
7 and distributed (**subject to adjustment as provided in IC 36-8-19-7.5**). However, for purposes of  
8 determining distributions under this section for 2009 and each year thereafter, a state welfare and  
9 tuition support allocation shall be deducted from the total amount available for apportionment and  
10 distribution to taxing units under this section before any apportionment and distribution is made. The  
11 county auditor shall remit the state welfare and tuition support allocation to the treasurer of state for  
12 deposit, as directed by the budget agency. The amount of the state welfare and tuition support  
13 allocation for a county for a particular year is equal to the result determined under STEP FOUR of the  
14 following formula:

15 STEP ONE: Determine the result of the following:

16 (A) Separately for 1997, 1998, and 1999 for each taxing district in the county, determine the  
17 result of:

18 (i) the amount appropriated in the year by the county from the county's county welfare fund  
19 and county welfare administration fund; divided by

20 (ii) the total amounts appropriated by all taxing units in the county for the same year.

21 (B) Determine the sum of the clause (A) amounts.

22 (C) Divide the clause (B) amount by three (3).

23 (D) Determine the result of:

24 (i) the amount of excise taxes allocated to the taxing district that would otherwise be  
25 available for distribution to taxing units in the taxing district; multiplied by

26 (ii) the clause (C) amount.

27 STEP TWO: Determine the result of the following:

28 (A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the  
29 result of:

30 (i) the tax rate imposed in the taxing district for the county's county medical assistance to  
31 wards fund, family and children's fund, children's psychiatric residential treatment services  
32 fund, county hospital care for the indigent fund, children with special health care needs  
33 county fund, plus, in the case of Marion County, the tax rate imposed by the health and  
34 hospital corporation that was necessary to raise thirty-five million dollars (\$35,000,000)  
35 from all taxing districts in the county; divided by

36 (ii) the aggregate tax rate imposed in the taxing district for the same year.

37 (B) Determine the sum of the clause (A) amounts.

38 (C) Divide the clause (B) amount by three (3).

39 (D) Determine the result of:

40 (i) the amount of excise taxes allocated to the taxing district that would otherwise be  
41 available for distribution to taxing units in the taxing district after subtracting the STEP  
42 ONE (D) amount for the same taxing district; multiplied by

43 (ii) the clause (C) amount.

44 (E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

45 STEP THREE: Determine the result of the following:

46 (A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the  
47 result of:

48 (i) the tuition support levy tax rate imposed in the taxing district plus the tax rate imposed  
49 by the school corporation for the school corporation's special education preschool fund in

- 1 the district; divided by  
2 (ii) the aggregate tax rate imposed in the taxing district for the same year.  
3 (B) Determine the sum of the clause (A) amounts.  
4 (C) Divide the clause (B) amount by three (3).  
5 (D) Determine the result of:  
6 (i) the amount of excise taxes allocated to the taxing district that would otherwise be  
7 available for distribution to taxing units in the taxing district after subtracting the STEP  
8 ONE (D) amount for the same taxing district; multiplied by  
9 (ii) the clause (C) amount.  
10 (E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

11 STEP FOUR: Determine the sum of the STEP ONE, STEP TWO, and STEP THREE amounts  
12 for the county.

13 If the boundaries of a taxing district change after the years for which a ratio is calculated under STEP  
14 ONE, STEP TWO, or STEP THREE, the budget agency shall establish a ratio for the new taxing  
15 district that reflects the tax rates imposed in the predecessor taxing districts.

16 (d) Such determination shall be made from copies of vehicle registration forms furnished by the  
17 bureau of motor vehicles. Prior to such determination, the county assessor of each county shall, from  
18 copies of registration forms, cause information pertaining to legal residence of persons owning taxable  
19 vehicles to be verified from the assessor's records, to the extent such verification can be so made. The  
20 assessor shall further identify and verify from the assessor's records the several taxing units within  
21 which such persons reside.

22 (e) Such verifications shall be done by not later than thirty (30) days after receipt of vehicle  
23 registration forms by the county assessor, and the assessor shall certify such information to the county  
24 auditor for the auditor's use as soon as it is checked and completed.

25 SECTION 238. IC 6-6-5.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
26 1, 2010]: Sec. 1. (a) Unless defined in this section, terms used in this chapter have the meaning set  
27 forth in the International Registration Plan or in IC 6-6-5 (motor vehicle excise tax). Definitions set  
28 forth in the International Registration Plan, as applicable, prevail unless given a different meaning in  
29 this section or in rules adopted under authority of this chapter. The definitions in this section apply  
30 throughout this chapter.

31 (b) As used in this chapter, "base revenue" means the minimum amount of commercial vehicle  
32 excise tax revenue that a taxing unit will receive in a year.

33 (c) As used in this chapter, "commercial vehicle" means any of the following:

34 (1) An Indiana-based vehicle subject to apportioned registration under the International  
35 Registration Plan.

36 (2) A vehicle subject to apportioned registration under the International Registration Plan and  
37 based and titled in a state other than Indiana subject to the conditions of the International  
38 Registration Plan.

39 (3) A truck, **road tractor**, tractor, trailer, semitrailer, or truck-tractor subject to registration under  
40 IC 9-18.

41 (d) As used in this chapter, "declared gross weight" means the weight at which a vehicle is  
42 registered with:

43 (1) the bureau; or

44 (2) the International Registration Plan.

45 (e) As used in this chapter, "department" means the department of state revenue.

46 (f) As used in this chapter, "fleet" means one (1) or more apportionable vehicles.

47 (g) As used in this chapter, "gross weight" means the total weight of a vehicle or combination of  
48 vehicles without load, plus the weight of any load on the vehicle or combination of vehicles.

49 (h) As used in this chapter, "Indiana-based" means a vehicle or fleet of vehicles that is

1 base-registered in Indiana under the terms of the International Registration Plan.

2 (i) As used in this chapter, "in-state miles" means the total number of miles operated by a  
3 commercial vehicle or fleet of commercial vehicles in Indiana during the preceding year.

4 (j) As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

5 (k) As used in this chapter, "owner" means the person in whose name the commercial vehicle is  
6 registered under IC 9-18 or the International Registration Plan.

7 (l) As used in this chapter, "preceding year" means a period of twelve (12) consecutive months  
8 fixed by the department which shall be within the eighteen (18) months immediately preceding the  
9 commencement of the registration year for which proportional registration is sought.

10 **(m) As used in this chapter, "road tractor" has the meaning set forth in IC 9-13-2-156.**

11 ~~(m)~~ (n) As used in this chapter, "semitrailer" has the meaning set forth in IC 9-13-2-164(a).

12 ~~(n)~~ (o) As used in this chapter, "tractor" has the meaning set forth in IC 9-13-2-180.

13 ~~(o)~~ (p) As used in this chapter, "trailer" has the meaning set forth in IC 9-13-2-184(a).

14 ~~(p)~~ (q) As used in this chapter, "truck" has the meaning set forth in IC 9-13-2-188(a).

15 ~~(q)~~ (r) As used in this chapter, "truck-tractor" has the meaning set forth in IC 9-13-2-189(a).

16 ~~(r)~~ (s) As used in this chapter, "vehicle" means a motor vehicle, trailer, or semitrailer subject to  
17 registration under IC 9-18 as a condition of its operation on the public highways pursuant to the motor  
18 vehicle registration laws of the state.

19 SECTION 239. IC 6-6-5.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
20 1, 2009 (RETROACTIVE)]: Sec. 7. (a) For calendar years that begin after December 31, 2000, the  
21 annual excise tax for a commercial vehicle will be determined by the motor carrier services division  
22 on or before October 1 of each year in accordance with the following formula:

23 STEP ONE: Determine the total amount of base revenue to be distributed from the commercial  
24 vehicle excise tax fund to all taxing units in Indiana during the calendar year for which the tax  
25 is first due and payable. For calendar year 2001, the total amount of base revenue for all taxing  
26 units shall be determined as provided in section 19 of this chapter. For calendar years that begin  
27 after December 31, 2001, **and before January 1, 2009**, the total amount of base revenue for all  
28 taxing units shall be determined by multiplying the previous year's base revenue for all taxing  
29 units by one hundred five percent (105%). **For calendar years that begin after December 31,**  
30 **2008, the total amount of base revenue for all taxing units shall be determined as provided**  
31 **in section 19 of this chapter.**

32 STEP TWO: Determine the sum of fees paid to register the following commercial vehicles in  
33 Indiana under the following statutes during the fiscal year that ends June 30 immediately  
34 preceding the calendar year for which the tax is first due and payable:

35 (A) Total registration fees collected under IC 9-29-5-3 for commercial vehicles with a  
36 declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors  
37 not used with semitrailers, traction engines, and other similar vehicles used for hauling  
38 purposes;

39 (B) Total registration fees collected under IC 9-29-5-5 for tractors used with semitrailers;

40 (C) Total registration fees collected under IC 9-29-5-6 for semitrailers used with tractors;

41 (D) Total registration fees collected under IC 9-29-5-4 for trailers having a declared gross  
42 weight in excess of three thousand (3,000) pounds; and

43 (E) Total registration fees collected under IC 9-29-5-13 for trucks, tractors and semitrailers  
44 used in connection with agricultural pursuits usual and normal to the user's farming operation,  
45 multiplied by two hundred percent (200%);

46 STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO  
47 result.

48 (b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with

1 a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not  
2 used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be  
3 determined by multiplying the registration fee under IC 9-29-5-3 by the tax factor determined in  
4 subsection (a).

5 (c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with  
6 semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 by the tax factor  
7 determined in subsection (a).

8 (d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared  
9 gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the  
10 registration fee under IC 9-29-5-4 by the tax factor determined in subsection (a).

11 (e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual  
12 registration fee under IC 9-29-5-6 by the tax factor determined in subsection (a). The average annual  
13 registration fee for a semitrailer under IC 9-29-5-6 is sixteen dollars and seventy-five cents (\$16.75).

14 (f) The annual excise tax determined under this section shall be rounded upward to the next full  
15 dollar amount.

16 SECTION 240. IC 6-6-5.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
17 1, 2009 (RETROACTIVE)]: Sec. 19. (a) As used in this section, "assessed value" means an amount  
18 equal to the true tax value of commercial vehicles that:

19 (1) are subject to the commercial vehicle excise tax under this chapter; and

20 (2) would have been subject to assessment as personal property on March 1, 2000, under the law  
21 in effect before January 1, 2000.

22 (b) For calendar year 2001, a taxing unit's base revenue shall be determined as provided in  
23 subsection (f). For calendar years that begin after December 31, 2001, **and before January 1, 2009,**  
24 a taxing unit's base revenue shall be determined by multiplying the previous year's base revenue by  
25 one hundred five percent (105%). **For calendar years that begin after December 31, 2008, a taxing**  
26 **unit's base revenue is equal to:**

27 **(1) the amount of commercial vehicle excise tax collected during the previous state fiscal**  
28 **year; multiplied by**

29 **(2) the taxing unit's percentage as determined in subsection (f) for calendar year 2001.**

30 (c) The amount of commercial vehicle excise tax distributed to the taxing units of Indiana from the  
31 commercial vehicle excise tax fund shall be determined in the manner provided in this section. ~~On or~~  
32 ~~before June 1, 2000, each township assessor of a county shall deliver to the county assessor a list that~~  
33 ~~states by taxing district the total assessed value as shown on the information returns filed with the~~  
34 ~~assessor on or before May 15, 2000.~~

35 (d) On or before July 1, 2000, each county assessor shall certify to the county auditor the assessed  
36 value of commercial vehicles in every taxing district.

37 (e) On or before August 1, 2000, the county auditor shall certify the following to the department  
38 of local government finance:

39 (1) The total assessed value of commercial vehicles in the county.

40 (2) The total assessed value of commercial vehicles in each taxing district of the county.

41 (f) The department of local government finance shall determine each taxing unit's base revenue by  
42 applying the current tax rate for each taxing district to the certified assessed value from each taxing  
43 district. The department of local government finance shall also determine the following:

44 (1) The total amount of base revenue to be distributed from the commercial vehicle excise tax  
45 fund in 2001 to all taxing units in Indiana.

46 (2) The total amount of base revenue to be distributed from the commercial vehicle excise tax  
47 fund in 2001 to all taxing units in each county.

48 (3) Each county's total distribution percentage. A county's total distribution percentage shall be  
49 determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing

1 units in the county by the total base revenue to be distributed statewide.

2 (4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be  
3 determined by dividing each taxing unit's base revenue by the total amount of base revenue to be  
4 distributed in 2001 to all taxing units in the county.

5 (g) The department of local government finance shall certify each taxing unit's base revenue and  
6 distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

7 (h) The auditor of state shall keep permanent records of each taxing unit's base revenue and  
8 distribution percentage for calendar year 2001 for purposes of determining the amount of money each  
9 taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

10 SECTION 241. IC 6-6-5.5-20, AS AMENDED BY P.L.146-2008, SECTION 354, IS AMENDED  
11 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 20. (a) On or  
12 before May 1, subject to subsections (c) and (d), the auditor of state shall distribute to each county  
13 auditor an amount equal to fifty percent (50%) of the ~~total base revenue to be distributed to all taxing~~  
14 ~~units in the county for that year.~~ **product of:**

15 **(1) the county's distribution percentage; multiplied by**

16 **(2) the total commercial vehicle excise tax deposited in the commercial vehicle excise tax**  
17 **fund in the preceding calendar year.**

18 (b) On or before December 1, subject to subsections (c) and (d), the auditor of state shall distribute  
19 to each county auditor an amount equal to ~~the greater of the following:~~

20 ~~(1) Fifty percent (50%) of the total base revenue to be distributed to all taxing units in the county~~  
21 ~~for that year.~~

22 ~~(2) The product of the county's distribution percentage multiplied by the total commercial vehicle~~  
23 ~~excise tax revenue deposited in the commercial vehicle excise tax fund: **fifty percent (50%) of**~~  
24 ~~the product of:~~

25 **(1) the county's distribution percentage; multiplied by**

26 **(2) the total commercial vehicle excise tax deposited in the commercial vehicle excise tax**  
27 **fund in the preceding calendar year.**

28 (c) Before distributing the amounts under subsections (a) and (b), the auditor of state shall deduct  
29 for a county unit an amount for deposit in a state fund, as directed by the budget agency, equal to the  
30 result determined under STEP FIVE of the following formula:

31 STEP ONE: Separately for 2006, 2007, and 2008, determine the result of:

32 (A) the tax rate imposed by the county in the year for the county's county medical assistance  
33 to wards fund, family and children's fund, children's psychiatric residential treatment services  
34 fund, county hospital care for the indigent fund, children with special health care needs county  
35 fund, plus, in the case of Marion County, the tax rate imposed by the health and hospital  
36 corporation that was necessary to raise thirty-five million dollars (\$35,000,000) from all  
37 taxing districts in the county; divided by

38 (B) the aggregate tax rate imposed by the county unit and, in the case of Marion County, the  
39 health and hospital corporation in the year.

40 STEP TWO: Determine the sum of the STEP ONE amounts.

41 STEP THREE: Divide the STEP TWO result by three (3).

42 STEP FOUR: Determine the amount that would otherwise be distributed to the county under  
43 subsection (a) or (b), as appropriate, without regard to this subsection.

44 STEP FIVE: Determine the result of:

45 (A) the STEP THREE amount; multiplied by

46 (B) the STEP FOUR result.

47 (d) Before distributing the amounts under subsections (a) and (b), the auditor of state shall deduct  
48 for a school corporation an amount for deposit in a state fund, as directed by the budget agency, equal  
49 to the result determined under STEP FIVE of the following formula:

1 STEP ONE: Separately for 2006, 2007, and 2008, determine the result of:

2 (A) the tax rate imposed by the school corporation in the year for the tuition support levy  
3 under IC 6-1.1-19-1.5 (repealed) or IC 20-45-3-11 (repealed) for the school corporation's  
4 general fund plus the tax rate imposed by the school corporation for the school corporation's  
5 special education preschool fund; divided by

6 (B) the aggregate tax rate imposed by the school corporation in the year.

7 STEP TWO: Determine the sum of the results determined under STEP ONE.

8 STEP THREE: Divide the STEP TWO result by three (3).

9 STEP FOUR: Determine the amount of commercial vehicle excise tax that would otherwise be  
10 distributed to the school corporation under subsection (a) or (b), as appropriate, without regard  
11 to this subsection.

12 STEP FIVE: Determine the result of:

13 (A) the STEP FOUR amount; multiplied by

14 (B) the STEP THREE result.

15 (e) Upon receipt, the county auditor shall distribute to the taxing units an amount equal to the  
16 product of the taxing unit's distribution percentage multiplied by the total distributed to the county  
17 under this section. The amount determined shall be apportioned and distributed among the respective  
18 funds of each taxing unit in the same manner and at the same time as property taxes are apportioned  
19 and distributed (**subject to adjustment as provided in IC 36-8-19-7.5 after December 31, 2009**).

20 (f) In the event that sufficient funds are not available in the commercial vehicle excise tax fund for  
21 the distributions required by subsection (a) and subsection (b)(1), the auditor of state shall transfer  
22 funds from the commercial vehicle excise tax reserve fund.

23 (g) The auditor of state shall, not later than July 1 of each year, furnish to each county auditor an  
24 estimate of the amounts to be distributed to the counties under this section during the next calendar  
25 year. Before August 1, each county auditor shall furnish to the proper officer of each taxing unit of  
26 the county an estimate of the amounts to be distributed to the taxing units under this section during  
27 the next calendar year and the budget of each taxing unit shall show the estimated amounts to be  
28 received for each fund for which a property tax is proposed to be levied.

29 SECTION 242. IC 6-6-6.5-21, AS AMENDED BY P.L.146-2008, SECTION 355, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) The department shall allocate  
31 each aircraft excise tax payment collected by it to the county in which the aircraft is usually located  
32 when not in operation or to the aircraft owner's county of residence if based out of state. The  
33 department shall distribute to each county treasurer on a quarterly basis the aircraft excise taxes which  
34 were collected by the department during the preceding three (3) months and which the department has  
35 allocated to that county. The distribution shall be made on or before the fifteenth of the month  
36 following each quarter and the first distribution each year shall be made in April.

37 (b) Concurrently with making a distribution of aircraft excise taxes, the department shall send an  
38 aircraft excise tax report to the county treasurer and the county auditor. The department shall prepare  
39 the report on the form prescribed by the state board of accounts. The aircraft excise tax report must  
40 include aircraft identification, owner information, and excise tax payment, and must indicate the  
41 county where the aircraft is normally kept when not in operation. The department shall, in the manner  
42 prescribed by the state board of accounts, maintain records concerning the aircraft excise taxes  
43 received and distributed by it.

44 (c) Except as provided in section 21.5 of this chapter, each county treasurer shall deposit money  
45 received by ~~him~~ **the treasurer** under this chapter in a separate fund to be known as the "aircraft excise  
46 tax fund". The money in the aircraft excise tax fund shall be distributed to the taxing units of the  
47 county in the manner prescribed in subsection (d).

48 (d) As used in this subsection, "taxing district" has the meaning set forth in IC 6-1.1-1-20, "taxing  
49 unit" has the meaning set forth in IC 6-1.1-1-21, and "tuition support levy" refers to a school

1 corporation's tuition support property tax levy under IC 20-45-3-11 (repealed) for the school  
2 corporation's general fund. In order to distribute the money in the county aircraft excise tax fund to  
3 the taxing units of the county, the county auditor shall first allocate the money in the fund among the  
4 taxing districts of the county. In making these allocations, the county auditor shall allocate to a taxing  
5 district the excise taxes collected with respect to aircraft usually located in the taxing district when not  
6 in operation. Subject to this subsection, the money allocated to a taxing district shall be apportioned  
7 and distributed among the taxing units of that taxing district in the same manner and at the same time  
8 that the property taxes are apportioned and distributed (**subject to adjustment as provided in**  
9 **IC 36-8-19-7.5**). For purposes of determining the distribution for a year under this section for a taxing  
10 unit, a state welfare and tuition support allocation shall be deducted from the total amount available  
11 for apportionment and distribution to taxing units under this section before any apportionment and  
12 distribution is made. The county auditor shall remit the state welfare and tuition support allocation to  
13 the treasurer of state for deposit as directed by the budget agency. The amount of the state welfare and  
14 tuition support allocation for a county for a particular year is equal to the result determined under  
15 STEP THREE of the following formula:

16 STEP ONE: Determine the result of the following:

17 (A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the  
18 result of:

19 (i) the tax rate imposed in the taxing district for the county's county medical assistance to  
20 wards fund, family and children's fund, children's psychiatric residential treatment services  
21 fund, county hospital care for the indigent fund, children with special health care needs  
22 county fund, plus, in the case of Marion County, the tax rate imposed by the health and  
23 hospital corporation that was necessary to raise thirty-five million dollars (\$35,000,000)  
24 from all taxing districts in the county; divided by

25 (ii) the aggregate tax rate imposed in the taxing district for the same year.

26 (B) Determine the sum of the clause (A) amounts.

27 (C) Divide the clause (B) amount by three (3).

28 (D) Determine the result of:

29 (i) the amount of excise taxes allocated to the taxing district that would otherwise be  
30 available for distribution to taxing units in the taxing district; multiplied by

31 (ii) the clause (C) amount.

32 (E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

33 STEP TWO: Determine the result of the following:

34 (A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the  
35 result of:

36 (i) the tuition support levy tax rate imposed in the taxing district plus the tax rate imposed  
37 by the school corporation for the school corporation's special education preschool fund in  
38 the district; divided by

39 (ii) the aggregate tax rate imposed in the taxing district for the same year.

40 (B) Determine the sum of the clause (A) amounts.

41 (C) Divide the clause (B) amount by three (3).

42 (D) Determine the result of:

43 (i) the amount of excise taxes allocated to the taxing district that would otherwise be  
44 available for distribution to taxing units in the taxing district; multiplied by

45 (ii) the clause (C) amount.

46 (E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

47 STEP THREE: Determine the sum of the STEP ONE and STEP TWO amounts for the county.

48 If the boundaries of a taxing district change after the years for which a ratio is calculated under STEP  
49 ONE or STEP TWO, the budget agency shall establish a ratio for the new taxing district that reflects

1 the tax rates imposed in the predecessor taxing districts.

2 (e) Within thirty (30) days following the receipt of excise taxes from the department, the county  
3 treasurer shall file a report with the county auditor concerning the aircraft excise taxes collected by  
4 the county treasurer. The county treasurer shall file the report on the form prescribed by the state board  
5 of accounts. The county treasurer shall, in the manner and at the times prescribed in IC 6-1.1-27, make  
6 a settlement with the county auditor for the aircraft excise taxes collected by the county treasurer. The  
7 county treasurer shall, in the manner prescribed by the state board of accounts, maintain records  
8 concerning the aircraft excise taxes received and distributed by ~~him~~ **the treasurer**.

9 SECTION 243. IC 6-6-6.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
10 2009]: Sec. 23. **(a)** The department ~~may~~ **shall** require the owner of an airport or any person or persons  
11 leasing or subleasing space from an airport owner for the purpose of storing, renting, or selling aircraft  
12 to submit reports to the department listing the aircraft based at that airport. The reports shall identify  
13 the aircraft by Federal Aviation Administration number.

14 **(b) An airport owner or any other person required to submit a report under subsection (a)**  
15 **is subject to a civil penalty of one hundred dollars (\$100) for each aircraft that should have been**  
16 **and was not properly included on the report.**

17 SECTION 244. IC 6-6-9.7-7, AS AMENDED BY P.L.214-2005, SECTION 23, IS AMENDED TO  
18 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The city-county council of a county  
19 that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county  
20 supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the  
21 county for periods of less than thirty (30) days. The ordinance must specify that the tax expires  
22 December 31, 2027.

23 (b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may  
24 be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross  
25 retail income received by the retail merchant for the rental.

26 (c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority  
27 of the members elected to the city-county council, increase the tax imposed under subsection (a) from  
28 two percent (2%) to four percent (4%). The ordinance must specify that:

29 (1) if on December 31, 2027, there are obligations owed by the capital improvement board of  
30 managers to the Indiana stadium and convention building authority or any state agency under  
31 IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be  
32 levied after its original expiration date set forth in subsection (a) and through December 31, 2040;  
33 and

34 (2) the additional rate authorized under this subsection expires on:

35 (A) January 1, 2041;

36 (B) January 1, 2010, if on that date there are no obligations owed by the capital improvement  
37 board of managers to the Indiana stadium and convention building authority or to any state  
38 agency under IC 5-1-17-26; or

39 (C) October 1, 2005, if on that date there are no obligations owed by the capital improvement  
40 board of managers to the Indiana stadium and convention building authority or to any state  
41 agency under a lease or a sublease of an existing capital improvement entered into under  
42 IC 5-1-17, unless waived by the budget director.

43 (d) The amount collected from that portion of county supplemental auto rental excise tax imposed  
44 under:

45 (1) subsection (b) and collected after December 31, 2027; and

46 (2) under subsection (c);

47 shall, in the manner provided by section 11 of this chapter, be distributed to the capital improvement  
48 board of managers operating in a consolidated city or its designee. So long as there are any current or  
49 future obligations owed by the capital improvement board of managers to the Indiana stadium and

1 convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other  
2 agreement entered into between the capital improvement board of managers and the Indiana stadium  
3 and convention building authority or any state agency under IC 5-1-17-26, the capital improvement  
4 board of managers or its designee shall deposit the revenues received under this subsection in a special  
5 fund, which may be used only for the payment of the obligations described in this subsection.

6 **(e) After January 1, 2013, and before March 1, 2013, the city-county council may, by**  
7 **ordinance adopted by a majority of the members elected to the city-county council, increase the**  
8 **tax rate imposed under subsection (a) by not more than two percent (2%). The amount collected**  
9 **from an increase adopted under this subsection shall be deposited in the sports and convention**  
10 **facilities operating fund established by IC 36-7-31-16.**

11 ~~(e)~~ **(f)** If a city-county council adopts an ordinance under subsection (a), ~~or~~ (c), **or (e)**, the  
12 city-county council shall immediately send a certified copy of the ordinance to the commissioner of  
13 the department of state revenue.

14 ~~(f)~~ **(g)** If a city-county council adopts an ordinance under subsection (a), ~~or~~ (c), **prior to June 1, or**  
15 **(e) on or before the fifteenth day of a month**, the county supplemental auto rental excise tax applies  
16 to auto rentals after ~~June 30 of the year~~ **the last day of the month** in which the ordinance is adopted.  
17 If the city-county council adopts an ordinance under subsection (a), ~~or~~ (c), ~~on~~ **or (e)** after ~~June 1,~~ **the**  
18 **fifteenth day of a month**, the county supplemental auto rental excise tax applies to auto rentals after  
19 the last day of the month **following the month** in which the ordinance is adopted.

20 SECTION 245. IC 6-6-11-31, AS AMENDED BY P.L.146-2008, SECTION 357, IS AMENDED  
21 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 31. (a) A boat excise tax fund is  
22 established in each county. Each county treasurer shall deposit in the fund the taxes received under  
23 this chapter.

24 (b) As used in this subsection, "taxing district" has the meaning set forth in IC 6-1.1-1-20, "taxing  
25 unit" has the meaning set forth in IC 6-1.1-1-21, and "tuition support levy" refers to a school  
26 corporation's tuition support property tax levy under IC 20-45-3-11 (repealed) for the school  
27 corporation's general fund. The excise tax money in the county boat excise tax fund shall be distributed  
28 to the taxing units of the county. The county auditor shall allocate the money in the fund among the  
29 taxing districts of the county based on the tax situs of each boat. Subject to this subsection, the money  
30 allocated to the taxing units shall be apportioned and distributed among the funds of the taxing units  
31 in the same manner and at the same time that property taxes are apportioned and distributed **(subject**  
32 **to adjustment as provided in IC 36-8-19-7.5)**. For purposes of determining the distribution for a year  
33 under this section for a taxing unit, a state welfare and tuition support allocation shall be deducted  
34 from the total amount available for apportionment and distribution to taxing units under this section  
35 before any apportionment and distribution is made. The county auditor shall remit the state welfare  
36 and tuition support allocation to the treasurer of state for deposit as directed by the budget agency. The  
37 amount of the state welfare and tuition support allocation for a county for a particular year is equal to  
38 the result determined under STEP THREE of the following formula:

39 STEP ONE: Determine the result of the following:

40 (A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the  
41 result of:

42 (i) the tax rate imposed in the taxing district for the county's county medical assistance to  
43 wards fund, family and children's fund, children's psychiatric residential treatment services  
44 fund, county hospital care for the indigent fund, children with special health care needs  
45 county fund, plus, in the case of Marion County, the tax rate imposed by the health and  
46 hospital corporation that was necessary to raise thirty-five million dollars (\$35,000,000)  
47 from all taxing districts in the county; divided by

48 (ii) the aggregate tax rate imposed in the taxing district for the same year.

- 1 (B) Determine the sum of the clause (A) amounts.
- 2 (C) Divide the clause (B) amount by three (3).
- 3 (D) Determine the result of:
  - 4 (i) the amount of excise taxes allocated to the taxing district that would otherwise be
  - 5 available for distribution to taxing units in the taxing district; multiplied by
  - 6 (ii) the clause (C) amount.
- 7 (E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

8 STEP TWO: Determine the result of the following:

- 9 (A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the
- 10 result of:
  - 11 (i) the tuition support levy tax rate imposed in the taxing district plus the tax rate imposed
  - 12 by the school corporation for the school corporation's special education preschool fund in
  - 13 the district; divided by
  - 14 (ii) the aggregate tax rate imposed in the taxing district for the same year.

- 15 (B) Determine the sum of the clause (A) amounts.
- 16 (C) Divide the clause (B) amount by three (3).
- 17 (D) Determine the result of:
  - 18 (i) the amount of excise taxes allocated to the taxing district that would otherwise be
  - 19 available for distribution to taxing units in the taxing district; multiplied by
  - 20 (ii) the clause (C) amount.
- 21 (E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

22 STEP THREE: Determine the sum of the STEP ONE and STEP TWO amounts for the county.  
 23 If the boundaries of a taxing district change after the years for which a ratio is calculated under STEP  
 24 ONE or STEP TWO, the budget agency shall establish a ratio for the new taxing district that reflects  
 25 the tax rates imposed in the predecessor taxing districts.

26 SECTION 246. IC 6-7-1-28.1, AS AMENDED BY P.L.3-2008, SECTION 66, IS AMENDED TO  
 27 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28.1. The taxes, registration fees, fines, or  
 28 penalties collected under this chapter shall be deposited in the following manner:

- 29 (1) Four and twenty-two hundredths percent (4.22%) of the money shall be deposited in a fund
- 30 to be known as the cigarette tax fund.
- 31 (2) Six-tenths percent (0.6%) of the money shall be deposited in a fund to be known as the mental
- 32 health centers fund.
- 33 (3) ~~Fifty-three and sixty-eight hundredths percent (53.68%)~~ **Fifty-four and five-tenths percent**
- 34 **(54.5%)** of the money shall be deposited in the state general fund.
- 35 (4) Five and forty-three hundredths percent (5.43%) of the money shall be deposited into the
- 36 pension relief fund established in IC 5-10.3-11.
- 37 (5) Twenty-seven and five hundredths percent (27.05%) of the money shall be deposited in the
- 38 Indiana check-up plan trust fund established by IC 12-15-44.2-17.
- 39 (6) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state
- 40 general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for
- 41 provider reimbursements.
- 42 (7) ~~Four and one-tenth~~ **Five and seventy-four hundredths percent (4.1%)(5.74%)** of the money
- 43 shall be deposited in the ~~state general fund for the purpose of paying any appropriation for a~~
- 44 ~~health initiative: state retiree health benefit trust fund established by IC 5-10-8-8.5.~~
- 45 (8) ~~Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state~~
- 46 ~~general fund for the purpose of reimbursing the state general fund for a tax credit provided under~~
- 47 ~~IC 6-3.1-31.~~

48 The money in the cigarette tax fund, the mental health centers fund, the Indiana check-up plan trust  
 49 fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund.

1 However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than  
2 the amount received in fiscal year 1977, then that fund shall be credited with the difference between  
3 the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year  
4 to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited  
5 under subdivisions (6) through ~~(8)~~ (7) may not be used for any purpose other than the purpose stated  
6 in the subdivision.

7 SECTION 247. IC 6-8.1-1-1, AS AMENDED BY P.L.1-2009, SECTION 57, IS AMENDED TO  
8 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. "Listed taxes" or "taxes" includes only  
9 the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12);  
10 the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II  
11 gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts  
12 and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted  
13 gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted  
14 gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic  
15 development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial institutions  
16 tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel  
17 tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal  
18 agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise  
19 tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the  
20 hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2);  
21 the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC  
22 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various  
23 innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC  
24 6-9-13 and IC 6-9-28); **the regional transportation improvement income tax (IC 8-24-17)**; the oil  
25 inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10);  
26 the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed  
27 for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid  
28 waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect  
29 or administer.

30 SECTION 248. IC 6-8.1-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
31 2009]: Sec. 4. The department has the sole authority to furnish forms used in the administration and  
32 collection of the listed taxes, **including reporting of information in an electronic format.**

33 SECTION 249. IC 6-8.1-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
34 2009]: Sec. 12. (a) The department may audit any returns filed in respect to the listed taxes, may  
35 appraise property if the property's value relates to the administration or enforcement of the listed taxes,  
36 may audit gasoline distributors for financial responsibility, and may investigate any matters relating  
37 to the listed taxes.

38 **(b) The department may audit any returns with respect to the listed taxes using statistical**  
39 **sampling. If the taxpayer and the department agree to a sampling method to be used, the**  
40 **sampling method is binding on the taxpayer and the department in determining the total amount**  
41 **of additional tax due or amounts to be refunded.**

42 ~~(b)~~ (c) For purposes of conducting its audit or investigative functions, the department may:

- 43 (1) subpoena the production of evidence;
- 44 (2) subpoena witnesses; and
- 45 (3) question witnesses under oath.

46 The department may serve its subpoenas, or it may order the sheriff of the county in which the witness  
47 or evidence is located to serve the subpoenas.

48 ~~(c)~~ (d) The department may enforce its audit and investigatory powers by petitioning for a court

1 order in any court of competent jurisdiction located in the county where the tax is due or in the county  
2 in which the evidence or witness is located. If the evidence or witness is not located in Indiana or if  
3 the department does not know the location of the evidence or witness, the department may file the  
4 petition in a court of competent jurisdiction in Marion County. The petition to the court must state the  
5 evidence or testimony subpoenaed and must allege that the subpoena was served but that the person  
6 did not comply with the terms of that subpoena.

7 ~~(d)~~ (e) Upon receiving a proper petition under subsection ~~(c)~~; (d), the court shall promptly issue an  
8 order which:

9 (1) sets a hearing on the petition on a date not more than ten (10) days after the date of the order;  
10 and

11 (2) orders the person to appear at the hearing prepared to produce the subpoenaed evidence and  
12 give the subpoenaed testimony.

13 If the defendant is unable to show good cause for not producing the evidence or giving the testimony,  
14 the court shall order the defendant to comply with the subpoena.

15 ~~(e)~~ (f) If the defendant fails to obey the court order, the court may punish the defendant for  
16 contempt.

17 ~~(f)~~ (g) Officers serving subpoenas or court orders and witnesses appearing in court are entitled to  
18 the normal compensation provided by law in civil cases. The department shall pay the compensation  
19 costs from the money appropriated for the administration of the listed taxes.

20 ~~(g)~~ (h) County treasurers investigating tax matters under IC 6-9 have:

21 (1) concurrent jurisdiction with the department;

22 (2) the audit, investigatory, appraisal, and enforcement powers described in this section; and

23 (3) authority to recover court costs, fees, and other expenses related to an audit, investigatory,  
24 appraisal, or enforcement action under this section.

25 SECTION 250. IC 6-8.1-3-16, AS AMENDED BY P.L.177-2005, SECTION 29, IS AMENDED  
26 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 16. (a) The department shall  
27 prepare a list of all outstanding tax warrants for listed taxes each month. The list shall identify each  
28 taxpayer liable for a warrant by name, address, amount of tax, and either Social Security number or  
29 employer identification number. Unless the department renews the warrant, the department shall  
30 exclude from the list a warrant issued more than ten (10) years before the date of the list. The  
31 department shall certify a copy of the list to the bureau of motor vehicles.

32 (b) The department shall prescribe and furnish tax release forms for use by tax collecting officials.  
33 A tax collecting official who collects taxes in satisfaction of an outstanding warrant shall issue to the  
34 taxpayers named on the warrant a tax release stating that the tax has been paid. The department may  
35 also issue a tax release:

36 (1) to a taxpayer who has made arrangements satisfactory to the department for the payment of  
37 the tax; or

38 (2) by action of the commissioner under IC 6-8.1-8-2(k).

39 (c) The department may not issue or renew:

40 (1) a certificate under IC 6-2.5-8;

41 (2) a license under IC 6-6-1.1 or IC 6-6-2.5; or

42 (3) a permit under IC 6-6-4.1;

43 to a taxpayer whose name appears on the most recent monthly warrant list, unless that taxpayer pays  
44 the tax, makes arrangements satisfactory to the department for the payment of the tax, or a release is  
45 issued under IC 6-8.1-8-2(k).

46 (d) The bureau of motor vehicles shall, before issuing the title to a motor vehicle under IC 9-17,  
47 determine whether the purchaser's or assignee's name is on the most recent monthly warrant list. If the  
48 purchaser's or assignee's name is on the list, the bureau shall enter as a lien on the title the name of the  
49 state as the lienholder unless the bureau has received notice from the commissioner under

1 IC 6-8.1-8-2(k). The tax lien on the title:

2 (1) is subordinate to a perfected security interest (as defined and perfected in accordance with

3 IC 26-1-9.1); and

4 (2) shall otherwise be treated in the same manner as other title liens.

5 (e) The commissioner is the custodian of all titles for which the state is the sole lienholder under

6 this section. Upon receipt of the title by the department, the commissioner shall notify the owner of

7 the department's receipt of the title.

8 (f) The department shall reimburse the bureau of motor vehicles for all costs incurred in carrying

9 out this section.

10 (g) Notwithstanding IC 6-8.1-8, a person who is authorized to collect taxes, interest, or penalties

11 on behalf of the department under IC 6-3 or IC 6-3.5 may not, except as provided in subsection (h) or

12 (i), receive a fee for collecting the taxes, interest, or penalties if:

13 (1) the taxpayer pays the taxes, interest, or penalties as consideration for the release of a lien

14 placed under subsection (d) on a motor vehicle title; or

15 (2) the taxpayer has been denied a certificate or license under subsection (c) within sixty (60)

16 days before the date the taxes, interest, or penalties are collected.

17 (h) In the case of a sheriff, subsection (g) does not apply if:

18 (1) the sheriff collects the taxes, interest, or penalties within sixty (60) days after the date the

19 sheriff receives the tax warrant; or

20 (2) the sheriff collects the taxes, interest, or penalties through the sale or redemption, in a court

21 proceeding, of a motor vehicle that has a lien placed on its title under subsection (d).

22 (i) In the case of a person other than a sheriff:

23 (1) subsection (g)(2) does not apply if the person collects the taxes, interests, or penalties within

24 sixty (60) days after the date the commissioner employs the person to make the collection; and

25 (2) subsection (g)(1) does not apply if the person collects the taxes, interest, or penalties through

26 the sale or redemption, in a court proceeding, of a motor vehicle that has a lien placed on its title

27 under subsection (d).

28 (j) IC 5-14-3-4, IC 6-8.1-7-1, and any other law exempting information from disclosure by the

29 department ~~does do~~ not apply to this subsection. ~~From the list prepared under subsection (a),~~ The

30 department shall ~~compite each month prepare~~ a list of the taxpayers subject to tax warrants that:

31 ~~(1) were issued at least twenty-four (24) months before the date of the list; and~~

32 ~~(2) are for amounts that exceed one thousand dollars (\$1,000):~~

33 **retail merchants whose registered retail merchant certificate has not been renewed under**

34 **IC 6-2.5-8-1(g) or whose registered retail merchant certificate has been revoked under**

35 **IC 6-2.5-8-7.** The list compiled under this subsection must identify each taxpayer liable for a warrant

36 **retail merchant** by name **(including any name under which the retail merchant is doing business),**

37 address, and ~~amount of tax:~~ **county.** The department shall publish the list compiled under this

38 subsection on ~~accessIndiana~~ **the department's Internet web site** (as operated under IC 4-13.1-2) and

39 make the list available for public inspection and copying under IC 5-14-3. The department or an agent,

40 employee, or officer of the department is immune from liability for the publication of information

41 under this subsection.

42 (k) The department may not publish a list under subsection (j) that identifies a particular taxpayer

43 unless at least two (2) weeks before the publication of the list the department sends notice to the

44 taxpayer stating that the taxpayer:

45 (1) is subject to a tax warrant that:

46 (A) was issued at least twenty-four (24) months before the date of the notice; and

47 (B) is for an amount that exceeds one thousand dollars (\$1,000); and

48 (2) will be identified on a list to be published on accessIndiana unless a tax release is issued to

1 the taxpayer under subsection (b):

2 ~~(f)~~ The department may not publish a list under subsection ~~(j)~~ after June 30, 2006:

3 SECTION 251. IC 6-8.1-5-2, AS AMENDED BY P.L.131-2008, SECTION 28, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as otherwise provided in this  
5 section, the department may not issue a proposed assessment under section 1 of this chapter more than  
6 three (3) years after the latest of the date the return is filed, or **any either** of the following:

7 (1) The due date of the return. ~~or~~

8 (2) In the case of a return filed for the state gross retail or use tax, the gasoline tax, the special  
9 fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end  
10 of the calendar year which contains the taxable period for which the return is filed.

11 (b) If a person files **a utility receipts tax return (IC 6-2.3)**, an adjusted gross income tax (IC 6-3),  
12 supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1),  
13 county option income tax (IC 6-3.5-6), or financial institutions tax (IC 6-5.5) return that understates  
14 the person's income, as that term is defined in the particular income tax law, by at least twenty-five  
15 percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years  
16 provided in subsection (a).

17 (c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in  
18 IC 6-6-5-5 and IC 6-6-5-6 and shall include the penalties and interest due on all listed taxes not paid  
19 by the due date. A person that fails to properly register a vehicle as required by IC 9-18 and pay the  
20 tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

21 (d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be  
22 assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes  
23 not paid by the due date. A person that fails to properly register a commercial vehicle as required by  
24 IC 9-18 and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes  
25 of this article.

26 (e) In the case of the excise tax imposed on recreational vehicles and truck campers under  
27 IC 6-6-5.1, the tax shall be assessed as provided in IC 6-6-5.1 and must include the penalties and  
28 interest due on all listed taxes not paid by the due date. A person who fails to properly register a  
29 recreational vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.1 is considered to have  
30 failed to file a return for purposes of this article. A person who fails to pay the tax due under  
31 IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

32 (f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file  
33 a return, there is no time limit within which the department must issue its proposed assessment.

34 **(g) If any part of a listed tax has been erroneously refunded by the department, the erroneous**  
35 **refund may be recovered through the assessment procedures established in this chapter. An**  
36 **assessment issued for an erroneous refund must be issued:**

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

38 **(2) within five (5) years after making the refund if the refund was induced by fraud or**  
39 **misrepresentation.**

40 ~~(g)~~ **(h)** If, before the end of the time within which the department may make an assessment, the  
41 department and the person agree to extend that assessment time period, the period may be extended  
42 according to the terms of a written agreement signed by both the department and the person. The  
43 agreement must contain:

44 (1) the date to which the extension is made; and

45 (2) a statement that the person agrees to preserve the person's records until the extension  
46 terminates.

47 The department and a person may agree to more than one (1) extension under this subsection.

48 ~~(h)~~ **(i)** If a taxpayer's federal income tax liability for a taxable year is modified due to the  
49 assessment of a federal deficiency or the filing of an amended federal income tax return, then the date

1 by which the department must issue a proposed assessment under section 1 of this chapter for tax  
2 imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification  
3 is filed with the department by the taxpayer.

4 SECTION 252. IC 6-8.1-6-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
5 2009]: Sec. 4.5. A taxpayer that is required under IC 6-3-4-1 to file a return ~~may~~ **shall** round to the  
6 nearest whole dollar an amount or item reported on the return. The following apply if an amount or  
7 item is rounded:

8 (1) An amount or item of at least fifty cents (\$0.50) must be rounded up to the nearest whole  
9 dollar.

10 (2) An amount or item of less than fifty cents (\$0.50) must be rounded down to the nearest whole  
11 dollar.

12 SECTION 253. IC 6-8.1-6-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
13 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) Beginning after December 31,**  
14 **2010, the department in cooperation with the department of local government finance and the**  
15 **budget agency shall provide information annually that:**

16 (1) **identifies the total number of individual taxpayers that live within a particular**  
17 **incorporated city or town;**

18 (2) **identifies the total individual adjusted gross income of those taxpayers; and**

19 (3) **includes any other information that:**

20 (A) **can be abstracted from the taxpayers' individual income tax returns; and**

21 (B) **is necessary to obtain information concerning individual income taxation under**  
22 **IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7;**

23 **as agreed to by the department and the legislative services agency.**

24 (b) **As used in this subsection, "authorized agency" refers to the legislative services agency**  
25 **or the budget agency. As used in this subsection, "director" refers to the executive director of**  
26 **the legislative services agency or the director of the budget agency. The department shall provide**  
27 **access to the information described in subsection (a) in electronic format to an authorized**  
28 **agency:**

29 (1) **upon receipt of a written request from the director of the authorized agency; and**

30 (2) **upon the director's agreement that any information accessed (other than aggregate**  
31 **data) will be kept confidential and used solely for official purposes.**

32 SECTION 254. IC 6-8.1-7-1, AS AMENDED BY P.L.44-2009, SECTION 2, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This subsection does not apply to the  
34 disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with  
35 a judicial order or as otherwise provided in this chapter, the department, its employees, former  
36 employees, counsel, agents, or any other person may not divulge the amount of tax paid by any  
37 taxpayer, terms of a settlement agreement executed between a taxpayer and the department,  
38 investigation records, investigation reports, or any other information disclosed by the reports filed  
39 under the provisions of the law relating to any of the listed taxes, including required information  
40 derived from a federal return, except to:

41 (1) members and employees of the department;

42 (2) the governor;

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

45 (4) any authorized officers of the United States;

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

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

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

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

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

13 (d) The name, address, Social Security number, and place of employment relating to any individual  
14 who is delinquent in paying educational loans owed to a postsecondary educational institution may  
15 be revealed to that institution if it provides proof to the department that the individual is delinquent  
16 in paying for educational loans. This information shall be provided free of charge to approved  
17 postsecondary educational institutions (as defined by IC 21-7-13-6(a)). The department shall establish  
18 fees that all other institutions must pay to the department to obtain information under this subsection.  
19 However, these fees may not exceed the department's administrative costs in providing the information  
20 to the institution.

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

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

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

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

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

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

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

38 (j) All information relating to the delinquency or evasion of the motor vehicle excise tax may be  
39 disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the  
40 information is disclosed for the purpose of the enforcement and collection of the taxes imposed by  
41 IC 6-6-5.

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

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

49 (m) All information relating to the delinquency or evasion of the excise taxes imposed on

1 recreational vehicles and truck campers that are payable to the bureau of motor vehicles in Indiana may  
2 be disclosed to the bureau and may be disclosed to another state if the information is disclosed for the  
3 purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.1.

4 (n) This section does not apply to:

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

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

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

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

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

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

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

12 (8) the fees under IC 13-23.

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

16 SECTION 255. IC 6-8.1-8-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
17 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 1.7. The department may require**  
18 **a person who is paying the person's outstanding gross retail tax or withholding tax liability using**  
19 **periodic payments to make the periodic payment by electronic funds transfer through an**  
20 **automatic withdrawal from the person's account at a financial institution.**

21 SECTION 256. IC 6-8.1-9-1, AS AMENDED BY P.L. 131-2008, SECTION 30, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) If a person has paid more tax than  
23 the person determines is legally due for a particular taxable period, the person may file a claim for a  
24 refund with the department. Except as provided in subsections (f) and (g), in order to obtain the refund,  
25 the person must file the claim with the department within three (3) years after the latter of the  
26 following:

27 (1) The due date of the return.

28 (2) The date of payment.

29 For purposes of this section, the due date for a return filed for the state gross retail or use tax, the  
30 gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum  
31 severance tax is the end of the calendar year which contains the taxable period for which the return  
32 is filed. The claim must set forth the amount of the refund to which the person is entitled and the  
33 reasons that the person is entitled to the refund.

34 (b) When the department receives a claim for refund, the department shall consider the claim for  
35 refund and shall, if the taxpayer requests, hold a hearing on the claim for refund to obtain and consider  
36 additional evidence. After considering the claim and all evidence relevant to the claim, the department  
37 shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a  
38 statement of the reasons for any part of the refund that is denied. The department shall mail a copy of  
39 the decision to the person who filed the claim. If the department allows the full amount of the refund  
40 claim, a warrant for the payment of the claim is sufficient notice of the decision.

41 (c) If the person disagrees with any part of the department's decision, the person may appeal the  
42 decision, regardless of whether or not the person protested the tax payment or whether or not the  
43 person has accepted a refund. The person must file the appeal with the tax court. The tax court does  
44 not have jurisdiction to hear a refund appeal suit, if:

45 (1) the appeal is filed more than three (3) years after the date the claim for refund was filed with  
46 the department;

47 (2) the appeal is filed more than ninety (90) days after the date the department mails the decision  
48 of denial to the person; or

49 (3) the appeal is filed both before the decision is issued and before the one hundred eighty-first

1 day after the date the person files the claim for refund with the department.

2 (d) The tax court shall hear the appeal de novo and without a jury, and after the hearing may order  
3 or deny any part of the appealed refund. The court may assess the court costs in any manner that it  
4 feels is equitable. The court may enjoin the collection of any of the listed taxes under IC 33-26-6-2.  
5 The court may also allow a refund of taxes, interest, and penalties that have been paid to and collected  
6 by the department.

7 (e) With respect to the motor vehicle excise tax, this section applies only to penalties and interest  
8 paid on assessments of the motor vehicle excise tax. Any other overpayment of the motor vehicle  
9 excise tax is subject to IC 6-6-5.

10 (f) If a taxpayer's federal income tax liability for a taxable year is modified by the Internal Revenue  
11 Service, and the modification would result in a reduction of the tax legally due, the due date by which  
12 the taxpayer must file a claim for refund with the department is the later of:

13 (1) the date determined under subsection (a); or

14 (2) the date that is six (6) months after the date on which the taxpayer is notified of the  
15 modification by the Internal Revenue Service.

16 (g) If an agreement to extend the assessment time period is entered into under ~~IC 6-8.1-5-2(g)~~;  
17 **IC 6-8.1-5-2(h)**, the period during which a person may file a claim for a refund under subsection (a)  
18 is extended to the same date to which the assessment time period is extended.

19 SECTION 257. IC 6-8.1-9-2, AS AMENDED BY P.L. 111-2006, SECTION 10, IS AMENDED TO  
20 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If the department finds that a person  
21 has paid more tax for a taxable year than is legally due, the department shall apply the amount of the  
22 excess against any amount of that same tax that is assessed and is currently due. The department may  
23 then apply any remaining excess against any of the listed taxes that have been assessed against the  
24 person and that are currently due. **Subject to subsection (c)**, if any excess remains after the  
25 department has applied the overpayment against the person's tax liabilities, the department shall either  
26 refund the amount to the person or, at the person's request, credit the amount to the person's future tax  
27 liabilities.

28 (b) **Subject to subsection (c)**, if a court determines that a person has paid more tax for a taxable  
29 year than is legally due, the department shall refund the excess amount to the person.

30 (c) **As used in this subsection, "pass through entity" means a corporation that is exempt from**  
31 **the adjusted gross income tax under IC 6-3-2-2.8(2), a partnership, a limited liability company,**  
32 **or a limited liability partnership and "pass through income" means a person's distributive share**  
33 **of adjusted gross income for a taxable year attributable to the person's interest in a pass through**  
34 **entity. This subsection applies to a person's overpayment of adjusted gross income tax for a**  
35 **taxable year if:**

36 (1) **the person has filed a timely claim for refund with respect to the overpayment under**  
37 **IC 6-8.1-9-1;**

38 (2) **the overpayment:**

39 (A) **is with respect to a taxable year beginning before January 1, 2009;**

40 (B) **is attributable to amounts paid to the department by:**

41 (i) **a nonresident shareholder, partner, or member of a pass through entity;**

42 (ii) **a pass through entity under IC 6-3-4-12 or IC 6-3-4-13 on behalf of a nonresident**  
43 **shareholder, partner, or member of the pass through entity; or**

44 (iii) **a pass through entity under IC 6-3-4-12 or IC 6-3-4-13 on behalf of a nonresident**  
45 **shareholder, partner, or member of another pass through entity; and**

46 (3) **the overpayment arises from a determination by the department or a court that the**  
47 **person's pass through income is not includible in the person's adjusted gross income**  
48 **derived from sources within Indiana as a result of the application of IC 6-3-2-2(a)(5) and**  
49 **IC 6-3-2-2.2(g).**

1 The department shall apply the overpayment to the person's liability for taxes that have been  
2 assessed and are currently due as provided in subsection (a) and apply any remaining  
3 overpayment as a credit or credits in satisfaction of the person's liability for listed taxes in  
4 taxable years beginning after December 31, 2008. If the person, including any successor to the  
5 person's interest in the overpayment, does not have sufficient liability for listed taxes against  
6 which to credit all the remaining overpayment in a taxable year beginning after December 31,  
7 2008, and ending before January 1, 2019, the taxpayer is not entitled for any taxable year ending  
8 after December 31, 2018, to have any part of the remaining overpayment applied, refunded, or  
9 credited to the person's liability for listed taxes. If an overpayment or part of an overpayment  
10 is required to be applied as a credit under this subsection to the person's liability for listed taxes  
11 for a taxable year beginning after December 31, 2008, and has not been determined by the  
12 department or a court to meet the conditions of subdivision (3) by the due date of the person's  
13 return for a listed tax for a taxable year beginning after December 31, 2008, the department  
14 shall refund to the person that part of the overpayment that should have been applied as a credit  
15 for such taxable year within ninety (90) days of the date that the department or a court makes  
16 the determination that the overpayment meets the conditions of subdivision (3). However, the  
17 department may establish a program to refund small overpayment amounts that do not exceed  
18 the threshold dollar value established by the department rather than crediting the amounts  
19 against tax liability accruing for a taxable year after December 31, 2008. A person that receives  
20 a refund or credit under this subsection shall file a report with the department in the form and  
21 in the schedule specified by the department that identifies under penalties of perjury the home  
22 state or other jurisdiction where the income subject to the refund or credit was reported as  
23 income attributable to that state or jurisdiction.

24 ~~(c)~~ (d) An excess tax payment that is not refunded or credited against a current or future tax liability  
25 within ninety (90) days after the date the refund claim is filed, the date the tax payment was due, or  
26 the date the tax was paid, whichever is latest, accrues interest from the date the refund claim is filed  
27 at the rate established under IC 6-8.1-10-1 until a date, determined by the department, that does not  
28 precede by more than thirty (30) days, the date on which the refund or credit is made.

29 ~~(d)~~ As used in **this** subsection, ~~(c)~~; "refund claim" includes an amended return that indicates an  
30 overpayment of tax.

31 SECTION 258. IC 6-8.1-10-2.1, AS AMENDED BY P.L.211-2007, SECTION 44, IS AMENDED  
32 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2.1. (a) If a person:

- 33 (1) fails to file a return for any of the listed taxes;
- 34 (2) fails to pay the full amount of tax shown on the person's return on or before the due date for  
35 the return or payment;
- 36 (3) incurs, upon examination by the department, a deficiency that is due to negligence;
- 37 (4) fails to timely remit any tax held in trust for the state; or
- 38 (5) is required to make a payment by electronic funds transfer (as defined in IC 4-8.1-2-7),  
39 overnight courier, or personal delivery and the payment is not received by the department by the  
40 due date in funds acceptable to the department;

41 the person is subject to a penalty.

42 (b) Except as provided in subsection (g), the penalty described in subsection (a) is ten percent  
43 (10%) of:

- 44 (1) the full amount of the tax due if the person failed to file the return;
- 45 (2) the amount of the tax not paid, if the person filed the return but failed to pay the full amount  
46 of the tax shown on the return;
- 47 (3) the amount of the tax held in trust that is not timely remitted;
- 48 (4) the amount of deficiency as finally determined by the department; or
- 49 (5) the amount of tax due if a person failed to make payment by electronic funds transfer,

1 overnight courier, or personal delivery by the due date.

2 (c) For purposes of this section, the filing of a substantially blank or unsigned return does not  
3 constitute a return.

4 (d) If a person subject to the penalty imposed under this section can show that the failure to file a  
5 return, pay the full amount of tax shown on the person's return, timely remit tax held in trust, or pay  
6 the deficiency determined by the department was due to reasonable cause and not due to willful  
7 neglect, the department shall waive the penalty.

8 (e) A person who wishes to avoid the penalty imposed under this section must make an affirmative  
9 showing of all facts alleged as a reasonable cause for the person's failure to file the return, pay the  
10 amount of tax shown on the person's return, pay the deficiency, or timely remit tax held in trust, in a  
11 written statement containing a declaration that the statement is made under penalty of perjury. The  
12 statement must be filed with the return or payment within the time prescribed for protesting  
13 departmental assessments. A taxpayer may also avoid the penalty imposed under this section by  
14 obtaining a ruling from the department before the end of a particular tax period on the amount of tax  
15 due for that tax period.

16 (f) The department shall adopt rules under IC 4-22-2 to prescribe the circumstances that constitute  
17 reasonable cause and negligence for purposes of this section.

18 (g) A person who fails to file a return for a listed tax that shows no tax liability for a taxable year,  
19 other than an information return (as defined in section 6 of this chapter), on or before the due date of  
20 the return shall pay a penalty of ten dollars (\$10) for each day that the return is past due, up to a  
21 maximum of two hundred fifty dollars (\$250).

22 (h) A:

23 (1) corporation which otherwise qualifies under IC 6-3-2-2.8(2); ~~but;~~

24 (2) **partnership; or**

25 (3) **trust;**

26 **that** fails to withhold and pay any amount of tax required to be withheld under **IC 6-3-4-12,**  
27 **IC 6-3-4-13, or IC 6-3-4-15** shall pay a penalty equal to twenty percent (20%) of the amount of tax  
28 required to be withheld under **IC 6-3-4-12, IC 6-3-4-13, or IC 6-3-4-15.** This penalty shall be in  
29 addition to any penalty imposed by section 6 of this chapter.

30 (i) Subsections (a) through (c) do not apply to a motor carrier fuel tax return.

31 (j) If a partnership or an S corporation fails to include all nonresidential individual partners or  
32 nonresidential individual shareholders in a composite return as required by IC 6-3-4-12(h) or  
33 IC 6-3-4-13(j), a penalty of five hundred dollars (\$500) per partnership or S corporation is imposed  
34 on the partnership or S corporation.

35 SECTION 259. IC 6-8.1-10-5, AS AMENDED BY P.L.131-2008, SECTION 33, IS AMENDED  
36 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If a person makes a tax payment  
37 with a check, credit card, debit card, or electronic funds transfer, and the department is unable to  
38 obtain payment on the check, credit card, debit card, or electronic funds transfer for its full face  
39 amount when the check, credit card, debit card, or electronic funds transfer is presented for payment  
40 through normal banking channels, a penalty of ten percent (10%) of the unpaid tax or the value of the  
41 check, credit card, debit card, or electronic funds transfer, whichever is smaller, is imposed.

42 (b) When a penalty is imposed under subsection (a), the department shall notify the person by mail  
43 that the check, credit card, debit card, or electronic funds transfer was not honored and that the person  
44 has ten (10) days after the date the notice is mailed to pay the tax and the penalty either in cash, by  
45 certified check, or other guaranteed payment. If the person fails to make the payment within the ten  
46 (10) day period, the penalty is increased to one hundred percent (100%) multiplied by the value of the  
47 check, credit card, debit card, or electronic funds transfer, or the unpaid tax, whichever is smaller.

48 (c) **If a person has been assessed a penalty under subsection (a) more than one (1) time, the**

1 **department may require all future payments for all listed taxes to be remitted with guaranteed**  
2 **funds.**

3 ~~(c)~~ (d) If the person subject to the penalty under this section can show that there is reasonable cause  
4 for the check, credit card, debit card, or electronic funds transfer not being honored, the department  
5 may waive the penalty imposed under this section.

6 SECTION 260. IC 6-9-8-3, AS AMENDED BY P.L.214-2005, SECTION 29, IS AMENDED TO  
7 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The tax imposed by section 2 of this  
8 chapter shall be at the rate of:

9 (1) before January 1, 2028, five percent (5%) on the gross income derived from lodging income  
10 only, plus an additional one percent (1%) if the fiscal body adopts an ordinance under subsection  
11 (b), plus an additional three percent (3%) if the fiscal body adopts an ordinance under subsection  
12 (d);

13 (2) after December 31, 2027, and before January 1, 2041, five percent (5%), plus an additional  
14 one percent (1%) if the fiscal body adopts an ordinance under subsection (b), plus an additional  
15 three percent (3%) if the fiscal body adopts an ordinance under subsection (d); and

16 (3) after December 31, 2040, five percent (5%).

17 (b) In any year subsequent to the initial year in which a tax is imposed under section 2 of this  
18 chapter, the fiscal body may, by ordinance adopted by at least two-thirds (2/3) of the members elected  
19 to the fiscal body, increase the tax imposed by section 2 of this chapter from five percent (5%) to six  
20 percent (6%). The ordinance must specify that the increase in the tax authorized under this subsection  
21 expires January 1, 2028.

22 (c) The amount collected from an increase adopted under subsection (b) shall be transferred to the  
23 capital improvement board of managers established by IC 36-10-9-3. The board shall deposit the  
24 revenues received under this subsection in a special fund. Money in the special fund may be used only  
25 for the payment of obligations incurred to expand a convention center, including:

26 (1) principal and interest on bonds issued to finance or refinance the expansion of a convention  
27 center; and

28 (2) lease agreements entered into to expand a convention center.

29 (d) On or before June 30, 2005, the fiscal body may, by ordinance adopted by a majority of the  
30 members elected to the fiscal body, increase the tax imposed by section 2 of this chapter by an  
31 additional three percent (3%) to a total rate of eight percent (8%) (or nine percent (9%) if the fiscal  
32 body has adopted an ordinance under subsection (b) and that rate remains in effect). The ordinance  
33 must specify that the increase in the tax authorized under this subsection expires on:

34 (1) January 1, 2041;

35 (2) January 1, 2010, if on that date there are no obligations owed by the capital improvement  
36 board of managers to the authority created by IC 5-1-17 or to any state agency under  
37 IC 5-1-17-26; or

38 (3) October 1, 2005, if on that date there are no obligations owed by the capital improvement  
39 board of managers to the Indiana stadium and convention building authority or to any state  
40 agency under a lease or a sublease of an existing capital improvement entered into under  
41 IC 5-1-17, unless waived by the budget director.

42 If the fiscal body adopts an ordinance under this subsection, it shall immediately send a certified copy  
43 of the ordinance to the commissioner of the department of state revenue, and the increase in the tax  
44 imposed under this chapter applies to transactions that occur after June 30, 2005.

45 **(e) Before September 1, 2009, the fiscal body may, by ordinance adopted by a majority of the**  
46 **members elected to the fiscal body, increase the tax rate under this chapter by not more than**  
47 **one percent (1%). If the fiscal body adopts an ordinance under this subsection:**

48 **(1) it shall immediately send a certified copy of the ordinance to the commissioner of the**  
49 **department of state revenue; and**

1           **(2) the tax applies to transactions after the last day of the month in which the ordinance is**  
2           **adopted, if the city-county council adopts the ordinance on or before the fifteenth day of**  
3           **a month. If the city-county council adopts the ordinance after the fifteenth day of a month,**  
4           **the tax applies to transactions after the last day of the month following the month in which**  
5           **the ordinance is adopted.**

6           **The increase in the tax imposed under this subsection continues in effect unless the increase is**  
7           **rescinded.**

8           ~~(e)~~ **(f)** The amount collected from an increase adopted under:

9           (1) subsection (b) and collected after December 31, 2027; and

10          (2) subsection (d);

11 shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its  
12 designee. So long as there are any current or future obligations owed by the capital improvement board  
13 of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state  
14 agency pursuant to a lease or other agreement entered into between the capital improvement board of  
15 managers and the Indiana stadium and convention building authority or any state agency pursuant to  
16 IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues  
17 received under this subsection in a special fund, which may be used only for the payment of the  
18 obligations described in this subsection.

19           **(g) The amount collected from an increase adopted under subsection (e) shall be deposited**  
20           **in the sports and convention facilities operating fund established by IC 36-7-31-16.**

21           SECTION 261. IC 6-9-13-2, AS AMENDED BY P.L.214-2005, SECTION 33, IS AMENDED TO  
22           READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in subsection (b),  
23           the county admissions tax equals five percent (5%) of the price for admission to any event described  
24           in section 1 of this chapter.

25           (b) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority  
26           of the members elected to the city-county council, increase the county admissions tax from five percent  
27           (5%) to six percent (6%) of the price for admission to any event described in section 1 of this chapter.

28           **(c) After January 1, 2013, and before March 1, 2013, the city-county council may, by**  
29           **ordinance adopted by a majority of the members elected to the city-county council, increase the**  
30           **county admissions tax rate by not more than four percent (4%) of the price for admission to any**  
31           **event described in section 1 of this chapter. If the city-county council adopts an ordinance under**  
32           **this subsection:**

33           **(1) the city-county council shall immediately send a certified copy of the ordinance to the**  
34           **commissioner of the department of state revenue; and**

35           **(2) the tax applies to transactions after the last day of the month in which the ordinance is**  
36           **adopted, if the city-county council adopts the ordinance on or before the fifteenth day of**  
37           **a month. If the city-county council adopts the ordinance after the fifteenth day of a month,**  
38           **the tax applies to transactions after the last day of the month following the month in which**  
39           **the ordinance is adopted.**

40           **The increase in the tax imposed under this subsection continues in effect unless the increase is**  
41           **rescinded.**

42           ~~(c)~~ **(d)** The amount collected from that portion of the county admissions tax imposed under:

43           (1) subsection (a) and collected after December 31, 2027; and

44           (2) subsection (b);

45 shall be distributed to the capital improvement board of managers or its designee. So long as there are  
46 any current or future obligations owed by the capital improvement board of managers to the Indiana  
47 stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease  
48 or other agreement entered into between the capital improvement board of managers and the Indiana

1 stadium and convention building authority or any state agency under IC 5-1-17-26, the capital  
2 improvement board of managers or its designee shall deposit the revenues received from that portion  
3 of the county admissions tax imposed under subsection (b) in a special fund, which may be used only  
4 for the payment of the obligations described in this subsection.

5 **(e) The amount collected from an increase adopted under subsection (c) shall be deposited in**  
6 **the sports and convention facilities operating fund established by IC 36-7-31-16.**

7 SECTION 262. IC 6-9-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
8 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

9 **Chapter 42. Youth Sports Complex Admissions Tax**

10 **Sec. 1. As used in this chapter, "complex" refers to a youth sports complex that:**

11 **(1) has:**

12 **(A) a multipurpose outdoor stadium with at least four thousand (4,000) seats;**

13 **(B) indoor sports facilities; and**

14 **(C) fields for baseball, soccer, softball, and lacrosse; and**

15 **(2) is located in a geographic area that has been annexed by the city before the adoption of**  
16 **an ordinance under section 2 of this chapter.**

17 **Sec. 2. (a) Except as provided in subsection (b), after June 30 of a year but before January**  
18 **1 of the following year, a city fiscal body may adopt an ordinance to impose an excise tax, known**  
19 **as the youth sports complex admissions tax, for the privilege of attending an event at a complex.**

20 **(b) The admissions tax does not apply to the following:**

21 **(1) An event sponsored by an educational institution or an association representing an**  
22 **educational institution.**

23 **(2) An event sponsored by a religious organization.**

24 **(3) An event sponsored by a political organization.**

25 **(4) An event for which tickets are sold on a per vehicle or similar basis and not on a per**  
26 **person basis.**

27 **(c) If the fiscal body adopts an ordinance under subsection (a), the admissions tax applies to**  
28 **an event ticket purchased after:**

29 **(1) December 31 of the calendar year in which the ordinance is adopted; or**

30 **(2) a later date that is set forth in the ordinance.**

31 **(d) The tax terminates and may not be collected for events that occur after the city has**  
32 **satisfied any outstanding obligations described in section 7(d)(3) of this chapter.**

33 **Sec. 3. (a) As used in this section, "paid admission" refers to the price paid by each person**  
34 **who pays a price for admission to any event described in section 2(a) of this chapter. The term**  
35 **does not refer to persons who are entitled to be at an event without having paid a price for**  
36 **admission.**

37 **(b) The admission tax equals five percent (5%) of each paid admission to an event at the**  
38 **complex.**

39 **Sec. 4. If the city fiscal body adopts an ordinance under section 2 of this chapter, it shall**  
40 **immediately send a certified copy of the ordinance to the city fiscal officer.**

41 **Sec. 5. (a) Each person who pays a price for admission to an event described in section 2(a)**  
42 **of this chapter is liable for the tax imposed under this chapter.**

43 **(b) The person who collects the price for admission to the complex shall also collect the**  
44 **admissions tax at the same time the price for admission is paid. In addition, the person shall**  
45 **collect the tax as an agent of the city in which the complex is located.**

46 **Sec. 6. A person who collects the admissions tax under section 5 of this chapter shall remit the**  
47 **tax collections to the city fiscal officer. The person shall remit the revenues collected during a**  
48 **particular month before the twentieth day of the following month. At the time the tax revenues**  
49 **are remitted, the person shall file an admissions tax return on the form prescribed by the city**

1 fiscal body.

2 Sec. 7. (a) If a tax is imposed under this chapter, the city fiscal body shall establish a city  
3 admissions tax fund.

4 (b) The city fiscal officer shall deposit money received under section 6 of this chapter in the  
5 city admissions tax fund.

6 (c) Money earned from the investment of money in the city admissions tax fund becomes a  
7 part of the fund.

8 (d) Money in the city admissions tax fund may be used by the city only for the following:

9 (1) Costs to finance, construct, reconstruct, or improve:

10 (A) public thoroughfares or highways to improve ingress or egress to and from the  
11 complex;

12 (B) infrastructure, including water and wastewater improvements, serving the complex;

13 (C) the total cost of all land, rights-of-way, and other property to be acquired by the city  
14 for the complex; and

15 (D) site preparation, drainage, landscaping, and lighting.

16 (2) All reasonable and necessary architectural, engineering, legal, financing, accounting,  
17 advertising, bond discount, and supervisory expenses related to the acquisition and  
18 development of the property or the issuance of bonds.

19 (3) Payment of principal and interest on bonds issued, or lease rentals on leases entered  
20 into, by the city to finance the construction, reconstruction, or improvement identified  
21 under this subsection. Costs payable under this section include costs of capitalized interest  
22 and legal, accounting, and other costs incurred in the issuance of any bonds or the entering  
23 into of any leases.

24 (4) Payment of any access or connection fee imposed on the complex for access to the city's  
25 public sewer system, as long as the fee applies to all property owners served and is  
26 uniformly assessed within the city's corporate boundaries.

27 Sec. 8. (a) The city may:

28 (1) use revenues from the tax collected under this chapter to pay all or part of the costs  
29 associated with the improvements described in section 7(d) of this chapter;

30 (2) issue bonds, enter into leases, or incur other obligations to pay any costs associated with  
31 the improvements described in section 7(d) of this chapter;

32 (3) reimburse itself or any nonprofit corporation for any money advanced to pay those  
33 costs; or

34 (4) refund bonds issued or other obligations incurred under this chapter.

35 (b) Bonds or other obligations issued under this section:

36 (1) are payable from revenues under this chapter, any other revenues available to the city,  
37 or any combination of these sources, in accordance with a pledge made under IC 5-1-14-4;

38 (2) must be issued in the manner prescribed by IC 36-4-6-19 through IC 36-4-6-20;

39 (3) may, in the discretion of the city, be sold at a negotiated sale at a price to be determined  
40 by the city or in accordance with IC 5-1-11 and IC 5-3-1; and

41 (4) may be issued for a term not to exceed twenty-five (25) years, the term to apply to any  
42 refunding bonds issued to refund bonds originally issued under this section.

43 (c) Leases entered into under this section:

44 (1) may be for a term not to exceed twenty-five (25) years;

45 (2) may provide for payments from revenues under this chapter, any other revenues  
46 available to the city, or any combination of these sources;

47 (3) may provide that payments by the city to the lessor are required only to the extent and  
48 only for the time that the lessor is able to provide the leased facilities in accordance with  
49 the lease;

1 (4) must be based upon the value of the facilities leased; and

2 (5) may not create a debt of the city for purposes of the Constitution of the State of Indiana.

3 (d) A lease may be entered into by the city only after a public hearing with notice given in  
4 accordance with IC 5-3-1 at which all interested parties are provided the opportunity to be  
5 heard. After the public hearing, the executive may approve the execution of the lease on behalf  
6 of the city only if the executive finds that the service to be provided throughout the life of the  
7 lease will serve the public purpose of the city and is in the best interests of its residents. A lease  
8 approved by the executive must also be approved by an ordinance of the city fiscal body.

9 (e) Upon execution of a lease under this section, and after approval of the lease by the city  
10 fiscal body, the executive shall publish notice of the execution of the lease and the approval of  
11 the lease in accordance with IC 5-3-1.

12 (f) An action to contest the validity of bonds issued or leases entered into under this section  
13 must be brought within thirty (30) days after the adoption of a bond ordinance or notice of the  
14 execution and approval of the lease, as applicable.

15 Sec. 9. The accounts, books, and records of the complex are subject to an annual financial and  
16 compliance audit by the state board of accounts.

17 Sec. 10. With respect to:

18 (1) bonds, leases, or other obligations to which the city has pledged revenues under this  
19 chapter; and

20 (2) bonds issued by a lessor that are payable from lease rentals;  
21 the general assembly covenants with the city and the purchasers or owners of the bonds or other  
22 obligations described in this section that this chapter will not be repealed or amended in any  
23 manner that will adversely affect the collection of the tax imposed under this chapter or the  
24 money deposited in the city admissions tax fund, as long as the principal of or interest on any  
25 bonds, or the lease rentals due under any lease, are unpaid.

26 SECTION 263. IC 8-5-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
27 2009]: Sec. 3. (a) The district shall be supervised and managed by a board of trustees, which consists  
28 of the following:

29 (1) Four (4) members, one (1) from each county that is a member of the district, appointed by that  
30 county's board of county commissioners. **In the case of a member appointed or reappointed  
31 under this subdivision after December 31, 2009, the member must be a member of the  
32 board of county commissioners of the county that the member represents.**

33 (2) Four (4) members, one (1) from each county that is a member of the district, each of whom  
34 is the president of that county's county council or another council member designated by the  
35 president as a board member.

36 (3) One (1) member representing the rest of the state, appointed by the governor. **The term of  
37 a member appointed or reappointed under this subdivision ends December 31, 2009.**

38 (4) One (1) passenger member appointed by the governor. The member appointed under this  
39 subdivision must be selected from passengers who have submitted a letter of interest to the  
40 governor. To be considered for this position, a passenger must submit a letter of interest to the  
41 governor during a two (2) week period that begins sixty (60) days before the expiration of the  
42 term of the member appointed under this subdivision. A member of the board serving under this  
43 subdivision is not required to submit a letter of interest to be eligible for appointment to a  
44 successive term. **The term of a member appointed or reappointed under this subdivision  
45 ends December 31, 2009.**

46 (5) One (1) member who is an employee of the district, appointed by the governor from a list of  
47 names submitted by the labor unions representing the employees of the district. Each labor union  
48 representing employees of the district may submit one (1) name to be included on the list of  
49 names under this subdivision. **The term of a member appointed or reappointed under this**

1           **subdivision ends December 31, 2009.**

2           (b) A member shall serve for a term of two (2) years from the beginning of the term for which the  
3 member was appointed and until a successor has qualified for the office. Each member shall serve at  
4 the pleasure of the appointing authority but is eligible for reappointment for successive terms.

5           (c) The members of the board shall elect for a one (1) year term:

- 6           (1) one (1) member as chairman;
- 7           (2) one (1) member to serve as vice chairman;
- 8           (3) one (1) member to serve as secretary; and
- 9           (4) one (1) member to serve as treasurer.

10          (d) Ninety (90) days before the expiration of the term of the board member appointed under  
11 subsection (a)(4), the district shall post in each commuter station in the district a notice of the opening  
12 on the board of trustees. The notice must announce the opening for a passenger member on the board  
13 of trustees and provide information on submitting a letter of interest. The notice must state the period  
14 in which the passenger must submit a letter of interest. The notice must remain posted until the  
15 expiration of the two (2) week period described in subsection (a)(4).

16          (e) A member appointed under subsection (a)(4) or (a)(5) may not:

- 17          (1) vote on issues involving perceived or actual financial conflicts of interest, including personnel  
18 issues, collective bargaining, and assessment or levy of taxes; or
- 19          (2) participate in an executive session of the board under IC 5-14-1.5-6.1, on issues regarding:
  - 20           (A) the discussion of strategy for:
    - 21           (i) collective bargaining; or
    - 22           (ii) the initiation of litigation or litigation that is either pending or has been threatened
  - 23           specifically in writing;
  - 24           as described in IC 5-14-1.5-6.1(b)(2); or
  - 25           (B) the discussion of job performance evaluation of individual employees, except for a
  - 26           discussion of the salary, compensation, or benefits of employees during a budget process, as
  - 27           described in IC 5-14-1.5-6.1(b)(9).

28          (f) The members appointed under subsection (a)(4) and (a)(5) must reside in different counties.

29          SECTION 264. IC 8-16-3.1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
30 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. The definitions set forth in**  
31 **IC 8-16-3-1.5 apply throughout this chapter.**

32          SECTION 265. IC 8-16-3.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
33 2009]: Sec. 4. (a) The executive of any eligible county may provide a major bridge fund in compliance  
34 with IC 6-1.1-41 to make available funding for **the following purposes:**

- 35          **(1) The construction of major bridges.**
- 36          **(2) In Allen County, the construction, maintenance, and repair of bridges, approaches, and**  
37 **grade separations with respect to structures other than major bridges.**

38          (b) The executive of any eligible county may levy a tax in compliance with IC 6-1.1-41 not to  
39 exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) assessed  
40 valuation of all taxable personal and real property within the county to provide for the major bridge  
41 fund.

42          **(c) The general assembly finds the following:**

- 43          **(1) Allen County eliminated its levy for a cumulative bridge fund to use its levy authority**  
44 **to fund a juvenile center.**
- 45          **(2) Allen County has more bridges than any other county in Indiana, outside of Marion**  
46 **County: Marion County has five hundred twenty-two (522), Allen County has three**  
47 **hundred fifty-one (351), and Hamilton County has two hundred seventy-seven (277).**
- 48          **(3) Allen County has the largest land area of any county in Indiana.**
- 49          **(4) Allen County is the third largest populated county in Indiana.**

1 (5) Allen County has a heavy manufacturing and industrial base, increasing traffic and  
2 wear and tear on streets, roads, and bridges.

3 (6) Allen County has large temperature fluctuations, leading to increased maintenance  
4 costs.

5 (7) Allen County has three (3) major rivers that come together in the heart of Fort Wayne,  
6 which means more bridges are needed in the area due to the infrastructure that  
7 accommodates Fort Wayne, the second largest city in Indiana.

8 (8) Allen County dissolved its cumulative bridge fund in 2002 to provide room in the levy  
9 for judicial mandates to build two (2) detention facilities, as the former jail was  
10 overcrowded due to the large population.

11 (9) Allen County has a major bridge fund that is provided to maintain major bridges, but  
12 can be used to fund smaller bridges and will not harm the ability of Allen County to pay for  
13 obligations caused by judicial mandates.

14 (10) Expansion of the purposes for Allen County's major bridge fund may be used in Allen  
15 County to meet the critical needs in Allen County for the maintenance of bridges other than  
16 major bridges in the unincorporated areas of the county.

17 (d) Because of the findings set forth in subsection (c), except as provided in subsection (e),  
18 beginning after June 30, 2009, in Allen County the county executive is responsible for providing  
19 funds for the following:

20 (1) All bridges in unincorporated areas of the county.

21 (2) All bridges in each municipality in the county that has entered into an interlocal  
22 agreement under IC 36-1-7 with the county to provide bridge funds.

23 (e) Subsection (d) does not apply to providing funds for bridges on the state highway system.

24 SECTION 266. IC 8-16-3.1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
25 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. An appropriation from the major**  
26 **bridge fund in Allen County may be made without the approval of the department of local**  
27 **government finance if:**

28 (1) the county executive adopts a resolution finding that the county does not need to  
29 continue accumulating money in the fund for the construction of a major bridge;

30 (2) the county executive requests the appropriation; and

31 (3) the appropriation is for the purpose of constructing, maintaining, or repairing bridges,  
32 approaches, or grade separations with respect to structures other than major bridges.

33 SECTION 267. IC 8-16-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
34 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

35 **Chapter 17. Ohio River Bridges Project Commission**

36 **Sec. 1. As used in this chapter, "commission" refers to the Ohio River bridges project**  
37 **commission established by section 3 of this chapter.**

38 **Sec. 2. As used in this chapter, "project" refers to an Ohio River bridges project.**

39 **Sec. 3. The Ohio River bridges project commission is established.**

40 **Sec. 4. (a) The commission shall work with lawfully authorized representatives of the**  
41 **Commonwealth of Kentucky to prepare a proposed agreement between Indiana and Kentucky**  
42 **to govern the financing, construction, and maintenance of Ohio River bridges projects.**

43 **(b) The commission shall submit any proposed agreement prepared under this section to the**  
44 **governor for the governor's approval. If a proposed agreement is approved by the governor, the**  
45 **commission shall submit the proposed agreement to the general assembly for introduction in the**  
46 **first session of the general assembly beginning after the date of the governor's approval.**

47 **Sec. 5. The commission consists of five (5) voting members appointed as follows:**

48 (1) The chairperson of the house standing committee having primary responsibility for  
49 transportation matters, as determined by the speaker of the house, serving ex officio.

1 (2) The chairperson of the senate standing committee having primary responsibility for  
2 transportation matters, as determined by the president pro tempore of the senate, serving  
3 ex officio.

4 (3) The commissioner of the Indiana department of transportation serving ex officio or the  
5 commissioner's designee. A designee of the commissioner serves at the pleasure of the  
6 commissioner.

7 (4) The chairman of the Indiana finance authority serving ex officio or the chairperson's  
8 designee. A designee of the chairperson serves at the pleasure of the chairperson.

9 (5) An Indiana resident jointly appointed by the governor, the speaker of the house of  
10 representatives, and the president pro tempore of the senate.

11 **Sec. 6. The members of the commission shall elect one (1) member of the commission to be**  
12 **the commission's chairperson and other officers as the members may determine.**

13 **Sec. 7. (a) The commission may meet at any time during the calendar year.**

14 **(b) The commission shall meet at the call of the chairperson.**

15 **Sec. 8. The commission shall file an annual report with the legislative council in an electronic**  
16 **format under IC 5-14-6 by November 1 of each year.**

17 **Sec. 9. (a) Three (3) members of the commission constitute a quorum.**

18 **(b) The affirmative votes of a majority of the voting members appointed to the commission**  
19 **are required for the commission to take action on any measure, including final reports.**

20 **Sec. 10. The department of transportation shall provide staff support for the commission.**

21 **Sec. 11. (a) Subject to subsection (b), each member of the commission appointed under this**  
22 **chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members**  
23 **of the general assembly serving on legislative study committees established by the legislative**  
24 **council.**

25 **(b) This subsection applies to a member of the commission who is not a member of the**  
26 **general assembly. A member of the commission may not receive a per diem, mileage, or travel**  
27 **allowance under subsection (a) if the member also receives a per diem, mileage, or travel**  
28 **allowance from the authority or governmental entity that employs the member.**

29 **Sec. 12. This chapter expires December 31, 2019.**

30 SECTION 268. IC 8-22-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
31 2009]: Sec. 11. The board may do all acts necessary or reasonably incident to carrying out the  
32 purposes of this chapter, including the following:

33 (1) As a municipal corporation, to sue and be sued in its own name.

34 (2) To have all the powers and duties conferred by statute upon boards of aviation  
35 commissioners. The board supersedes all boards of aviation commissioners within the district.  
36 The board has exclusive jurisdiction within the district.

37 (3) To protect all property owned or managed by the board.

38 (4) To adopt an annual budget and levy taxes in accordance with this chapter.

39 (A) The board may not levy taxes on property in excess of the following rate schedule, except  
40 as provided in sections 17 and 25 of this chapter:

Total Assessed Property Valuation	Rate Per \$100 Of Assessed Valuation
\$300 million or less	\$0.10
More than \$300 million but not more than \$450 million	\$0.0833
More than \$450 million but not more than \$600 million	\$0.0667
More than \$600 million but not more than \$900 million	\$0.05

1 More than \$900 million \$0.0333

2 (B) Clause (A) does not apply to an authority that was established under IC 19-6-2 or  
3 IC 19-6-3 (before their repeal on April 1, 1980).

4 (C) The board of an authority that was established under IC 19-6-3 (before its repeal on April  
5 1, 1980) may levy taxes on property not in excess of six and sixty-seven hundredths cents  
6 (\$0.0667) on each one hundred dollars (\$100) of assessed valuation.

7 (5) To incur indebtedness in the name of the authority in accordance with this chapter.

8 (6) To adopt administrative procedures, rules, and regulations.

9 (7) To acquire property, real, personal, or mixed, by deed, purchase, lease, condemnation, or  
10 otherwise and dispose of it for use or in connection with or for administrative purposes of the  
11 airport; to receive gifts, donations, bequests, and public trusts and to agree to conditions and  
12 terms accompanying them and to bind the authority to carry them out; to receive and administer  
13 federal or state aid; and to erect buildings or structures that may be needed to administer and  
14 carry out this chapter.

15 (8) To determine matters of policy regarding internal organization and operating procedures not  
16 specifically provided for otherwise.

17 (9) To adopt a schedule of reasonable charges and to collect them from all users of facilities and  
18 services within the district.

19 (10) To purchase supplies, materials, and equipment to carry out the duties and functions of the  
20 board in accordance with procedures adopted by the board.

21 (11) To employ personnel that are necessary to carry out the duties, functions, and powers of the  
22 board.

23 (12) To establish an employee pension plan. The board may, upon due investigation, authorize  
24 and begin a fair and reasonable pension or retirement plan and program for personnel, the cost  
25 to be borne by either the authority or by the employee or by both, as the board determines. If the  
26 authority was established under IC 19-6-2 (before its repeal on April 1, 1980), the entire cost  
27 must be borne by the authority, and ordinances creating the plan or making changes in it must be  
28 approved by the mayor of the city. The plan may be administered and funded by a trust fund or  
29 by insurance purchased from an insurance company licensed to do business in Indiana or by a  
30 combination of them. The board may also include in the plan provisions for life insurance,  
31 disability insurance, or both.

32 (13) To sell surplus real or personal property in accordance with law. If the board negotiates an  
33 agreement to sell trees situated in woods or forest areas owned by the board, the trees are  
34 considered to be personal property of the board for severance or sale.

35 (14) To adopt and use a seal.

36 (15) To acquire, establish, construct, improve, equip, maintain, control, lease, and regulate  
37 municipal airports, landing fields, and other air navigation facilities, either inside or outside the  
38 district; to acquire by lease (with or without the option to purchase) airports, landing fields, or  
39 navigation facilities, and any structures, equipment, or related improvements; and to erect, install,  
40 construct, and maintain at the airport or airports facilities for the servicing of aircraft and for the  
41 comfort and accommodation of air travelers and the public. The Indiana department of  
42 transportation must grant its approval before land may be purchased for the establishment of an  
43 airport or landing field and before an airport or landing field may be established.

44 (16) To fix and determine exclusively the uses to which the airport lands may be put. All uses  
45 must be necessary or desirable to the airport or the aviation industry and must be compatible with  
46 the uses of the surrounding lands as far as practicable.

47 (17) To elect a secretary from its membership, or to employ a secretary, an airport director,  
48 superintendents, managers, a treasurer, engineers, surveyors, attorneys, clerks, guards, mechanics,  
49 laborers, and all employees the board considers expedient, and to prescribe and assign their

1        respective duties and authorities and to fix and regulate the compensation to be paid to the  
2        persons employed by it in accordance with the authority's appropriations. All employees shall be  
3        selected irrespective of their political affiliations.

4        (18) To make all rules and regulations, consistent with laws regarding air commerce, for the  
5        management and control of its airports, landing fields, air navigation facilities, and other property  
6        under its control.

7        (19) To acquire by lease the use of an airport or landing field for aircraft pending the acquisition  
8        and improvement of an airport or landing field.

9        (20) To manage and operate airports, landing fields, and other air navigation facilities acquired  
10       or maintained by an authority; to lease all or part of an airport, landing field, or any buildings or  
11       other structures, and to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the  
12       use of the whole or a part of the airports, landing fields, or other air navigation facilities by  
13       aircraft landing there and for the servicing of the aircraft; to construct public recreational  
14       facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for  
15       public admissions and privileges; and to make contracts for the operation and management of the  
16       airports, landing fields, and other air navigation facilities; and to provide for the use,  
17       management, and operation of the air navigation facilities through lessees, its own employees,  
18       or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part  
19       of it may be made for a term not exceeding fifteen (15) years and may be extended for similar  
20       terms of years, except that any parcels of the land of the airport may be leased for any use  
21       connected with the operation and convenience of the airport for an initial term not exceeding  
22       forty (40) years and may be extended for a period not to exceed ten (10) years. If a person whose  
23       character, experience, and financial responsibility ~~has~~ **have** been determined satisfactory by the  
24       board; offers to erect a permanent structure that facilitates and is consistent with the operation,  
25       use, and purpose of the airport on land belonging to the airport, a lease may be entered into for  
26       a period not to exceed ninety-nine (99) years. However, the board must pass an ordinance to enter  
27       into such a lease, The board may not grant an exclusive right for the use of a landing area under  
28       its jurisdiction. However, this does not prevent the making of leases in accordance with other  
29       provisions of this chapter. All contracts, and leases, are subject to restrictions and conditions that  
30       the board prescribes. The authority may lease its property and facilities for any commercial or  
31       industrial use it considers necessary and proper, including the use of providing airport motel  
32       facilities. **For the airport authority established by the city of Gary, the board may approve**  
33       **a lease, management agreement, or other contract:**

34        **(A) with a person:**

35                **(i) who is selected by the board using the procedures under IC 36-1-9.5; and**

36                **(ii) whose character, experience, and financial responsibility have been determined**  
37                **satisfactory by the board; and**

38        **(B) to use, plan, design, acquire, construct, reconstruct, improve, extend, expand, lease,**  
39        **operate, repair, manage, maintain, or finance all or any part of the airport and its**  
40        **landing fields, air navigation facilities, and other buildings and structures for a period**  
41        **not to exceed ninety-nine (99) years. However, the board must pass an ordinance to enter**  
42        **into such a lease, management agreement, or other contract. All contracts, leases, and**  
43        **management agreements are subject to restrictions and conditions that the board**  
44        **prescribes. The authority may lease its property and facilities for any commercial or**  
45        **industrial use it considers necessary and proper, including the use of providing airport**  
46        **motel facilities. A lease, management agreement, or other contract entered into under**  
47        **this section or any other provision of this chapter may be entered into without complying**  
48        **with IC 5-23.**

49        (21) To sell machinery, equipment, or material that is not required for aviation purposes. The

1 proceeds shall be deposited with the treasurer of the authority.

2 (22) To negotiate and execute contracts for sale or purchase, lease, personal services, materials,  
3 supplies, equipment, or any other transaction or business relative to an airport under the board's  
4 control and operation. However, whenever the board determines to sell part or all of aviation  
5 lands, buildings, or improvements owned by the authority, the sale must be in accordance with  
6 law.

7 (23) To vacate all or parts of roads, highways, streets, or alleys, whether inside or outside the  
8 district, in the manner provided by statute.

9 (24) To annex lands to itself if the lands are owned by the authority or are streets, roads, or other  
10 public ways.

11 (25) To approve any state, county, city, or other highway, road, street or other public way,  
12 railroad, power line, or other right-of-way to be laid out or opened across an airport or in such  
13 proximity as to affect the safe operation of the airport.

14 (26) To construct drainage and sanitary sewers with connections and outlets as are necessary for  
15 the proper drainage and maintenance of an airport or landing field acquired or maintained under  
16 this chapter, including the necessary buildings and improvements and for the public use of them  
17 in the same manner that the authority may construct sewers and drains. However, with respect  
18 to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing  
19 field, the board shall proceed in the same manner as private owners of property and may institute  
20 proceedings and negotiate with the departments, bodies, and officers of an eligible entity to  
21 secure the proper orders and approvals; and to order a public utility or public service corporation  
22 or other person to remove or to install in underground conduits wires, cables, and power lines  
23 passing through or over the airport or landing field or along the borders or within a reasonable  
24 distance that may be determined to be necessary for the safety of operations, upon payment to the  
25 utility or other person of due compensation for the expense of the removal or reinstallation. The  
26 board must consent before any franchise may be granted by state or local authorities for the  
27 construction of or maintenance of railway, telephone, telegraph, electric power, pipe, or conduit  
28 line upon, over, or through land under the control of the board or within a reasonable distance  
29 of land that is necessary for the safety of operation. The board must also consent before overhead  
30 electric power lines carrying a voltage of more than four thousand four hundred (4,400) volts and  
31 having poles, standards, or supports over thirty (30) feet in height within one-half (1/2) mile of  
32 a landing area acquired or maintained under this chapter may be installed.

33 (27) To contract with any other state agency or instrumentality or any political subdivision for  
34 the rendition of services, the rental or use of equipment or facilities, or the joint purchase and use  
35 of equipment or facilities that are necessary for the operation, maintenance, or construction of  
36 an airport operated under this chapter.

37 (28) To provide air transportation in furtherance of the duties and responsibilities of the board.

38 (29) To promote or encourage aviation-related trade or commerce at the airports that it operates.

39 SECTION 269. IC 8-22-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
40 2009]: Sec. 23. (a) The board shall annually prepare a budget for the purpose of operating and  
41 maintenance expenditures of the authority and shall calculate the tax levy necessary to provide funds  
42 for the operating expenditures necessary to carry out the powers, duties, and functions of the authority.  
43 The budget must be prepared and submitted:

44 (1) before or at the same time;

45 (2) in the same manner; and

46 (3) with notice;

47 as provided by the statutes relating to the preparation of budgets by eligible entities. The budget is  
48 subject to the same review by the county tax adjustment board and the department of local government  
49 finance as exists under the general statutes relating to budgets of eligible entities.

1 (b) If the eligible entity that established the authority is a county, city, or town, the fiscal body of  
2 that entity may review and modify the authority's operating and maintenance budget and the tax levy  
3 to meet it, in the same manner as the budgets and tax levies of executive departments of that entity are  
4 reviewed and modified. This power includes the power to reduce any item of salary.

5 (c) Whenever a tax levy is required to finance the budget of an authority that was established by  
6 a city or town, the fiscal body of the county also may review the budget and tax levy of the authority,  
7 unless the district:

8 (1) lies wholly within, or coincides with, the boundaries of a city or town;

9 (2) is not the recipient of funds from a county-wide tax levy made specifically for the operating  
10 and maintenance budget for that authority; and

11 (3) was established by the fiscal body of the city or town, acting independently.

12 However, the budget and tax levy of the authority are subject to review or modification by the fiscal  
13 body of the city or town with which it shares territory, in the same manner as the budgets and tax  
14 levies of the executive departments of that city or town are reviewed or modified.

15 (d) If an authority was established by another eligible entity or by two (2) or more eligible entities  
16 acting jointly, its operating and maintenance budget and the tax levy to meet it is subject to review and  
17 modification by the same body that reviews and modifies the budget of each of those entities in the  
18 same manner as the budgets and tax levies of those entities, including reduction of any item of salary.

19 **(e) This subsection applies only to the airport authority established by the city of Gary. The**  
20 **following provisions apply if the board enters into a lease, management agreement, or other**  
21 **contract under an application approved by the Federal Aviation Administration under which**  
22 **the lessee or other operator agrees to lease, manage, or operate all or substantially all of the**  
23 **airport and its landing fields, air navigation facilities, and other buildings and structures owned**  
24 **by the authority:**

25 **(1) The board shall, to the extent permitted by federal law or any grant agreement, make**  
26 **distributions to the city of Gary from the payments received under the lease, management**  
27 **agreement, or other contract.**

28 **(2) The distributions to the city of Gary shall be made in installments and on the dates**  
29 **determined by the fiscal body of the city, and shall be paid to the fiscal officer of the city**  
30 **for deposit in the city's general fund.**

31 **(3) Money distributed to the city of Gary under this subsection may be used for any legal**  
32 **or corporate purpose of the city and may not be used to reduce the city's maximum levy**  
33 **under IC 6-1.1-18.5, but may be used at the discretion of the city fiscal body to reduce the**  
34 **property tax levy of the city for a particular year.**

35 **(f) The general assembly finds the following:**

36 **(1) The city of Gary faces:**

37 **(A) unique and distinct challenges due to high levels of unemployment, the character and**  
38 **occupancy of real estate, and the general economic conditions of the community; and**

39 **(B) unique and distinct opportunities related to transportation and economic**  
40 **development;**

41 **that are different in scope and type than those faced by other units of local government in**  
42 **Indiana.**

43 **(2) A unique approach is required to fully take advantage of the economic development**  
44 **potential of the city of Gary, the Gary/Chicago International Airport, and the Lake**  
45 **Michigan shoreline.**

46 **(3) The powers and responsibilities provided to the airport authority established by the city**  
47 **of Gary by subsection (e) and the other provisions of this chapter are appropriate and**  
48 **necessary to carry out the public purposes of encouraging economic development and**  
49 **further facilitating the provision of air transportation services and economic development**

1 projects in the city of Gary.

2 **(4) The exercise of the powers and responsibilities granted to the airport authority**  
3 **established by the city of Gary by subsection (e) and the other provisions of this chapter is**  
4 **critical to economic development not only in the city of Gary, but throughout northwest**  
5 **Indiana, and is a public purpose.**

6 **(5) Economic development benefits the health and welfare of the people of Indiana, is a**  
7 **public use and purpose for which public money may be spent, and is of public utility and**  
8 **benefit.**

9 SECTION 270. IC 8-22-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
10 2009]: Sec. 31. (a) The authority, acting by and through its board under IC 8-21-8, may accept, receive,  
11 and receipt for federal, other public, or private monies for the acquisition, construction, enlargement,  
12 improvement, maintenance, equipment, or operation of airports, other air navigation facilities, and  
13 sites for them, and comply with federal laws made for the expenditure of federal monies upon airports  
14 and other air navigation facilities.

15 (b) Subject to IC 8-21-8, the board has exclusive power to submit to the proper state and federal  
16 agencies applications for grants of funds for airport development and to make or execute  
17 representations, assurances and contracts, to enter into covenants and agreements with state or federal  
18 agency or agencies relative to the development of an airport, and to comply with all federal and state  
19 laws pertaining to the acquisition, development, operation, and administration of airports and  
20 properties by the authority.

21 **(c) This subsection applies only to the airport authority established by the city of Gary. The**  
22 **authority may assign the powers described in this section to a lessee or other operator with**  
23 **whom it enters into a lease, management agreement, or other contract under section 11(20) of**  
24 **this chapter if the board has determined that the lessee or other operator has the expertise and**  
25 **experience to operate the facilities of the authority in accordance with prudent airport operating**  
26 **standards.**

27 SECTION 271. IC 8-22-3.5-1, AS AMENDED BY P.L.124-2006, SECTION 1, IS AMENDED TO  
28 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the following:

29 (1) Each county having a consolidated city.

30 (2) Each city having a population of more than ninety thousand (90,000) but less than one  
31 hundred five thousand (105,000).

32 (3) Each county having a population of more than one hundred five thousand (105,000) but less  
33 than one hundred ten thousand (110,000).

34 (4) Each county having a population of more than three hundred thousand (300,000) but less than  
35 four hundred thousand (400,000).

36 (5) Each county having a population of more than one hundred seventy thousand (170,000) but  
37 less than one hundred eighty thousand (180,000).

38 (6) Each county having a population of more than one hundred eighteen thousand (118,000) but  
39 less than one hundred twenty thousand (120,000).

40 **(7) Each city having a population of more than fifty-nine thousand seven hundred (59,700)**  
41 **but less than sixty-five thousand (65,000).**

42 SECTION 272. IC 8-22-3.5-2, AS AMENDED BY P.L.124-2006, SECTION 2, IS AMENDED TO  
43 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "commission"  
44 refers to the following:

45 (1) With respect to a county having a consolidated city, the metropolitan development  
46 commission acting as the redevelopment commission of the consolidated city, subject to  
47 IC 36-3-4-23.

48 (2) With respect to a city described in section 1(2) of this chapter, the board of the airport  
49 authority for the city.

1 (3) With respect to a county described in section 1(3) of this chapter, the board of an airport  
2 authority that is jointly established by the county and a municipality under IC 8-22-3.

3 (4) With respect to a county described in section 1(4) or 1(5) of this chapter, the board of an  
4 airport authority that is jointly established by the county and a municipality under IC 8-22-3.

5 (5) With respect to a county described in section 1(6) of this chapter, the board of an airport  
6 authority that is established by the county.

7 **(6) With respect to a city described in section 1(7) of this chapter, the board of aviation**  
8 **commissioners for the city.**

9 SECTION 273. IC 8-22-3.5-2.5, AS AMENDED BY P.L.124-2006, SECTION 3, IS AMENDED  
10 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. Notwithstanding IC 8-22-1-6, as  
11 used in this chapter, "eligible entity" refers to any of the following:

12 (1) A consolidated city.

13 (2) A city described in section 1(2) of this chapter.

14 (3) A city in a county described in section 1(3) of this chapter.

15 (4) A county described in section 1(4) of this chapter.

16 (5) A city located in a county described in section 1(4) of this chapter.

17 (6) A county described in section 1(5) of this chapter.

18 (7) A city located in a county described in section 1(5) of this chapter.

19 (8) A county described in section 1(6) of this chapter.

20 **(9) A city described in section 1(7) of this chapter.**

21 SECTION 274. IC 8-22-3.5-3, AS AMENDED BY P.L.124-2006, SECTION 4, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) As used in this chapter, "qualified  
23 airport development project" means an airport development project that has a cost of the project (as  
24 defined in IC 4-4-10.9-5) greater than:

25 (1) five hundred million dollars (\$500,000,000), if the project is to be located in a county having  
26 a consolidated city; or

27 (2) two hundred fifty thousand dollars (\$250,000), if the project is to be located in:

28 (A) a city described in section 1(2) **or 1(7)** of this chapter; or

29 (B) in a county described in section 1(3), 1(4), 1(5), or 1(6) of this chapter.

30 Except as provided by subsection (b), the term includes any portion or expansion of the original  
31 qualified airport development project used by one (1) or more successor tenants.

32 (b) For purposes of section 9 of this chapter, the definition of "qualified airport development  
33 project" does not include any portion of, or expansion of, the original qualified airport development  
34 project used by a successor tenant unless the commission adopts a resolution to amend the definition  
35 to include that portion or expansion.

36 SECTION 275. IC 8-22-3.5-5, AS AMENDED BY P.L.124-2006, SECTION 5, IS AMENDED TO  
37 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The commission may designate an  
38 area within the jurisdiction of **a board of aviation commissioners under IC 8-22-2** or an airport  
39 authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the  
40 following:

41 (1) In order to promote opportunities for the gainful employment of the citizens of the eligible  
42 entity and the attraction of a qualified airport development project to the eligible entity, an area  
43 under the jurisdiction of the **board of aviation commissioners** or airport authority should be  
44 declared an airport development zone.

45 (2) The public health and welfare of the eligible entity will be benefited by designating the area  
46 as an airport development zone.

47 (b) If the airport development zone will be located in a consolidated city or in a county described  
48 in section 1(3), 1(4), 1(5), or 1(6) of this chapter, the resolution adopted under subsection (a) must also  
49 include a finding that there has been proposed a qualified airport development project to be located

1 in the airport development zone, with the proposal supported by:

2 (1) financial and economic data; and

3 (2) preliminary commitments by business enterprises that evidence a reasonable likelihood that  
4 the proposed qualified airport development project will be initiated and accomplished.

5 (c) If the airport development zone will be located in a city described in:

6 **(1) section 1(2) of this chapter, the resolution adopted under subsection (a) must also include**  
7 **findings stating that the most recent federal decennial census for the city indicates ~~that:~~ the**  
8 **following:**

9 ~~(1)~~ **(A)** The unemployment rate for the city is at least thirteen percent (13%).

10 ~~(2)~~ **(B)** The population of the city has decreased by at least ten percent (10%) as compared to  
11 the population reported in the preceding federal decennial census for the city.

12 ~~(3)~~ **(C)** The median per capita income for city residents does not exceed eighty percent (80%)  
13 of the median per capita income for all residents of the United States. ~~and~~

14 ~~(4)~~ **(D)** At least twenty-five percent (25%) of the population of the city is below the federal  
15 income poverty level (as defined in IC 12-15-2-1); **or**

16 **(2) section 1(7) of this chapter, the resolution adopted under subsection (a) must also**  
17 **include findings stating the following:**

18 **(A) There has been proposed a qualified airport development project to be located in the**  
19 **airport development zone, with the proposal supported by:**

20 **(i) financial and economic data; and**

21 **(ii) preliminary commitments by business enterprises that evidence a reasonable**  
22 **likelihood that the proposed qualified airport development project will be initiated and**  
23 **accomplished.**

24 **(B) The city has Interstate Highway 69 serving the airport and the city's residents and**  
25 **facilitating commerce and free travel within and through the midwestern United States.**

26 (d) The resolution adopted under subsection (a) must describe the boundaries of the area. The  
27 description may be by reference to the area's location in relation to public ways or streams, or  
28 otherwise, as determined by the commission.

29 (e) If the airport development zone will be located in a county described in section 1(4), 1(5), or  
30 1(6) of this chapter, the resolution adopted under subsection (a) and any qualified airport development  
31 project to be located in the airport development zone, must be approved by the executive of:

32 (1) the county, if the entire airport development zone or qualified airport development project  
33 will be located outside the boundaries of any municipality located in the county;

34 (2) a municipality located in the county, if the entire airport development zone or qualified airport  
35 development project will be located within the boundary of the municipality; or

36 (3) the county and a municipality located in the county, if the airport development zone or  
37 qualified airport development project will be located within the boundary of the county and in  
38 part within the boundary of the municipality.

39 SECTION 276. IC 8-22-3.5-9, AS AMENDED BY P.L.146-2008, SECTION 365, IS AMENDED  
40 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) As used in this section, "base  
41 assessed value" means:

42 (1) the net assessed value of all the tangible property as finally determined for the assessment  
43 date immediately preceding the effective date of the allocation provision of the commission's  
44 resolution adopted under section 5 or 9.5 of this chapter, notwithstanding the date of the final  
45 action taken under section 6 of this chapter; plus

46 (2) to the extent it is not included in subdivision (1), the net assessed value of property that is  
47 assessed as residential property under the rules of the department of local government finance,  
48 as finally determined for any assessment date after the effective date of the allocation provision.

1 However, subdivision (2) applies only to an airport development zone established after June 30, 1997,  
2 and the portion of an airport development zone established before June 30, 1997, that is added to an  
3 existing airport development zone.

4 (b) A resolution adopted under section 5 of this chapter and confirmed under section 6 of this  
5 chapter must include a provision with respect to the allocation and distribution of property taxes for  
6 the purposes and in the manner provided in this section.

7 (c) The allocation provision must:

8 (1) apply to the entire airport development zone; and

9 (2) require that any property tax on taxable tangible property subsequently levied by or for the  
10 benefit of any public body entitled to a distribution of property taxes in the airport development  
11 zone be allocated and distributed as provided in subsections (d) and (e).

12 (d) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser  
13 of:

14 (1) the assessed value of the tangible property for the assessment date with respect to which the  
15 allocation and distribution is made; or

16 (2) the base assessed value;

17 shall be allocated and, when collected, paid into the funds of the respective taxing units.

18 (e) All of the property tax proceeds in excess of those described in subsection (d) shall be allocated  
19 to the eligible entity for the airport development zone and, when collected, paid into special funds as  
20 follows:

21 (1) The commission may determine that a portion of tax proceeds shall be allocated to a training  
22 grant fund to be expended by the commission without appropriation solely for the purpose of  
23 reimbursing training expenses incurred by public or private entities in the training of employees  
24 for the qualified airport development project.

25 (2) The commission may determine that a portion of tax proceeds shall be allocated to a debt  
26 service fund and dedicated to the payment of principal and interest on revenue bonds or a loan  
27 contract of the **board of aviation commissioners** or airport authority for a qualified airport  
28 development project, to the payment of leases for a qualified airport development project, or to  
29 the payment of principal and interest on bonds issued by an eligible entity to pay for qualified  
30 airport development projects in the airport development zone or serving the airport development  
31 zone.

32 (3) The commission may determine that a part of the tax proceeds shall be allocated to a project  
33 fund and used to pay expenses incurred by the commission for a qualified airport development  
34 project that is in the airport development zone or is serving the airport development zone.

35 (4) Except as provided in subsection (f), all remaining tax proceeds after allocations are made  
36 under subdivisions (1), (2), and (3) shall be allocated to a project fund and dedicated to the  
37 reimbursement of expenditures made by the commission for a qualified airport development  
38 project that is in the airport development zone or is serving the airport development zone.

39 (f) Before July 15 of each year, the commission shall do the following:

40 (1) Determine the amount, if any, by which tax proceeds allocated to the project fund in  
41 subsection (e)(3) in the following year will exceed the amount necessary to satisfy amounts  
42 required under subsection (e).

43 (2) Provide a written notice to the county auditor and the officers who are authorized to fix  
44 budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is  
45 wholly or partly located within the allocation area. The notice must:

46 (A) state the amount, if any, of excess tax proceeds that the commission has determined may  
47 be allocated to the respective taxing units in the manner prescribed in subsection (d); or

48 (B) state that the commission has determined that there are no excess tax proceeds that may  
49 be allocated to the respective taxing units in the manner prescribed in subsection (d).

1 The county auditor shall allocate to the respective taxing units the amount, if any, of excess tax  
2 proceeds determined by the commission.

3 (g) When money in the debt service fund and in the project fund is sufficient to pay all outstanding  
4 principal and interest (to the earliest date on which the obligations can be redeemed) on revenue bonds  
5 issued by the **board of aviation commissioners** or airport authority for the financing of qualified  
6 airport development projects, all lease rentals payable on leases of qualified airport development  
7 projects, and all costs and expenditures associated with all qualified airport development projects,  
8 money in the debt service fund and in the project fund in excess of those amounts shall be paid to the  
9 respective taxing units in the manner prescribed by subsection (d).

10 (h) Property tax proceeds allocable to the debt service fund under subsection (e)(2) must, subject  
11 to subsection (g), be irrevocably pledged by the eligible entity for the purpose set forth in subsection  
12 (e)(2).

13 (i) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess  
14 the taxable tangible property situated upon or in, or added to, the airport development zone effective  
15 on the next assessment date after the petition.

16 (j) Notwithstanding any other law, the assessed value of all taxable tangible property in the airport  
17 development zone, for purposes of tax limitation, property tax replacement, and formulation of the  
18 budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser  
19 of:

- 20 (1) the assessed value of the tangible property as valued without regard to this section; or
- 21 (2) the base assessed value.

22 SECTION 277. IC 8-22-3.5-14, AS AMENDED BY P.L.146-2008, SECTION 366, IS AMENDED  
23 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies only to an  
24 airport development zone that is in a:

- 25 (1) city described in section 1(2) **or 1(7)** of this chapter; or
- 26 (2) county described in section 1(3), 1(4), or 1(6) of this chapter.

27 (b) Notwithstanding any other law, a business or an employee of a business that is located in an  
28 airport development zone is entitled to the benefits provided by the following statutes, as if the  
29 business were located in an enterprise zone:

- 30 (1) IC 6-3-2-8.
- 31 (2) IC 6-3-3-10.
- 32 (3) IC 6-3.1-7.
- 33 (4) IC 6-3.1-9.
- 34 (5) IC 6-3.1-10-6.

35 (c) Before June 1 of each year, a business described in subsection (b) must pay a fee equal to the  
36 amount of the fee that is required for enterprise zone businesses under IC 5-28-15-5(a)(4)(A).  
37 However, notwithstanding IC 5-28-15-5(a)(4)(A), the fee shall be paid into the debt service fund  
38 established under section 9(e)(2) of this chapter. If the commission determines that a business has  
39 failed to pay the fee required by this subsection, the business is not eligible for any of the benefits  
40 described in subsection (b).

41 (d) A business that receives any of the benefits described in subsection (b) must use all of those  
42 benefits, except for the amount of the fee required by subsection (c), for its property or employees in  
43 the airport development zone and to assist the commission. If the commission determines that a  
44 business has failed to use its benefits in the manner required by this subsection, the business is not  
45 eligible for any of the benefits described in subsection (b).

46 (e) If the commission determines that a business has failed to pay the fee required by subsection  
47 (c) or has failed to use benefits in the manner required by subsection (d), the commission shall provide  
48 written notice of the determination to the department of state revenue, the department of local  
49 government finance, and the county auditor.

1 SECTION 278. IC 8-23-9-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
2 2009]: Sec. 4.5. (a) As used in this section, "qualified work release program" refers to:

3 (1) a work release program that is established by the department of correction under IC 11-10-8  
4 or IC 11-10-10; or

5 (2) a county work release program under IC 11-12-5.

6 (b) Notwithstanding IC 8-23-10, **but subject to IC 8-23-24.5**, the commissioner may contract with  
7 a qualified work release program for the maintenance of a highway right-of-way without taking  
8 competitive bids. As used in this subsection, "highway right-of-way" includes only the grass plots.

9 SECTION 279. IC 8-23-8-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
10 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 10. (a) As used**  
11 **in this section, "designated highway" refers to the highway designated as a limited access facility**  
12 **under subsection (b).**

13 (b) **The department shall designate and do all acts necessary to establish the part of State**  
14 **Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 as a limited**  
15 **access facility. The designated highway shall be in operation as a limited access facility beginning**  
16 **not later than January 1, 2009.**

17 (c) **Neither the department nor any political subdivision may authorize any additional curb**  
18 **cuts or intersections after January 1, 2009, on the designated highway. The department shall**  
19 **limit intersections on the designated highway to the following locations:**

20 (1) **U.S. Highway 20 bypass.**

21 (2) **Dragoon Trail.**

22 (3) **Twelfth Street (also known as Harrison Road).**

23 (4) **Indiana 933 (also known as Lincoln Way).**

24 (5) **Jefferson Boulevard.**

25 (6) **McKinley Highway.**

26 (7) **Day Road.**

27 (8) **Cleveland Road.**

28 (9) **State Road 23.**

29 SECTION 280. IC 8-23-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
30 2009]: Sec. 1. When consistent with public safety **and subject to IC 8-23-24.5**, the department shall  
31 plant trees along the rights-of-way of highways, streets, and roads for which responsibility is assigned  
32 to the department.

33 SECTION 281. IC 8-23-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
34 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

35 **Chapter 24.5. Planting Grasses and Other Plants for Energy Production**

36 **Sec. 1. The intent of this chapter is to encourage the use of highway rights-of-way owned by**  
37 **the state to promote the growth and harvesting of vegetation to be used as fuels and other energy**  
38 **products.**

39 **Sec. 2. As used in this chapter, "highway rights-of-way" refer to highway rights-of-way for**  
40 **which responsibility is assigned to the department.**

41 **Sec. 3. As used in this chapter, "vegetation" refers to grasses or other plants that are suitable**  
42 **for processing into fuels or other energy products. The term does not include grasses or other**  
43 **plants that may be used to feed livestock.**

44 **Sec. 4. To the extent permitted by federal law and when consistent with public safety, the**  
45 **department may enter into leases with appropriate persons for the persons to plant, maintain,**  
46 **and harvest vegetation on the highway rights-of-way for use in production of energy.**

47 **Sec. 5. A lease under this chapter must provide for the following:**

48 (1) **The lessee is responsible for planting, maintaining, and harvesting the vegetation at the**

- 1 lessee's cost.  
2 (2) The lessee becomes the owner of the vegetation when harvested.  
3 (3) The harvested vegetation must be used for the production of fuels or other energy  
4 products.  
5 (4) The lease must include limitations on the height of any vegetation that is grown.

6 **Sec. 6.** A lease under this chapter may provide for the following:

- 7 (1) Any term of the lease that the department considers best to implement the intent of this  
8 chapter, but not for more than four (4) years.  
9 (2) For the lease of parcels of sizes that the department considers the best to implement the  
10 intent of this chapter.  
11 (3) Any other provisions that the department considers useful to implement the intent of  
12 this chapter.

13 **Sec. 7.** The department shall award a lease under this chapter to the responsive and  
14 responsible bidder who submits the highest bid for the particular lease.

15 **Sec. 8.** To the extent permitted by federal law, the department shall make the use of highway  
16 rights-of-way as provided in this chapter a priority over all other uses.

17 SECTION 282. IC 8-24 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ  
18 AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

19 **ARTICLE 24. NORTHERN INDIANA REGIONAL TRANSPORTATION DISTRICT**

20 **Chapter 1. Purpose; Definitions**

21 **Sec. 1.** The purpose of this article is to provide a flexible means of planning, designing,  
22 acquiring, constructing, enlarging, improving, renovating, maintaining, equipping, financing,  
23 operating, and supporting public transportation systems that can be adapted to the unique  
24 circumstances existing in northern Indiana.

25 **Sec. 2.** The definitions in this chapter apply throughout this article.

26 **Sec. 3.** "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5(a).

27 **Sec. 4.** "Board" refers to the regional funding, service area, and coordination board  
28 established under IC 8-24-4 for the district.

29 **Sec. 5.** "Bonds" means, except as otherwise provided, bonds, notes, or other evidences of  
30 indebtedness issued by either the commuter rail service board established under IC 8-24-5 or  
31 the bus service board established under IC 8-24-6.

32 **Sec. 5.5.** "Bus service advisory board" refers to the bus service advisory board established  
33 by IC 8-24-6-15.

34 **Sec. 6.** "Bus service board" refers to the regional demand and scheduled bus service board  
35 established under IC 8-24-6.

36 **Sec. 7.** "Bus service division" refers to the bus service division established under IC 8-24-2.

37 **Sec. 7.5.** "Commuter rail service advisory board" refers to the commuter rail service advisory  
38 board established by IC 8-24-5-5.

39 **Sec. 8.** "Commuter rail service board" refers to the board of trustees of the northern Indiana  
40 commuter transportation district.

41 **Sec. 9.** "Commuter rail service division" refers to the northern Indiana commuter  
42 transportation district.

43 **Sec. 10.** "County taxpayer", as it relates to a county for a year under IC 8-24-17, means any  
44 individual who resides in a member county on the date specified in IC 8-24-17-11.

45 **Sec. 11.** "District" refers to the northern Indiana regional transportation district established  
46 under IC 8-24-2.

47 **Sec. 11.5.** "District advisory board" refers to the regional transportation district advisory  
48 board established by IC 8-24-4-9.

49 **Sec. 12.** "District territory" refers to the area in all member counties.

1       **Sec. 13. "Executive director" refers to the executive director of the district.**

2       **Sec. 14. "Improvement tax" refers to the tax that may be imposed under IC 8-24-17.**

3       **Sec. 15. "Member county" means a county where a majority of those voting on the public**  
4 **question under IC 8-24-2-1 vote in favor of the creation of the district.**

5       **Sec. 16. "Project" refers to an action taken to:**

6           **(1) plan;**

7           **(2) design;**

8           **(3) acquire;**

9           **(4) construct;**

10          **(5) enlarge;**

11          **(6) improve;**

12          **(7) renovate;**

13          **(8) maintain;**

14          **(9) equip; or**

15          **(10) operate;**

16 **a public transportation system.**

17       **Sec. 17. "Public transportation agency" has the meaning set forth in IC 36-9-1-5.5.**

18       **Sec. 18. "Public transportation system" means any common carrier of passengers for hire.**

19       **Sec. 19. "Service division" refers to the commuter rail service division or the bus service**  
20 **division.**

21       **Sec. 20. "Service board" refers to the governing body of the commuter rail service division**  
22 **or the bus service division.**

23       **Chapter 2. Establishment**

24       **Sec. 1. (a) A public question on the creation of the northern Indiana regional transportation**  
25 **district and whether a county should be included as a member shall be submitted to the**  
26 **registered voters of each of the following counties at a special election held on November 3, 2009,**  
27 **in the form prescribed by IC 3-10-9-4:**

28           **(1) Lake County.**

29           **(2) LaPorte County.**

30           **(3) Porter County.**

31           **(4) St. Joseph County.**

32       **(b) The public question on the creation of the district must state the following:**

33           **"Shall there be created the northern Indiana regional transportation district under IC 8-24**  
34 **to provide a regional rail system serving Lake, Porter, LaPorte, and St. Joseph counties and**  
35 **regional bus public transportation system serving Lake and Porter counties with (insert**  
36 **name of county) County becoming a member of the district?".**

37       **(c) If a majority of those voting on the public question in at least two (2) counties vote in favor**  
38 **of the creation of the district, the northern Indiana regional transportation district with a rail**  
39 **service division and a bus service division is established.**

40       **(d) The district consists of all the incorporated and unincorporated territory in those counties**  
41 **where the majority of those voting on the public question vote in favor of the creation of the**  
42 **district. Each of these counties is a member of the district. A county remains a member of the**  
43 **district so long as the district exists.**

44       **(e) If a majority of those voting on the public question in a county do not approve the creation**  
45 **of the district, the incorporated and unincorporated territory in the county is not part of the**  
46 **district and the county is not a member of the district.**

47       **(f) If a majority of those voting on the public question in fewer than two (2) counties approve**  
48 **the creation of the district, the district is not created and this article has no effect."**

49       **Sec. 2. Subject to approval by the voters in a referendum under section 1 of this chapter, the**

1 northern Indiana regional transportation district is established to do the following:

- 2 (1) Review the strategic plans of each service division and require modifications to the plans
- 3 to the extent that the board determines necessary to eliminate duplication of services and
- 4 to enhance the integration of public transportation throughout the district territory.
- 5 (2) Allocate revenues collected under IC 8-24-17 between the service divisions.
- 6 (3) Receive the reports from the service divisions determined by the board.
- 7 (4) Assist in the resolution of disputes between the service divisions brought to the board
- 8 by either service division.
- 9 (5) Develop performance measures to evaluate and inform the public about the extent to
- 10 which the provision of public transportation in the district territory meets the goals,
- 11 objectives, and standards established by each service division.

12 Sec. 3. (a) Each service division of the district shall do the following with respect to public  
13 transportation the service division provides:

- 14 (1) Set goals, objectives, and standards for the division, as modified by the board for the
- 15 district under section 2(1) of this chapter.
- 16 (2) Adopt strategic plans for the division that provide adequate, efficient, and coordinated
- 17 public transportation in the district, as modified under section 2(1) of this chapter.
- 18 (3) Coordinate with the other service division the provision of public transportation and the
- 19 investment in public transportation facilities to enhance the integration of public
- 20 transportation throughout the district territory.
- 21 (4) Apply for and receive federal, state, county, and municipal funds, or private
- 22 contributions and disburse them for the purposes of the service division.
- 23 (5) Use money received by the division to fund public transportation systems provided by
- 24 the service division.
- 25 (6) Enter into financing arrangements to establish, improve, and maintain public
- 26 transportation facilities operated by the service division.
- 27 (7) Employ and enter into employment agreements with the personnel that the service
- 28 division determines necessary to carry out the responsibilities of the service division.
- 29 (8) On a continuing basis determine the level, nature, and kind of public transportation that
- 30 should be provided within the district territory to meet the plans, goals, objectives, and
- 31 standards adopted by the service division.
- 32 (9) Provide and operate public transportation systems within the scope of the
- 33 responsibilities of the service division.

34 (b) The bus service board shall negotiate labor contracts with labor unions representing  
35 employees of the bus service division.

36 (c) The commuter rail service board shall negotiate labor contracts with labor unions  
37 representing employees of the commuter rail service division.

38 Sec. 4. The northern Indiana commuter transportation district established under IC 8-5-15  
39 is the commuter rail service division of the district to carry out the purposes of the northern  
40 Indiana commuter transportation district.

41 Sec. 5. A bus service division of the district is established to provide a public transportation  
42 system in Lake and Porter counties (if the county is a member county) with the primary  
43 objective of transporting passengers over public highways, streets, and roads. Except to the  
44 extent they are inconsistent with this article, IC 36-9-3 (including IC 36-9-3-22, IC 36-9-3-23,  
45 IC 36-9-3-24, IC 36-9-3-25, IC 36-9-3-26, and IC 36-9-3-27) applies to the bus service board, the  
46 bus service division, and employees of the bus service division.

47 Sec. 6. On January 1, 2010, subject to this article, the rights, powers, duties, personnel,  
48 liabilities, and obligations of the following entities operating in the incorporated or  
49 unincorporated areas of Lake County or Porter County (if the county is a member county) are

1 transferred to the bus service division:

- 2 (1) An automated transit district established under IC 8-9.5-7.
- 3 (2) A regional transportation authority established under IC 36-9-3-2.
- 4 (3) A regional bus authority under IC 36-9-3-2(c).
- 5 (4) A public transportation corporation established under IC 36-9-4.

6 Sec. 7. On January 1, 2010, subject to this article, the rights, powers, duties, personnel,  
7 liabilities, and obligations of a municipality in Lake County or Porter County (if the county is  
8 a member county) to:

- 9 (1) provide a public transportation system in or outside the municipality to transport  
10 passengers or property over a public highway, street, or road; and
  - 11 (2) establish and fund a public transportation agency (as defined in IC 36-9-1-5.5);
- 12 are transferred to the bus service division.

13 Sec. 8. A transfer of powers under section 6 or 7 of this chapter to the bus service division  
14 authorizes the bus service division to impose a property tax, including a property tax pledged  
15 before January 1, 2010, to pay for bonds, loans, other obligations, or lease rentals related to a  
16 public transportation system in Lake County or Porter County (if the county is a member  
17 county). The property tax may be imposed only in the area in which the property tax could have  
18 been imposed for property taxes first due and payable in 2010.

19 Sec. 9. Any delinquent property taxes imposed by the entity before January 1, 2010, and  
20 collected after December 31, 2009, from levies attributable to an appropriation for a public  
21 transportation system transferred to the bus service division or for a public transportation  
22 agency (as defined in IC 36-9-1-5.5) shall be distributed to the bus service division.

### 23 Chapter 3. Status

24 Sec. 1. The district is a body corporate and politic. The district is separate from the state and  
25 any other political subdivision, but the exercise by the district of its powers is an essential  
26 governmental function.

27 Sec. 2. A service division is a body corporate and politic. A service division is separate from  
28 the state and any other political subdivision, but the exercise by the service division of its powers  
29 is an essential governmental function.

30 Sec. 3. A pledge or mortgage of a service division does not create an obligation of the state or  
31 a political subdivision within the meaning of the Constitution of the State of Indiana or any  
32 statute.

33 Sec. 4. All:

- 34 (1) property owned by the district or a service division;
- 35 (2) revenue of the district or service division; and
- 36 (3) bonds issued by the commuter rail division service board established under IC 8-24-5  
37 or the bus service board established under IC 8-24-6, the interest on the bonds, the proceeds  
38 received by a holder from the sale of bonds to the extent of the holder's cost of acquisition,  
39 proceeds received upon redemption before maturity, proceeds received at maturity, and the  
40 receipt of interest in proceeds;

41 are exempt from taxation in Indiana for all purposes except the financial institutions tax  
42 imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

43 Sec. 5. All securities issued under this article are exempt from the registration requirements  
44 of IC 23-19 and other securities registration statutes.

45 Sec. 6. (a) This section does not apply to commuter rail or interstate public transportation  
46 service.

47 (b) Service provided by the district or a service division within the territory of the district is  
48 exempt from regulation by the department of state revenue under IC 8-2.1. This exemption  
49 applies to transportation services provided by the district or a service division directly or by

1 grants or purchase of service agreements.

2 (c) Service provided by the district or a service division by contract or service agreements  
3 outside the territory of the district is subject to regulation by the department of state revenue  
4 under IC 8-2.1.

5 (d) Judicial review of a decision by the district may be obtained in the manner prescribed by  
6 IC 4-21.5-5.

7 **Chapter 4. District Board and Advisory Board**

8 **Sec. 1. The power to govern the district is vested in a regional funding, service area, and**  
9 **coordination board.**

10 **Sec. 2. The board has the following members:**

11 (1) Four (4) members selected by majority vote of the rail service board from the members  
12 of the rail service board. Each of these members must be from a different county.

13 (2) Three (3) members selected by majority vote of the bus service board from the members  
14 of the bus service board. Two (2) of these members must be mayors, and one (1) of these  
15 members must be a member of a county fiscal body.

16 (3) Three (3) nonvoting members as follows:

17 (A) The president of the Gary airport authority board.

18 (B) The president of the South Bend airport authority board.

19 (C) A member appointed by the governor.

20 **Sec. 3. (a) The board member appointed by the governor shall serve:**

21 (1) at the pleasure of the governor; and

22 (2) for a term of two (2) years from the beginning of the term for which the member was  
23 appointed and until a successor has qualified for the office.

24 (b) The board member appointed by the governor is eligible for reappointment for successive  
25 terms.

26 **Sec. 4. (a) A majority of the board members constitutes a quorum for a meeting.**

27 (b) The board member appointed by the governor shall serve as board chairperson. The  
28 members of the board shall elect from its members the following officers for a one (1) year term:

29 (1) A vice chairperson.

30 (2) A secretary.

31 (3) A treasurer.

32 (c) The affirmative votes of at least a majority of the board members are necessary to  
33 authorize any action of the district.

34 **Sec. 5. The board shall meet at least quarterly.**

35 **Sec. 6. The board chairperson or any two (2) members may call a meeting of the board. The**  
36 **chairperson shall call the initial meeting of the board for a date that is not more than thirty (30)**  
37 **days after the board is initially established.**

38 **Sec. 7. The board may adopt the bylaws and rules that the board considers necessary for the**  
39 **proper conduct of the board's duties and the safeguarding of the district's funds and property.**

40 **Sec. 8. A board member is not entitled to receive compensation for performance of the**  
41 **member's duties. A board member is not entitled to a per diem from the district for the**  
42 **member's participation in board meetings.**

43 **Sec. 9. (a) The regional transportation district advisory board is established. The district**  
44 **advisory board has the following members:**

45 (1) One (1) member of the commuter rail service advisory board who is a commuter rail  
46 passenger appointed by the commuter rail service advisory board.

47 (2) One (1) member of the bus service advisory board who is a bus passenger appointed by  
48 the bus service advisory board.

49 (3) One (1) member of the commuter rail service advisory board who is a commuter rail

1           division employee appointed by the commuter rail service advisory board.  
2           (4) One (1) member of the bus service advisory board who is a bus division employee  
3           appointed by the bus service advisory board.

4           (b) A member of the district advisory board shall serve for a term of two (2) years from the  
5           beginning of the term for which the member was appointed and until a successor has qualified  
6           for the office. Each member shall serve at the pleasure of the appointing authority but is eligible  
7           for reappointment for successive terms.

8           (c) The members of the district advisory board shall elect for a one (1) year term:

9           (1) one (1) member as chairperson;

10          (2) one (1) member to serve as vice chairperson; and

11          (3) one (1) member to serve as secretary.

12          (d) The district advisory board shall meet:

13          (1) at least quarterly at the call of the chairperson of the district advisory board; or

14          (2) as requested by the board of the district.

15          (e) The district advisory board shall, as considered necessary by the district advisory board  
16          or as requested by the board of the district, study issues and make recommendations concerning  
17          matters affecting the district.

18          **Chapter 5. Commuter Rail Service Board; Commuter Rail Service Advisory Board;**  
19          **Commuter Rail Service Division**

20          **Sec. 1. The board of trustees of the northern Indiana commuter transportation district is the**  
21          **service board for the commuter rail division.**

22          **Sec. 2. IC 8-5-15 applies to the membership, powers, and operation of the commuter rail**  
23          **service board.**

24          **Sec. 3. Subject to this article, the board of trustees of the northern Indiana commuter**  
25          **transportation district has the following powers:**

26          (1) The powers granted by IC 8-5-15 or any other law to the board of trustees of a  
27          commuter transportation district established under IC 8-5-15.

28          (2) The powers granted to a commuter rail service board under this article.

29          **Sec. 4. The commuter rail division shall operate under the name northern Indiana commuter**  
30          **rail district and has the following powers:**

31          (1) The powers granted by IC 8-5-15 or any other law to a commuter transportation district  
32          established under IC 8-5-15.

33          (2) The powers granted to a commuter rail service division under this article.

34          **Sec. 5. (a) The commuter rail service advisory board is established. The commuter rail service**  
35          **advisory board has the following members:**

36          (1) Two (2) members, each of whom must be a commuter rail passenger appointed by the  
37          commuter rail service board.

38          (2) Two (2) members, each of whom must be a commuter rail division employee appointed  
39          by the commuter rail service board.

40          (b) The members appointed under subsection (a)(1) must be selected from passengers who  
41          have submitted a letter of interest to the commuter rail service board. To be considered for this  
42          position, a passenger must submit a letter of interest to the commuter rail service board during  
43          a two (2) week period that begins sixty (60) days before the expiration of the term of the member  
44          to be appointed. A passenger member of the board is not required to submit a letter of interest  
45          to be eligible for appointment to a successive term.

46          (c) The members appointed under subsection (a)(2) must be selected from a list of names  
47          submitted by the labor union representing the employees of the commuter rail service division.

48          (d) A member of the commuter rail service advisory board shall serve for a term of two (2)  
49          years from the beginning of the term for which the member was appointed and until a successor

1 has qualified for the office. Each member shall serve at the pleasure of the appointing authority  
2 but is eligible for reappointment for successive terms.

3 (e) The members of the commuter rail service advisory board shall elect for a one (1) year  
4 term:

- 5 (1) one (1) member as chairperson;
- 6 (2) one (1) member to serve as vice chairperson; and
- 7 (3) one (1) member to serve as secretary.

8 (f) Ninety (90) days before the expiration of the term of the commuter rail service advisory  
9 board member appointed under subsection (a)(1), the rail service division shall post in each  
10 commuter station in the district a notice of the opening on the commuter rail service advisory  
11 board. The notice must announce the opening for two (2) passenger members on the commuter  
12 rail service advisory board and provide information on submitting a letter of interest. The notice  
13 must state the period in which the passenger must submit a letter of interest. The notice must  
14 remain posted until the expiration of the two (2) week period described in subsection (b).

15 (g) The commuter rail service advisory board shall meet:

- 16 (1) at least quarterly at the call of the chairperson of the commuter rail service advisory  
17 board; or
- 18 (2) as requested by the commuter rail service board.

19 (h) The commuter rail service advisory board shall, as considered necessary by the commuter  
20 rail service advisory board or as requested by the commuter rail service board, study issues and  
21 make recommendations concerning matters affecting the rail service division.

22 **Chapter 6. Bus Division Service Board; Bus Service Advisory Board; Bus Service Division**

23 **Sec. 1. A regional demand and scheduled bus service board is established for the district. The**  
24 **bus service board is the governing body of the bus service division.**

25 **Sec. 2. (a) The bus service board is composed of the following members:**

- 26 (1) One (1) member of the Lake County fiscal body, appointed by the Lake County fiscal  
27 body (if the county is a member county).
- 28 (2) One (1) member of the Porter County fiscal body, appointed by the Porter County fiscal  
29 body (if the county is a member county)
- 30 (3) The mayor of each city that meets both of the following conditions:
  - 31 (A) The city has a population of at least twenty-five thousand (25,000).
  - 32 (B) The city is located in Lake County or Porter County and that county is a member  
33 county.

34 (b) A member described in subsection (a)(1) or (a)(2) serves at the pleasure of the appointing  
35 authority.

36 (c) If an appointing authority fails to make the required appointment to the board within  
37 sixty (60) days after a vacancy exists on the board, the appointment shall be made by the  
38 governor from the individuals eligible to fill the position.

39 **Sec. 3. A member of a bus service board is not entitled to receive compensation for**  
40 **performance of the member's duties. However, a member of the bus service board who is not**  
41 **an elected official is entitled to a per diem from the district for the member's participation in**  
42 **bus service board meetings. The amount of the per diem is equal to the amount of the per diem**  
43 **provided under IC 4-10-11-2.1(b).**

44 **Sec. 4. A majority of the members appointed to the bus service board constitutes a quorum**  
45 **for a meeting.**

46 **Sec. 5. The affirmative votes of at least a majority of the appointed members of the bus**  
47 **service board are necessary to authorize any action of the district.**

48 **Sec. 6. The bus service board shall elect a chairperson of the bus service board and any other**  
49 **officers that the bus service board determines appropriate.**

1       **Sec. 7. A bus service board shall meet at least quarterly.**

2       **Sec. 8. The chairperson of a bus service board or any two (2) members of the bus service**  
3 **board may call a meeting of the bus service board. The chairperson of the bus service board**  
4 **shall call the initial meeting of the bus service board for a date that is not more than thirty (30)**  
5 **days after the bus service board is initially established.**

6       **Sec. 9. The bus service board may adopt those bylaws and rules that the bus service board**  
7 **considers necessary for the proper conduct of the bus service board's duties and the**  
8 **safeguarding of the district's funds and property.**

9       **Sec. 10. Subject to this article, the bus service board has the following powers in Lake County**  
10 **and Porter County (if the county is a member county):**

11       **(1) The powers granted by IC 36-9-3 or any other law to the board of a regional**  
12 **transportation authority.**

13       **(2) The powers granted to the bus service board under this article.**

14       **Sec. 11. The bus service division has the following powers in Lake County and Porter County**  
15 **(if the county is a member county):**

16       **(1) The powers granted by IC 36-9-3 or any other law to a regional transportation authority**  
17 **to operate a bus public transportation system.**

18       **(2) The powers granted to the bus service division under this article.**

19       **Sec. 12. The powers of the bus service board and division may be exercised only in Lake**  
20 **County and Porter County (if the county is a member county).**

21       **Sec. 13. The bus service division shall operate in the manner provided for a regional**  
22 **transportation authority under IC 36-9-3, except that:**

23       **(1) this article applies if there is a conflict between this article and IC 36-9-3; and**

24       **(2) an action authorized or permitted under IC 36-9-3 (other than the appointment or**  
25 **removal of members of the bus service board) by the executive, fiscal body, or legislative**  
26 **body of a municipality or county shall be taken by the board.**

27       **Sec. 14. The bus service board shall appoint an executive director of the bus service division**  
28 **to manage the division. To be employed as executive director, the individual must have at least**  
29 **five (5) years experience in public transportation at a senior executive level.**

30       **Sec. 15. (a) The bus service advisory board is established. The bus service advisory board has**  
31 **the following members:**

32       **(1) Two (2) members, each of whom must be a bus passenger appointed by the bus service**  
33 **board.**

34       **(2) Two (2) members, each of whom must be a bus division employee appointed by the bus**  
35 **service board.**

36       **(b) The members appointed under subsection (a)(1) must be selected from passengers who**  
37 **have submitted a letter of interest to the bus service board. To be considered for this position,**  
38 **a passenger must submit a letter of interest to the bus service board during a two (2) week**  
39 **period that begins sixty (60) days before the expiration of the term of the member to be**  
40 **appointed. A passenger member of the bus service board is not required to submit a letter of**  
41 **interest to be eligible for appointment to a successive term.**

42       **(c) The members appointed under subsection (a)(2) must be selected from a list of names**  
43 **submitted by the labor union representing the employees of the bus service division.**

44       **(d) A member of the bus service advisory board shall serve for a term of two (2) years from**  
45 **the beginning of the term for which the member was appointed and until a successor has**  
46 **qualified for the office. Each member shall serve at the pleasure of the appointing authority but**  
47 **is eligible for reappointment for successive terms.**

48       **(e) The members of the bus service advisory board shall elect for a one (1) year term:**

49       **(1) one (1) member as chairperson;**

1 (2) one (1) member to serve as vice chairperson; and

2 (3) one (1) member to serve as secretary.

3 (f) Ninety (90) days before the expiration of the term of the bus service advisory board  
4 member appointed under subsection (a)(1), the bus service division shall post in each bus a  
5 notice of the opening on the bus service advisory board. The notice must announce the opening  
6 for two (2) passenger members on the bus service advisory board and provide information on  
7 submitting a letter of interest. The notice must state the period in which the passenger must  
8 submit a letter of interest. The notice must remain posted until the expiration of the two (2) week  
9 period described in subsection (b).

10 (g) The bus service advisory board shall meet:

11 (1) at least quarterly at the call of the chairperson of the bus service advisory board; or

12 (2) as requested by the bus service board.

13 (h) The bus service advisory board shall, as considered necessary by the bus service advisory  
14 board or as requested by the bus service board, study issues and make recommendations  
15 concerning matters affecting the bus service division.

16 **Chapter 7. General Powers of the District**

17 **Sec. 1.** The district shall exercise the powers granted to the district by this article to carry out  
18 the purposes of the district.

19 **Sec. 2.** The district may sue and be sued in the name of the district.

20 **Sec. 3.** The district may determine matters of policy regarding internal organization and  
21 operating procedures not specifically provided for by law.

22 **Sec. 4.** The district may employ the personnel necessary to carry out the duties, functions, and  
23 powers of the district.

24 **Sec. 5.** The district may fix the compensation of the various officers and employees of the  
25 district, within the limitations of the total personal services budget.

26 **Sec. 6.** The district may adopt rules governing the duties of its officers, employees, and  
27 personnel, and the internal management of the affairs of the district.

28 **Sec. 7.** The district may protect all property owned or managed by the district and procure  
29 insurance against any losses in connection with its property, operations, or assets in amounts and  
30 from insurers as it considers desirable.

31 **Sec. 8.** The district may receive gifts, donations, bequests, and public trusts, agree to  
32 conditions and terms accompanying them, and bind the district to carry them out.

33 **Sec. 9. (a)** The district may receive federal or state aid and administer that aid.

34 (b) The district may comply with federal statutes and rules concerning the expenditure of  
35 federal money for public transportation systems. The board may apply to state and federal  
36 agencies for grants for public transportation development, make or execute representations,  
37 assurances, and contracts, enter into covenants and agreements with any state or federal agency  
38 relative to public transportation systems, and comply with federal and state statutes and rules  
39 concerning the acquisition, development, operation, and administration of public transportation  
40 systems.

41 (c) The district may use money received by the district that is not pledged or restricted for  
42 another purpose to provide a local match required for the receipt of any federal funds.

43 **Sec. 10.** At the request of a service board, the district may sell, lease, or otherwise contract  
44 for advertising in or on the facilities of the district.

45 **Sec. 11.** The district may determine the level and kind of public transportation services to be  
46 provided by the district.

47 **Sec. 12.** The district may do all other acts necessary or reasonably incident to carrying out  
48 the purposes of this article.

49 **Chapter 8. Administration**

1       **Sec. 1. The district board shall adopt an annual budget for the district.**

2       **Sec. 2. The district may establish the funds and accounts that the district determines**  
3 **necessary. The district shall account for revenues as required to comply with the requirements**  
4 **specified in any agreement.**

5       **Sec. 3. The district is subject to audit under IC 5-11-1.**

6       **Sec. 4. A district shall, before April 1 of each year, issue a report to the legislative council, the**  
7 **budget committee, and the governor concerning the operations and activities of the district**  
8 **during the preceding calendar year. The report to the legislative council must be in an electronic**  
9 **format under IC 5-14-6.**

10       **Sec. 5. The board shall appoint an executive director to manage the district. To be employed**  
11 **as executive director, the individual must have at least five (5) years experience in public**  
12 **transportation at a senior executive level.**

13       **Sec. 6. The board may establish the advisory committees that the board determines to be**  
14 **advisable.**

15       **Sec. 7. All employees of the district:**

16           **(1) shall be employed solely on the basis of ability, taking into account their qualifications**  
17 **to perform the duties of their positions;**

18           **(2) shall be employed regardless of political affiliation;**

19           **(3) may not be appointed, promoted, reduced, removed, or in any way favored or**  
20 **discriminated against because of their political affiliation, race, religion, color, sex, national**  
21 **origin, or ancestry;**

22           **(4) are ineligible to hold, or be a candidate for, elected office (as defined in IC 3-5-2-17)**  
23 **while employed by the district;**

24           **(5) may not solicit or receive political contributions;**

25           **(6) may not be required to make contributions for or participate in political activities;**

26           **(7) shall be employed on a six (6) month probationary period, with a written evaluation**  
27 **prepared after five (5) months of service by their immediate supervisor for the executive**  
28 **director to determine if employment should continue beyond the probationary period; and**

29           **(8) shall be evaluated annually in writing by their immediate supervisor to advise the**  
30 **executive director as to whether the employees should remain in their positions.**

31       **Chapter 9. Procurement**

32       **Sec. 1. The district shall comply with IC 5-16-7 (common construction wage), IC 5-22 (public**  
33 **purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and**  
34 **regulations.**

35       **Sec. 2. An entity that receives a loan, a grant, or other financial assistance from a district or**  
36 **enters into a lease with a district must comply with applicable federal, state, and local public**  
37 **purchasing and bidding laws and regulations. However, a purchasing agency (as defined in**  
38 **IC 5-22-2-25) of a political subdivision may:**

39           **(1) assign or sell a lease for property to a district; or**

40           **(2) enter into a lease for property with a district;**

41 **at any price and under any other terms and conditions as may be determined by the entity and**  
42 **the district. However, before making an assignment or a sale of a lease or entering into a lease**  
43 **under this section that would otherwise be subject to IC 5-22, the political subdivision or its**  
44 **purchasing agent must obtain or cause to be obtained a purchase price for the property to be**  
45 **subject to the lease from the lowest responsible and responsive bidder in accordance with the**  
46 **requirements for the purchase of supplies under IC 5-22.**

47       **Sec. 3. Except where 49 CFR Part 26 applies, the district shall set a goal for participation by**  
48 **minority business enterprises and women's business enterprises. The goals must be consistent**  
49 **with:**

1 (1) the participation goals established by the counties and municipalities that are members  
2 of the district; and

3 (2) the goals of delivering the project on time and within the budgeted amount and, insofar  
4 as possible, using Indiana businesses for employees, goods, and services.

5 Sec. 4. If the district is unable to agree with the owners, lessees, or occupants of any real  
6 property selected for the purposes of this article, the district may proceed under IC 32-24-1 to  
7 procure the condemnation of the property. The district may not institute a proceeding until it  
8 has adopted a resolution that:

9 (1) describes the real property sought to be acquired and the public purposes for which the  
10 real property is to be used;

11 (2) declares that the public interest and necessity require the acquisition by the district of  
12 the property involved; and

13 (3) sets out any other facts that the district considers necessary or pertinent.

14 The resolution is conclusive evidence of the public necessity of the proposed acquisition

#### 15 Chapter 10. Planning

16 Sec. 1. After reviewing the transportation plans of the Indiana department of transportation,  
17 regional and other planning agencies, and of each division, the district shall develop,  
18 continuously update, and implement long range comprehensive transportation plans to ensure  
19 the orderly development and maintenance of an efficient system of public transportation in the  
20 district. The plan must be approved by the board. The district shall periodically amend and  
21 update the plan as appropriate or as requested by a division.

22 Sec. 2. The plan must identify goals and objectives with respect to the following:

23 (1) Increasing ridership and passenger miles on public transportation funded by the  
24 district.

25 (2) Coordination of public transportation services and the investment in public  
26 transportation facilities to enhance the integration of public transportation throughout the  
27 district territory.

28 (3) Coordination of fare and transfer policies to promote transfers by riders among service  
29 boards, public transportation agencies, and public transportation modes, which may  
30 include goals and objectives for development of a universal fare instrument that riders may  
31 use interchangeably on all public transportation funded by the district, and methods to be  
32 used to allocate revenues from transfers.

33 (4) Improvements in public transportation facilities to bring those facilities into a state of  
34 good repair, enhancements that attract ridership and improve customer service, and  
35 expansions needed to serve areas with sufficient demand for public transportation.

36 (5) Access for transit dependent populations, including access by low income communities  
37 to places of employment, using analyses provided by the department of workforce  
38 development and other planning agencies regarding employment and transportation  
39 availability, and giving consideration to the location of employment centers in each county  
40 and the availability of public transportation at off peak hours and on weekends.

41 (6) The financial viability of the public transportation system, including both operating and  
42 capital programs.

43 (7) Limiting road congestion within the district territory and enhancing transit options to  
44 improve mobility.

45 (8) Other goals and objectives that advance adequate, efficient, and coordinated public  
46 transportation in the district territory.

47 Sec. 3. The plan must establish the process and criteria by which proposals for capital  
48 improvements by a service board will be evaluated by the district for inclusion in the five (5)  
49 year capital program. The plan may include criteria for the following:

- 1 (1) Allocating funds among maintenance, enhancement, and expansion improvements.
- 2 (2) Projects to be funded.
- 3 (3) Projects intended to improve or enhance ridership or customer service.
- 4 (4) Design and location of station or transit improvements intended to promote transfers,
- 5 increase ridership, and support transit oriented land development.
- 6 (5) Assessing the impact of projects on the ability to operate and maintain the existing
- 7 transit system.
- 8 (6) Other criteria that advance the goals and objectives of the plan.

9 Sec. 4. The plan must establish performance standards and measurements regarding the  
10 adequacy, efficiency, and coordination of public transportation services in the region and the  
11 implementation of the goals and objectives in the plan. At a minimum, the standards and  
12 measures must include customer related performance data measured by line, route, or  
13 subregion, as determined by the district, on the following:

- 14 (1) Travel times and on time performance.
- 15 (2) Ridership data.
- 16 (3) Equipment failure rates.
- 17 (4) Employee and customer safety.
- 18 (5) Customer satisfaction.

19 Sec. 5. The plan must describe the expected financial condition of public transportation in the  
20 district territory prospectively over a ten (10) year period, which may include information about  
21 the cash position and all known obligations of the district and the service boards, including  
22 operating expenditures, debt service, contributions for payment of pension and other  
23 post-employment benefits, the expected revenues from fares, tax receipts, grants from the  
24 federal, state, and local governments for operating and capital purposes and issuance of debt,  
25 the availability of working capital, and the resources needed to achieve the goals and objectives  
26 described in the plan.

27 Sec. 6. The district may adopt subregional or corridor plans for specific geographic areas of  
28 the district territory to improve the adequacy, efficiency, and coordination of existing, or the  
29 delivery of new, public transportation. The plans may also address areas outside the district  
30 territory that may affect public transportation use in the district territory. In preparing a  
31 subregional or corridor plan, the district may identify changes in operating practices or capital  
32 investment in the subregion or corridor that could increase ridership, reduce costs, improve  
33 coordination, or enhance transit oriented development. The district shall consult with any  
34 affected service boards in the preparation of any subregional or corridor plans.

35 Sec. 7. The district shall annually establish a capital improvement plan to govern the  
36 distribution of grants to each service division. The capital improvement plan shall cover at least  
37 a five (5) year period and incorporate information concerning the capital improvement plans  
38 of the service divisions.

39 Sec. 8. Each service division shall provide the district with the information that the district  
40 determines necessary to prepare the plans required by this chapter.

41 Sec. 9. The district and the service boards shall cooperate with the various public agencies  
42 charged with responsibility for long range or comprehensive planning for the district territory.  
43 The district shall, before the adoption of any plan under this chapter, submit its proposals to  
44 these agencies for review and comment. The district and the service boards may make use of  
45 existing studies, surveys, plans, data, and other materials in the possession of any state agency  
46 or department, any planning agency, or any unit of local government.

47 Sec. 10. The district shall, not later than January 1 of the second year following the year in  
48 which the district is established, submit the plans for review by the budget committee.

#### 49 Chapter 11. Acquisition and Construction of Public Transportation Facilities

1       **Sec. 1. The powers granted under this chapter supplement any other powers granted by**  
2 **another law.**

3       **Sec. 2. A service division may:**

4           **(1) construct or acquire any public transportation facility for use by the district or a service**  
5 **division; and**

6           **(2) acquire funds and interests in and materials for transportation facilities from any**  
7 **transportation agency, including:**

8               **(A) reserve funds;**

9               **(B) employees' pension or retirement funds;**

10              **(C) special funds;**

11              **(D) franchises;**

12              **(E) licenses;**

13              **(F) patents;**

14              **(G) permits; and**

15              **(H) papers and records of the agency.**

16 **In making acquisitions from a transportation agency, the district may assume the obligations**  
17 **of the agency regarding its property or public transportation operations.**

18       **Sec. 3. A service division may acquire, improve, maintain, lease, and rent facilities, including**  
19 **air rights, that are within one hundred (100) yards of a terminal, station, or other facility of the**  
20 **district. If these facilities generate revenues that exceed their cost to the district, the division**  
21 **must use the excess revenues to improve transportation services or reduce fares for the public.**

22       **Sec. 4. A service may lease to others for development or operation all or any part of the**  
23 **property of the district on the terms and conditions as the service board considers advisable.**

24       **Sec. 5. A service division may enter into an agreement with any other entity to:**

25           **(1) jointly equip, own, lease, and finance projects and facilities; or**

26           **(2) otherwise carry out the purposes of the service division;**

27 **in any location.**

## 28       **Chapter 12. Operation of Public Transportation Facilities**

29       **Sec. 1. The powers granted under this chapter supplement any other powers granted by**  
30 **another law.**

31       **Sec. 2. A service division may provide public transportation service by operating public**  
32 **transportation facilities.**

33       **Sec. 3. A service division may enter into operating agreements with any private or public**  
34 **person to operate transportation facilities on behalf of a service division.**

35       **Sec. 4. Whenever a service division provides any public transportation service by operating**  
36 **public transportation facilities, the service division shall establish the level and nature of fares**  
37 **or charges to be made for public transportation services, and the nature and standards of public**  
38 **transportation service to be provided within the jurisdiction of the service division.**

39       **Sec. 5. A service board shall, to the extent it considers feasible, adopt uniform standards for**  
40 **the making of grants and purchase of service agreements. These grant contracts or purchase of**  
41 **service agreements may be for the number of years or duration agreed to by the service division**  
42 **and the transportation agency.**

43       **Sec. 6. If the district provides grants for operating expenses or participates in any purchase**  
44 **of service agreement, the purchase of service agreement or grant contract must state the level**  
45 **and nature of fares or charges to be made for public transportation services, and the nature and**  
46 **standards of public transportation to be so provided. In addition, any purchase of service**  
47 **agreements or grant contracts must provide, among other matters, for:**

48           **(1) the terms or cost of transfers or interconnections between different public**  
49 **transportation agencies;**

- 1 (2) schedules or routes of transportation service;
- 2 (3) changes that may be made in transportation service;
- 3 (4) the nature and condition of the facilities used in providing service;
- 4 (5) the manner of collection and disposition of fares or charges;
- 5 (6) the records and reports to be kept and made concerning transportation service; and
- 6 (7) interchangeable tickets or other coordinated or uniform methods of collection of
- 7 charges.

### 8 Chapter 13. Centralized Services and Coordination of Programs

9 Sec. 1. The district may perform centralized services such as ridership information and  
10 transfers between services under the jurisdiction of a service board if the centralized services  
11 financially benefit the district as a whole.

12 Sec. 2. A service division may construct or acquire any public transportation facility for use  
13 by the service division or for use by any transportation agency and may acquire any facilities  
14 from any transportation agency, including also without limitation any reserve funds, employees'  
15 pension or retirement funds, special funds, franchises, licenses, patents, permits, papers,  
16 documents, and records of the agency. In connection with any acquisition from a transportation  
17 agency, the service division may assume obligations of the transportation agency with regard  
18 to the facilities or property or public transportation operations of the agency.

19 Sec. 3. In connection with any construction or acquisition, a service division shall make  
20 relocation payments as may be required by federal law or by the requirements of any federal  
21 agency authorized to administer any federal program of aid.

22 Sec. 4. The district shall, after consulting with the service boards, develop regionally  
23 coordinated and consolidated sales, marketing, advertising, and public information programs  
24 that promote the use and coordination of, and transfers among, public transportation services  
25 in the district territory. The district shall develop and adopt rules and guidelines for the district  
26 and the service boards regarding the programs to ensure that each service board's independent  
27 programs conform with the district's regional programs.

28 Sec. 5. To provide or assist any transportation of members of the general public between  
29 points in the district territory and points outside the district territory, whether in Indiana,  
30 Michigan, or Illinois, a service division, by resolution, may enter into agreements with any unit  
31 of local government, individual, corporation, or other person or public agency in or of any state  
32 or with any private entity for service. The agreements may provide for participation by the  
33 service board in providing the service and for grants by the service board in connection with the  
34 service, and may, subject to federal and state law, set forth any terms relating to the service,  
35 including coordinating the service with public transportation in the district territory. The  
36 agreement may be for the number of years or duration as the parties may agree. In regard to  
37 the agreements or grants, a service board shall consider the benefit to the district territory and  
38 the financial contribution with regard to the service made or to be made from public funds in  
39 the areas served outside the district territory.

40 Sec. 6. Upon the request of a service board, the district may intervene in any matter  
41 involving:

- 42 (1) a dispute between the two (2) service boards or a service board and any transportation  
43 agency providing service on behalf of a service board with respect to the terms of transfer  
44 between, and the allocation of revenues from fares and charges for, or transportation  
45 services provided by the parties; or

- 46 (2) a dispute between the two (2) service boards with respect to coordination of service,  
47 route duplication, or a change in service.

48 Any service board or transportation agency involved in the dispute shall meet with the executive  
49 director, cooperate in good faith to attempt to resolve the dispute, and provide any books,

1 records, and other information requested by the executive director. If the executive director is  
2 unable to mediate a resolution of any dispute, the executive director may provide a written  
3 determination recommending a change in the fares or charges or the allocation of revenues for  
4 the service or directing a change in the nature or provider of service that is the subject of the  
5 dispute. The executive director shall base the determination upon the goals and objectives of the  
6 district's plan. The determination shall be presented to the district board for a final  
7 determination. The final determination shall be implemented by any affected service board  
8 within the time frame required by the determination.

9 **Chapter 14. Bonds**

10 **Sec. 1. (a)** A service board may contract with the Indiana finance authority (IC 4-4-11) to  
11 borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the  
12 service division's purposes, and issue debentures, notes, or other evidences of indebtedness,  
13 whether secured or unsecured, to any person.

14 **(b)** The indebtedness is payable solely from:

15 **(1)** the lease rentals from the lease of the projects for which the bonds were issued,  
16 insurance proceeds, and any other funds pledged or available; and

17 **(2)** to the extent designated in the agreements for the bonds, revenue received by the service  
18 board and amounts deposited in a service division's fund.

19 **(c)** The indebtedness must be authorized by a resolution of the service board.

20 **(d)** The terms and form of the indebtedness must either be set out in the resolution or in a  
21 form of trust indenture approved by the resolution.

22 **(e)** The indebtedness must be paid within twenty-five (25) years.

23 **(f)** All money received from any indebtedness under this article shall be applied solely to the  
24 payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1)  
25 or more projects, or the cost of refunding or refinancing outstanding bonds, for which the  
26 indebtedness was incurred. The cost may include:

27 **(1)** planning and development of equipment or a facility and all buildings, facilities,  
28 structures, equipment, and improvements related to the facility;

29 **(2)** acquisition of a site and clearing and preparing the site for construction;

30 **(3)** equipment, facilities, structures, and improvements that are necessary or desirable to  
31 make the project suitable for use and operations;

32 **(4)** architectural, engineering, consultant, and attorney's fees;

33 **(5)** incidental expenses in connection with the issuance and sale of bonds;

34 **(6)** reserves for principal and interest;

35 **(7)** interest during construction;

36 **(8)** financial advisory fees;

37 **(9)** insurance during construction;

38 **(10)** bond insurance, debt service reserve insurance, letters of credit, or other credit  
39 enhancement; and

40 **(11)** funding or refunding bonds or other evidences of indebtedness issued under this  
41 article, IC 8-5-15, IC 8-9.5-7, IC 8-22-3, IC 36-7.5, IC 36-7.6, IC 36-9-3, IC 36-9-4, or prior  
42 law to finance a public transportation system, including payment of the principal of,  
43 redemption premiums (if any) for, and interest on the bonds being refunded or refinanced.

44 **Sec. 2.** This article contains full and complete authority for the issuance of bonds. No law,  
45 procedure, proceedings, publications, notices, consents, approvals, orders, or acts by a service  
46 division board or any other officer, department, agency, or instrumentality of the state or of any  
47 political subdivision is required to issue any bonds, except as prescribed in this article.

48 **Sec. 3. (a)** The Indiana finance authority may secure bonds issued under this article by a trust  
49 indenture between the service division and a corporate trustee, which may be any trust company

1 or national or state bank in Indiana that has trust powers.

2 (b) The trust indenture may:

3 (1) pledge or assign revenue received by the service division, amounts deposited in a service  
4 division fund, and lease rentals, receipts, and income from leased projects, but may not  
5 mortgage land or projects;

6 (2) contain reasonable and proper provisions for protecting and enforcing the rights and  
7 remedies of the bondholders, including covenants setting forth the duties of the service  
8 division and the service board;

9 (3) set forth the rights and remedies of bondholders and trustees; and

10 (4) restrict the individual right of action of bondholders.

11 (c) Any pledge or assignment made by the service division under this section is valid and  
12 binding in accordance with IC 5-1-14-4 from the time that the pledge or assignment is made,  
13 against all persons whether they have notice of the lien. Any trust indenture by which a pledge  
14 is created or an assignment made need not be filed or recorded. The lien is perfected against  
15 third parties in accordance with IC 5-1-14-4.

16 Sec. 4. Bonds issued under this article are legal investments for private trust funds and the  
17 funds of banks, trust companies, insurance companies, building and loan associations, credit  
18 unions, savings banks, private banks, loan and trust and safe deposit companies, rural loan and  
19 savings associations, guaranty loan and savings associations, mortgage guaranty companies,  
20 small loan companies, industrial loan and investment companies, and other financial institutions  
21 organized under Indiana law.

22 Sec. 5. An action to contest the validity of bonds to be issued under this article may not be  
23 brought after the time limitations set forth in IC 5-1-14-13.

24 Sec. 6. The general assembly covenants that it will not:

25 (1) repeal or amend this article in a manner that would adversely affect owners of  
26 outstanding bonds, or the payment of lease rentals, secured by the amounts pledged under  
27 this article; or

28 (2) in any way impair the rights of owners of bonds of a district, or the owners of bonds  
29 secured by lease rentals or by a pledge of revenues under this article.

### 30 Chapter 15. Leases and Agreements With Public Transportation Agencies

31 Sec. 1. (a) Before a lease may be entered into by a service division, the service board for the  
32 service division must find that the lease rental provided for is fair and reasonable.

33 (b) A lease of land or a project by a service division:

34 (1) may not have a term exceeding twenty-five (25) years;

35 (2) may not require payment of lease rentals for a newly constructed project or for  
36 improvements to an existing project until the project or improvements to the project have  
37 been completed and are ready for occupancy or use;

38 (3) may contain provisions:

39 (A) allowing the service division to continue to operate an existing project until  
40 completion of the acquisition, improvements, reconstruction, or renovation of that  
41 project or any other project; and

42 (B) requiring payment of lease rentals for land, for an existing project being used,  
43 reconstructed, or renovated, or for any other existing project;

44 (4) may contain an option to renew the lease for the same or a shorter term on the  
45 conditions provided in the lease;

46 (5) must contain an option for the service division to purchase the project upon the terms  
47 stated in the lease during the term of the lease for a price equal to the amount required to  
48 pay all indebtedness incurred on account of the project, including indebtedness incurred  
49 for the refunding of that indebtedness;

- 1 (6) may be entered into before acquisition or construction of a project;  
2 (7) may provide that the service division shall agree to:  
3 (A) pay any taxes and assessments on the project;  
4 (B) maintain insurance on the project for the benefit of the district;  
5 (C) assume responsibility for utilities, repairs, alterations, and any costs of operation;  
6 and  
7 (D) pay a deposit or series of deposits to the lessor from any funds available to the  
8 service division before the commencement of the lease to secure the performance of the  
9 service division's obligations under the lease; and  
10 (8) must provide that the lease rental payments by the service division shall be made from:  
11 (A) net revenues of the project;  
12 (B) any other funds available to the service division; or  
13 (C) both sources described in clauses (A) and (B).

14 **Sec. 2. This article contains full and complete authority for leases by a service division. No**  
15 **law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the**  
16 **service division or any other officer, department, agency, or instrumentality of the state or any**  
17 **political subdivision is required to enter into any lease, except as prescribed in this article.**

18 **Sec. 3. If a lease provides for a project or improvements to a project to be constructed by a**  
19 **service division, the plans and specifications shall be submitted to and approved by all state**  
20 **agencies designated by law to pass on plans and specifications for public buildings.**

21 **Sec. 4. The service divisions may enter into common wall (party wall) agreements or other**  
22 **agreements concerning easements or licenses. These agreements shall be recorded with the**  
23 **recorder of the county in which the project is located.**

24 **Sec. 5. A service division may lease for a nominal lease rental, or sell to the other service**  
25 **division, one (1) or more projects or parts of a project or land on which a project is located or**  
26 **is to be constructed.**

#### 27 **Chapter 16. Distributions; Grants**

28 **Sec. 1. The district shall use the money received by the district for the capital and operating**  
29 **expenses of the district and the district's service divisions.**

30 **Sec. 2. Excluding any amount restricted to a particular use by law or the grantor, the district**  
31 **shall allocate the amounts received by the district between:**

- 32 (1) the capital expenses and operation cost of the district's commuter service division; and  
33 (2) the capital expenses and operation cost of the district's bus service division.

34 **Sec. 3. A distribution received by a service division from the district must be used in**  
35 **accordance with the district's transportation plan.**

#### 36 **Chapter 17. Regional Transportation Improvement Income Tax**

37 **Sec. 1. (a) An improvement tax may be imposed on the adjusted gross income of county**  
38 **taxpayers by the board. To impose the improvement tax, the board must first request a**  
39 **determination of the improvement tax rate that may be imposed in each county under section**  
40 **2 of this chapter.**

41 (b) The bus service board and the commuter rail service board shall make recommendations  
42 to the board regarding the part of the improvement income tax rate in each county that shall be  
43 dedicated to the bus service division and to the commuter rail service division.

44 **Sec. 2. A county's improvement tax rate in a member county may not exceed the lesser of**  
45 **twenty-five hundredths percent (0.25%) or the rate for that member county as determined**  
46 **under section 3 of this chapter.**

47 **Sec. 3. (a) If the board desires to impose the improvement tax, the board must first make**  
48 **written findings concerning the following:**

- 49 (1) The value of the public transportation facilities of the district and the service divisions

1 that the board proposes to put in service after December 31, 2009, and to be allocated to  
2 each member county.

3 (2) The total amount of the capital needs of the district and the service divisions for the five  
4 (5) year period beginning in the year of the request, reduced by the amount of capital costs  
5 that will be paid from sources other than the improvement tax.

6 (3) The annual amount of capital costs that the board proposes to be allocated to each  
7 member county for the five (5) year period beginning in the year of the request, reduced  
8 by the amount of capital costs that will be paid from sources other than the improvement  
9 tax. In determining the amount to propose for capital costs to be allocated to each member  
10 county, the board shall allocate the capital costs according to a formula established by the  
11 board that reflects the benefit received by the county from the capital costs in facilitating  
12 public transportation in the county and to and from the county.

13 (4) The total amount of the operating needs of the district and service districts for the five  
14 (5) year period beginning in the year of the request, reduced by the amount of operating  
15 expenses that will be paid from sources other than the improvement tax.

16 (5) The annual amount of operating expenses that the board proposes to be allocated to  
17 each member county for the five (5) year period beginning in the year of the request, using  
18 the total number of passengers and total miles traveled by individuals using public  
19 transportation within each member county that is provided by the district, reduced by the  
20 amount of operating expenses that will be paid from sources other than the improvement  
21 tax.

22 (b) In determining capital and operating costs under subsection (a), the costs shall be  
23 allocated, as determined by the board, to the capital expenses and operation costs of the district's  
24 commuter rail service division and the district's bus service division.

25 (c) Based on the findings under subsection (a) and the required allocation under subsection  
26 (b), the board shall make a determination and certify to the department the improvement tax  
27 rate that will be necessary for each year of the five (5) year period in each member county to pay  
28 for both the annual capital costs and annual operating expenses that are allocated to that  
29 member county. The rate imposed in a member county must be sufficient to raise the annual  
30 capital costs and annual operating expenses allocated to the county.

31 (d) A determination under this section shall be made using the best information available. The  
32 budget agency shall assist the board in computing the appropriate tax rates for each member  
33 county.

34 (e) The board may adopt a resolution adjusting the tax rate in a member county if the rates  
35 are too low to pay for both the annual capital costs and annual operating expenses that are  
36 allocated to each member county.

37 (f) The budget agency may cause a new determination to be made if:

38 (1) the budget director finds that the actual annual capital costs and annual operating  
39 expenses are less than the improvement tax revenue for two (2) consecutive years such that  
40 the improvement tax rate could be reduced by at least five-hundredths percent (0.05%) for  
41 a member county; or

42 (2) it has been more than three (3) years since the previous determination was made.

43 If a new determination under this subsection results in the improvement tax rate for each  
44 member county being at least five-hundredths percent (0.05%) less than the rate in effect in the  
45 year the new determination is made, the rate for each member county is reduced to the new rate  
46 without any action by the board. The new rate takes effect October 1 of the year of the new  
47 determination. The budget agency shall certify the new improvement tax rate to the board and  
48 the department.

49 Sec. 4. (a) To impose the improvement tax, the board must first publish a notice in each

1 member county in accordance with IC 5-3-1. In addition to the requirements of IC 5-3-1, the  
2 notice must include:

- 3 (1) a clear and concise statement that the board will be considering the imposition of the  
4 regional transportation improvement tax at the meeting; and
- 5 (2) the content of the proposed resolution to impose the improvement tax.

6 (b) To impose the improvement tax, the board must, after March 31 but before August 1 of  
7 a year, adopt a resolution. The resolution to impose the tax must include the rate for each  
8 member county and substantially state the following for each member county:

9 "The Northern Indiana Regional Transportation District imposes the regional  
10 transportation improvement tax on the county taxpayers of \_\_\_\_\_ County. The  
11 improvement tax is imposed at a rate of \_\_\_\_\_ percent (\_\_\_\_%) of taxable income. This  
12 tax takes effect October 1 of this year."

13 Sec. 5. (a) The board may increase or decrease the improvement tax rate imposed upon the  
14 county taxpayers in each member county as long as the resulting rate does not exceed the rate  
15 certified under section 3 of this chapter.

16 (b) To increase the improvement tax rate, the board must first publish a notice in each  
17 member county in accordance with IC 5-3-1. In addition to the requirements of IC 5-3-1, the  
18 notice must include the content of the proposed resolution to increase the improvement tax rate.

19 (c) To decrease or increase the rate, the board must, after March 31 but before August 1 of  
20 a year, adopt a resolution. The resolution to increase or decrease the tax must include the rate  
21 for each member county and substantially state the following for each member county:

22 "The Northern Indiana Regional Transportation District increases (decreases) the regional  
23 transportation improvement tax rate imposed upon the county taxpayers of  
24 \_\_\_\_\_ County from \_\_\_\_\_ percent (\_\_\_\_%) to \_\_\_\_\_ percent (\_\_\_\_%) of  
25 taxable income. This tax rate increase (decrease) takes effect October 1 of this year."

26 Sec. 6. (a) The improvement tax imposed under this chapter remains in effect until rescinded.

27 (b) The board may rescind the tax by adopting a resolution to rescind the tax after March 31  
28 but before August 1 of a year.

29 Sec. 7. (a) Any resolution adopted under this chapter takes effect October 1 of the year the  
30 resolution is adopted.

31 (b) The secretary of the board shall record all votes taken on resolutions presented for a vote  
32 under the authority of this chapter and shall, not more than ten (10) days after the vote, send  
33 a certified copy of the results to the department and the budget director by certified mail.

34 Sec. 8. (a) A special account within the state general fund shall be established for the district.  
35 Any revenue derived from the imposition of the improvement tax shall be credited to the  
36 district's account in the state general fund.

37 (b) Any income earned on money credited to an account under subsection (a) becomes a part  
38 of that account.

39 (c) Any revenue credited to an account established under subsection (a) at the end of a fiscal  
40 year may not be credited to any other account in the state general fund. Money in the district's  
41 account is appropriated to make distributions required by this chapter.

42 Sec. 9. (a) Revenue derived from the imposition of the improvement tax shall be distributed  
43 to the treasurer of the board.

44 (b) Before August 2 of each calendar year, the budget agency shall certify to the treasurer of  
45 the board the amount of improvement tax revenue that the department determines has been:

- 46 (1) received for the district for the taxable year ending before the calendar year in which  
47 the determination is made; and
- 48 (2) reported on an annual return or amended return processed by the department in the  
49 state fiscal year ending before July 1 of the calendar year in which the determination is

1 made.

2 The amount shall be adjusted as provided in this section. The amount certified is the district's  
3 certified distribution for the following calendar year.

4 (c) The budget agency shall adjust the amount determined under subsection (b) for:

5 (1) refunds of improvement tax made in the state fiscal year; and

6 (2) the amount of interest in the district's special account that has been accrued but has not  
7 been included in a certification made in a preceding year.

8 (d) The budget agency shall certify an amount that is less than the amount determined under  
9 subsection (c) if the budget agency determines that the reduced distribution is necessary to offset  
10 overpayments made in a calendar year before the calendar year of the distribution. The budget  
11 agency may reduce the amount of the certified distribution over several calendar years so that  
12 any overpayments are offset over several years rather than in one (1) lump sum.

13 (e) The budget agency shall certify an amount that is more than the amount determined  
14 under subsection (c) if the budget agency determines that the increased distribution is necessary  
15 to offset underpayments made in a calendar year before the calendar year of the distribution.

16 (f) The budget agency shall adjust the certified distribution of the district to correct for any  
17 clerical or mathematical errors made in any previous certification under this section. The budget  
18 agency may reduce the amount of the certified distribution over several calendar years so that  
19 any reduction under this subsection is offset over several years rather than in one (1) lump sum.

20 (g) This subsection applies if the district:

21 (1) initially imposed the improvement tax; or

22 (2) increases the improvement tax rate;

23 under this chapter and the tax or increased rate takes effect in the same calendar year in which  
24 the budget agency makes a certification under this section. The budget agency shall adjust the  
25 certified distribution of a county to provide for a distribution in the immediately following  
26 calendar year.

27 (h) The budget agency shall provide to the treasurer of the board an informative summary  
28 of the calculations used to determine the certified distribution. The summary of calculations  
29 must include the following:

30 (1) The amount reported on individual income tax returns processed by the department  
31 during the previous state fiscal year.

32 (2) Adjustments for:

33 (A) refunds;

34 (B) special account interest;

35 (C) over or under distributions in prior years;

36 (D) clerical or mathematical errors in prior years; and

37 (E) tax rate changes.

38 (3) The balance in the district's special account as of the cutoff date set by the budget  
39 agency.

40 (i) One-twelfth (1/12) of a district's certified distribution for a calendar year shall be  
41 distributed from the district's account to the treasurer of the board each month.

42 Sec. 10. The district shall deposit the amount received under this chapter as follows:

43 (1) An amount equal to the budgeted annual capital costs as certified by the budget agency  
44 in a separate capital account.

45 (2) An amount equal to the budgeted operating expenses as certified by the budget agency  
46 in a separate operating account.

47 (3) Any part of a distribution remaining after making the deposits required under  
48 subdivisions (1) and (2) shall be deposited in a separate reserve account.

49 Sec. 11. (a) For purposes of this chapter, an individual shall be treated as a resident of the

1 county in which the individual:

- 2 (1) maintains a home if the individual maintains only one (1) home in Indiana;
- 3 (2) if subdivision (1) does not apply, is registered to vote;
- 4 (3) if subdivisions (1) and (2) do not apply, registers the individual's personal automobile;
- 5 or
- 6 (4) if subdivisions (1), (2), and (3) do not apply, spends the majority of the individual's time
- 7 in Indiana during the taxable year in question.

8 (b) The residence or principal place of business or employment of an individual is to be  
9 determined on January 1 of the calendar year in which the individual's taxable year commences.  
10 If an individual changes the location of the individual's residence or principal place of  
11 employment or business to another county in Indiana during a calendar year, the individual's  
12 liability for improvement tax is not affected.

13 Sec. 12. If the improvement tax is not in effect during a county taxpayer's entire taxable year,  
14 the amount of improvement tax that the county taxpayer owes for that taxable year equals the  
15 product of:

- 16 (1) the amount of improvement tax the county taxpayer would owe if the tax had been
- 17 imposed during the county taxpayer's entire taxable year; multiplied by
- 18 (2) a fraction, the:
  - 19 (A) numerator of which equals the number of days during the county taxpayer's taxable
  - 20 year during which the improvement tax was in effect; and
  - 21 (B) denominator of which equals three hundred sixty-five (365).

22 Sec. 13. (a) If for the taxable year a county taxpayer is (or a county taxpayer and the county  
23 taxpayer's spouse who file a joint return are) allowed a credit for the elderly or individuals with  
24 a total disability under Section 22 of the Internal Revenue Code, the county taxpayer is (or the  
25 county taxpayer and the county taxpayer's spouse are) entitled to a credit against the county  
26 taxpayer's (or the county taxpayer's and the county taxpayer's spouse's) improvement tax  
27 liability for that same taxable year. The amount of the credit equals the lesser of:

- 28 (1) the product of:
  - 29 (A) the county taxpayer's (or the county taxpayer's and the county taxpayer's spouse's)
  - 30 credit for the elderly or individuals with a total disability for that same taxable year;
  - 31 multiplied by
  - 32 (B) a fraction, the:
    - 33 (i) numerator of which is the improvement tax rate imposed against the county
    - 34 taxpayer (or against the county taxpayer and the county taxpayer's spouse); and
    - 35 (ii) denominator of which is fifteen-hundredths (0.15); or
- 36 (2) the amount of improvement tax imposed on the county taxpayer (or the county taxpayer
- 37 and the county taxpayer's spouse).

38 (b) If a county taxpayer and the county taxpayer's spouse file a joint return and are subject  
39 to different improvement tax rates for the same taxable year, they shall compute the credit  
40 under this section by using the formula provided by subsection (a), except that they shall use the  
41 average of the two (2) improvement tax rates imposed against them as the numerator referred  
42 to in subsection (a)(1)(B)(i).

43 Sec. 14. (a) Except as otherwise provided in this chapter, all provisions of the adjusted gross  
44 income tax law (IC 6-3) concerning:

- 45 (1) definitions;
- 46 (2) declarations of estimated tax;
- 47 (3) filing of returns;
- 48 (4) remittances;
- 49 (5) incorporation of the provisions of the Internal Revenue Code;

- 1 (6) penalties and interest;
- 2 (7) exclusion of military pay credits for withholding; and
- 3 (8) exemptions and deductions;

4 apply to the imposition, collection, and administration of the improvement tax.

5 (b) IC 6-3-1-3.5(a)(6), IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the improvement  
6 tax.

7 (c) Notwithstanding subsections (a) and (b), each employer shall report to the department the  
8 amount of withholdings of the improvement tax attributable to each county. This report shall  
9 be submitted to the department:

- 10 (1) each time the employer remits to the department the tax that is withheld; and
- 11 (2) annually along with the employer's annual withholding report.

12 **Sec. 15. The improvement tax is a listed tax and an income tax for the purposes of IC 6-8.1.**

13 SECTION 283. IC 9-13-2-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
14 2009]: Sec. 201. "Yard tractor" refers to a tractor that is used to move semitrailers around a terminal  
15 or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with  
16 a permit issued under ~~IC 6-6-4.1-13(c)~~ **IC 6-6-4.1-13(f)** if the tractor is ordinarily used to move  
17 semitrailers around a terminal or spotting facility.

18 SECTION 284. IC 9-17-1-1, AS AMENDED BY P.L.150-2009, SECTION 5, IS AMENDED TO  
19 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This article does not apply to farm  
20 wagons, a golf cart **when operated in accordance with an ordinance adopted under**  
21 **IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a)**, or a motor vehicle that was designed to have a maximum  
22 design speed of not more than twenty-five (25) miles per hour and that was built, constructed,  
23 modified, or assembled by a person other than the manufacturer.

24 SECTION 285. IC 9-18-1-1, AS AMENDED BY P.L.150-2009, SECTION 6, IS AMENDED TO  
25 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This article does not apply to the  
26 following:

- 27 (1) Farm wagons.
- 28 (2) Farm tractors.
- 29 (3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove  
30 it from an accident site to a storage location because:
  - 31 (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
  - 32 (B) the railroad car or semitrailer was involved in an accident that required the unloading of  
33 the new motor vehicle to preserve or prevent further damage to it.
- 34 (4) An implement of agriculture designed to be operated primarily in a farm field or on farm  
35 premises.
- 36 (5) Off-road vehicles.
- 37 (6) Golf carts **when operated in accordance with an ordinance adopted under**  
38 **IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).**

39 SECTION 286. IC 9-18-15-1, AS AMENDED BY P.L.30-2008, SECTION 1, IS AMENDED TO  
40 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A person who is the registered owner  
41 or lessee of a:

- 42 (1) passenger motor vehicle;
- 43 (2) motorcycle;
- 44 (3) recreational vehicle; or
- 45 (4) vehicle registered as a truck with a declared gross weight of not more than:
  - 46 (A) eleven thousand (11,000) pounds;
  - 47 (B) nine thousand (9,000) pounds; or
  - 48 (C) seven thousand (7,000) pounds;

49 registered with the bureau or who makes an application for an original registration or renewal

1 registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the  
2 vehicle for which registration is sought instead of the regular license plate.

3 (b) A person who:

4 (1) is the registered owner or lessee of a vehicle described in subsection (a); and

5 (2) is eligible to receive a license plate for the vehicle under:

6 (A) IC 9-18-17 (prisoner of war license plates);

7 (B) IC 9-18-18 (disabled veteran license plates);

8 (C) IC 9-18-19 (Purple Heart license plates);

9 (D) IC 9-18-20 (Indiana National Guard license plates);

10 (E) IC 9-18-21 (Indiana Guard Reserve license plates);

11 (F) IC 9-18-22 (license plates for persons with disabilities);

12 (G) IC 9-18-23 (amateur radio operator license plates);

13 (H) IC 9-18-24 (civic event license plates);

14 (I) IC 9-18-24.5 (In God We Trust license plates);

15 (J) IC 9-18-25 (special group recognition license plates);

16 (K) IC 9-18-29 (environmental license plates);

17 (L) IC 9-18-30 (kids first trust license plates);

18 (M) IC 9-18-31 (education license plates);

19 (N) IC 9-18-32.2 (drug free Indiana trust license plates);

20 (O) IC 9-18-33 (Indiana FFA trust license plates);

21 (P) IC 9-18-34 (Indiana firefighter license plates);

22 (Q) IC 9-18-35 (Indiana food bank trust license plates);

23 (R) IC 9-18-36 (Indiana girl scouts trust license plates);

24 (S) IC 9-18-37 (Indiana boy scouts trust license plates);

25 (T) IC 9-18-38 (Indiana retired armed forces member license plates);

26 (U) IC 9-18-39 (Indiana antique car museum trust license plates);

27 (V) IC 9-18-40 (D.A.R.E. Indiana trust license plates);

28 (W) IC 9-18-41 (Indiana arts trust license plates);

29 (X) IC 9-18-42 (Indiana health trust license plates);

30 (Y) IC 9-18-43 (Indiana mental health trust license plates);

31 (Z) IC 9-18-44 (Indiana Native American trust license plates);

32 (AA) IC 9-18-45.8 (Pearl Harbor survivor license plates);

33 (BB) IC 9-18-46.2 (Indiana state educational institution trust license plates);

34 (CC) IC 9-18-47 (Lewis and Clark bicentennial license plates);

35 (DD) IC 9-18-48 (Riley Children's Foundation license plates);

36 (EE) IC 9-18-49 (National Football League franchised professional football team license  
37 plates);

38 (FF) IC 9-18-50 (Hoosier veteran license plates);

39 (GG) IC 9-18-51 (support our troops license plates); ~~or~~

40 (HH) IC 9-18-52 (Abraham Lincoln bicentennial license plates); **or**

41 **(II) IC 9-18-53 Earlham College Trust license plates;**

42 may apply to the bureau for a personalized license plate to be affixed to the vehicle for which  
43 registration is sought instead of the regular special recognition license plate.

44 SECTION 287. IC 9-18-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
45 2009]: Sec. 2. (a) The bureau shall design and manufacture yard tractor repair, maintenance, and  
46 relocation permit license plates as needed to administer this chapter.

47 (b) The license plate designed and manufactured under this section must:

48 (1) be designed for display on a yard tractor;

49 (2) be designed to be transferable between yard tractors operated by the carrier; and

1 (3) designate the yard tractor as a yard tractor permitted to operate on a public highway under  
2 ~~IC 6-6-4.1-13(e)~~. **IC 6-6-4.1-13(f)**.

3 SECTION 288. IC 9-18-53 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TOR  
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

5 **Chapter 53. Earlham College Trust License Plates**

6 **Sec. 1. The bureau shall design and issue an Earlham College trust license plate. The Earlham**  
7 **College trust license plate shall be designed and issued as a special group recognition license**  
8 **plate under IC 9-18-25.**

9 **Sec. 2. After January 1, 2010, a person who is eligible to register a vehicle under this title is**  
10 **eligible to receive an Earlham College trust license plate under this chapter upon doing the**  
11 **following:**

12 (1) **Completing an application for an Earlham College trust license plate.**

13 (2) **Paying the fees under section 3 of this chapter.**

14 **Sec. 3. (a) The fees for an Earlham College trust license plate are as follows:**

15 (1) **The appropriate fee under IC 9-29-5-38(a).**

16 (2) **An annual fee of twenty-five dollars (\$25).**

17 (b) **The bureau shall collect the annual fee described in subsection (a)(2).**

18 (c) **The annual fee described in subsection (a)(2) shall be deposited in the Earlham College**  
19 **trust fund established by section 4 of this chapter.**

20 **Sec. 4. (a) The Earlham College trust fund is established.**

21 (b) **The treasurer of state shall invest the money in the Earlham College trust fund not**  
22 **currently needed to meet the obligations of the Earlham College trust fund in the same manner**  
23 **as other public trust funds are invested. Interest that accrues from these investments shall be**  
24 **deposited in the Earlham College trust fund. Money in the fund is continuously appropriated**  
25 **for the purposes of this section.**

26 (c) **The commissioner shall administer the Earlham College trust fund. Expenses of**  
27 **administering the Earlham College trust fund shall be paid from money in the Earlham College**  
28 **trust fund.**

29 (d) **On June 30 of each year, the commissioner shall distribute the money from the Earlham**  
30 **College trust fund to Earlham College.**

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

32 SECTION 289. IC 9-19-1-1, AS AMENDED BY P.L.150-2009, SECTION 7, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) Except as provided in subsection (b)**  
34 **and as otherwise provided in this chapter, this article does not apply to the following with respect to**  
35 **equipment on vehicles:**

36 (1) **Implements of agriculture designed to be operated primarily in a farm field or on farm**  
37 **premises.**

38 (2) **Road machinery.**

39 (3) **Road rollers.**

40 (4) **Farm tractors.**

41 (5) **Vehicle chassis that:**

42 (A) **are a part of a vehicle manufacturer's work in process; and**

43 (B) **are driven under this subdivision only for a distance of less than one (1) mile.**

44 (6) **Golf carts when operated in accordance with an ordinance adopted under**  
45 **IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).**

46 (b) **A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway**  
47 **by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is**  
48 **considered a trailer for equipment requirement purposes and all equipment requirements concerning**  
49 **trailers apply.**

1 SECTION 290. IC 9-20-6-2, AS AMENDED BY P.L.3-2008, SECTION 77, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The Indiana department of  
3 transportation or local authority that:

4 (1) has jurisdiction over a highway or street; and

5 (2) is responsible for the repair and maintenance of the highway or street;

6 may, upon proper application in writing and upon good cause shown, grant a permit for transporting  
7 heavy vehicles and loads or other objects not conforming to this article, including a vehicle  
8 transporting an ocean going container, if the department or authority finds that other traffic will not  
9 be seriously affected and the highway or bridge will not be seriously damaged.

10 (b) The permit granted under subsection (a) must authorize the operation of a tractor-semitrailer  
11 and load that:

12 (1) exceeds the maximum length limitation under this chapter; and

13 (2) is subject to regulation under this chapter;

14 from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

15 (c) A permit may be issued under this section for the following:

16 (1) A single trip.

17 (2) A definite time not exceeding thirty (30) days.

18 (3) A ninety (90) day period.

19 (4) A one (1) year period.

20 (d) This subsection applies to the transportation of ocean going containers that:

21 (1) have been sealed at the place of origin and have not been opened except by an agent of the  
22 federal government that may inspect the contents; **and**

23 ~~(2) originated outside the United States; and~~

24 ~~(3) (2) are being transported to or from a distribution facility.~~

25 The total gross weight, with load of a vehicle or combination of vehicles transporting an ocean going  
26 container may not exceed ~~ninety~~ **ninety-five** thousand ~~(90,000)~~ **(95,000)** pounds. A permit issued  
27 under this section must be issued on an annual basis. A permit issued under this subsection may not  
28 impose a limit on the number of movements generated by the applicant or operator of a vehicle granted  
29 a permit under this subsection.

30 SECTION 291. IC 9-21-1-3, AS AMENDED BY P.L.150-2009, SECTION 11, IS AMENDED TO  
31 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A local authority, with respect to  
32 private roads and highways under the authority's jurisdiction, in accordance with ~~section~~ **sections 2**  
33 **and 3.3(a)** of this chapter, and within the reasonable exercise of the police power, may do the  
34 following:

35 (1) Regulate the standing or parking of vehicles.

36 (2) Regulate traffic by means of police officers or traffic control signals.

37 (3) Regulate or prohibit processions or assemblages on the highways.

38 (4) Designate a highway as a one-way highway and require that all vehicles operated on the  
39 highway be moved in one (1) specific direction.

40 (5) Regulate the speed of vehicles in public parks.

41 (6) Designate a highway as a through highway and require that all vehicles stop before entering  
42 or crossing the highway.

43 (7) Designate an intersection as a stop intersection and require all vehicles to stop at one (1) or  
44 more entrances to the intersection.

45 (8) Restrict the use of highways as authorized in IC 9-21-4-7.

46 (9) Regulate the operation of bicycles and require the registration and licensing of bicycles,  
47 including the requirement of a registration fee.

48 (10) Regulate or prohibit the turning of vehicles at intersections.

- 1 (11) Alter the prima facie speed limits authorized under IC 9-21-5.
- 2 (12) Adopt other traffic regulations specifically authorized by this article.
- 3 (13) Adopt traffic regulations governing traffic control on public school grounds when requested
- 4 by the governing body of the school corporations.
- 5 (14) Regulate or prohibit the operation of low speed vehicles or golf carts on highways **in**
- 6 **accordance with section 3.3(a) of this chapter.**

7 (b) An ordinance or regulation adopted under subsection (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(10),  
8 (a)(11), (a)(12), (a)(13), or (a)(14), is effective when signs giving notice of the local traffic regulations  
9 are posted upon or at the entrances to the highway or part of the highway that is affected.

10 SECTION 292. IC 9-21-1-3.3, AS ADDED BY P.L.150-2009, SECTION 12, IS AMENDED TO  
11 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.3. (a) A city or a town may adopt by  
12 ordinance ~~additional~~ traffic regulations concerning the use of golf carts on a highway under the  
13 jurisdiction of the city or the town. An ordinance adopted under this subsection may not:

- 14 (1) conflict with or duplicate **another** state law; **or**
- 15 (2) **conflict with a driver's licensing requirement of another provision of the Indiana Code.**

16 (b) A fine assessed for a violation of a traffic ordinance adopted by a city or a town under this  
17 section shall be deposited into the general fund of the city or town.

18 (c) A person who violates subsection (a) commits a Class C infraction.

19 SECTION 293. IC 9-21-8-57 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO**  
20 **READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 57. A golf cart may not be operated on**  
21 **a highway except in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) and**  
22 **IC 9-21-1-3.3(a) authorizing the operation of a golf cart on the highway.**

23 SECTION 294. IC 12-8-1-10, AS AMENDED BY P.L.113-2008, SECTION 2, IS AMENDED TO  
24 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. This chapter expires ~~January 1, 2010:~~  
25 **June 30, 2011.**

26 SECTION 295. IC 12-8-2-12, AS AMENDED BY P.L.113-2008, SECTION 3, IS AMENDED TO  
27 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. This chapter expires ~~January 1, 2010:~~  
28 **June 30, 2011.**

29 SECTION 296. IC 12-8-6-10, AS AMENDED BY P.L.113-2008, SECTION 4, IS AMENDED TO  
30 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. This chapter expires ~~January 1, 2010:~~  
31 **June 30, 2011.**

32 SECTION 297. IC 12-8-8-8, AS AMENDED BY P.L.113-2008, SECTION 5, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. This chapter expires ~~January 1, 2010:~~  
34 **June 30, 2011.**

35 SECTION 298. IC 12-12-8-6, AS AMENDED BY P.L.141-2006, SECTION 52, IS AMENDED  
36 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) There is established a  
37 statewide independent living council. The council is not a part of a state agency.

38 (b) The council consists of at least twenty (20) members appointed by the governor, including the  
39 following:

- 40 (1) ~~Each~~ **At least one (1)** director of a center for independent living located in Indiana **chosen**
- 41 **by the directors of the centers for independent living located in Indiana.**
- 42 (2) Nonvoting members from state agencies that provide services for individuals with disabilities.
- 43 (3) Other members, who may include the following:
  - 44 (A) Representatives of centers for independent living.
  - 45 (B) Parents and guardians of individuals with disabilities.
  - 46 (C) Advocates for individuals with disabilities.
  - 47 (D) Representatives from private business.
  - 48 (E) Representatives of organizations that provide services for individuals with disabilities.

- 1 (F) Other appropriate individuals.  
2 (c) The members appointed under subsection (b) must:  
3 (1) provide statewide representation;  
4 (2) represent a broad range of individuals with disabilities from diverse backgrounds;  
5 (3) be knowledgeable about centers for independent living and independent living services; and  
6 (4) include a majority of members who:  
7 (A) are individuals with disabilities; and  
8 (B) are not employed by a state agency or a center for independent living.

9 SECTION 299. IC 12-29-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
10 1, 2009 (RETROACTIVE)]: Sec. 1. (a) The county executive of a county may authorize the furnishing  
11 of financial assistance to a community mental retardation and other developmental disabilities center  
12 that is located or will be located in the county.

13 (b) Assistance authorized under this section shall be used for the following purposes:

- 14 (1) Constructing a center.  
15 (2) Operating a center.

16 (c) Upon request of the county executive, the county fiscal body may appropriate annually from the  
17 county's general fund the money to provide financial assistance for the purposes described in  
18 subsection (b). The appropriation may not exceed the amount that could be collected from an annual  
19 tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred  
20 dollars (\$100) of taxable property within the county.

21 **(d) For purposes of this subsection, "first calendar year" refers to the first calendar year**  
22 **after 2008 in which the county imposes an ad valorem property tax levy for the county general**  
23 **fund to provide financial assistance under this chapter. If a county did not provide financial**  
24 **assistance under this chapter in 2008, the county for a following calendar year:**

- 25 **(1) may propose a financial assistance budget; and**  
26 **(2) shall refer its proposed financial assistance budget for the first calendar year to the**  
27 **department of local government finance before the tax levy is advertised.**

28 **The ad valorem property tax levy to fund the budget for the first calendar year is subject to**  
29 **review and approval under IC 6-1.1-18.5-10.**

30 SECTION 300. IC 12-29-2-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1.2. (a) The county executive of a county may authorize  
32 the furnishing of financial assistance for the purposes described in subsection (b) to a community  
33 mental health center that is located or will be located:

- 34 (1) in the county;  
35 (2) anywhere in Indiana, if the community mental health center is organized to provide services  
36 to at least two (2) counties, including the county executive's county; or  
37 (3) in an adjacent state, if the center is organized to provide services to Indiana residents,  
38 including residents in the county executive's county.

39 If a community mental health center is organized to serve more than one (1) county, upon request of  
40 the county executive, each county fiscal body may appropriate money annually from the county's  
41 general fund to provide financial assistance for the community mental health center.

42 (b) Assistance authorized under this section shall be used for the following purposes:

- 43 (1) Constructing a community mental health center.  
44 (2) Operating a community mental health center.

45 (c) The appropriation from a county authorized under subsection (a) may not exceed ~~the following:~~

- 46 ~~(1) For 2004, the product of the amount determined under section 2(b)(1) of this chapter~~  
47 ~~multiplied by one and five hundred four thousandths (1.504).~~  
48 ~~(2) for 2005 and each year thereafter, the product of the amount determined under section 2(b)(2)~~  
49 ~~of this chapter for that year multiplied by one and five hundred four thousandths (1.504).~~

1 (d) For purposes of this subsection, "first calendar year" refers to the first calendar year  
2 after 2008 in which the county imposes an ad valorem property tax levy for the county general  
3 fund to provide financial assistance under this chapter. If a county did not provide financial  
4 assistance under this chapter in 2008, the county, for a following calendar year:

5 (1) may propose a financial assistance budget; and

6 (2) shall refer its proposed financial assistance budget for the first calendar year to the  
7 department of local government finance before the tax levy is advertised.

8 The ad valorem property tax levy to fund the budget for the first calendar year is subject to  
9 review and approval under IC 6-1.1-18.5-10.

10 SECTION 301. IC 14-33-9-1, AS AMENDED BY P.L.146-2008, SECTION 428, IS AMENDED  
11 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1. (a) **Except**  
12 **as provided in IC 6-1.1-17-20**, the budget of a district:

13 (1) must be prepared and submitted:

14 (A) at the same time;

15 (B) in the same manner; and

16 (C) with notice;

17 as is required by statute for the preparation of budgets by municipalities; and

18 (2) is subject to the same review by:

19 (A) the county board of tax adjustment; and

20 (B) the department of local government finance;

21 as is required by statute for the budgets of municipalities.

22 (b) If a district is established in more than one (1) county:

23 (1) except as provided in subsection (c), the budget shall be certified to the auditor of the county  
24 in which is located the court that had exclusive jurisdiction over the establishment of the district;  
25 and

26 (2) notice must be published in each county having land in the district. Any taxpayer in the  
27 district is entitled to be heard before the county board of tax adjustment and, after December 31,  
28 2008, the fiscal body of each county having jurisdiction.

29 (c) If one (1) of the counties in a district contains either a first or second class city located in whole  
30 or in part in the district, the budget:

31 (1) shall be certified to the auditor of that county; and

32 (2) is subject to review at the county level only by the county board of tax adjustment and, after  
33 December 31, 2008, the fiscal body of that county.

34 SECTION 302. IC 14-33-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
35 2009]: Sec. 2. (a) The board shall budget annually the necessary money to meet the probable expenses  
36 of operation and maintenance of the district, including the following:

37 (1) Repairs.

38 (2) Fees.

39 (3) Salaries.

40 (4) Depreciation on all depreciable assets.

41 (5) Rents.

42 (6) Supplies.

43 (b) **Subject to any budget review and approval required under this chapter**, the board shall  
44 **may add not more than** ten percent (10%) of the total for contingencies.

45 SECTION 303. IC 20-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
46 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 9. Beginning January 1, 2010, the**  
47 **department may obtain and maintain student test number information in a manner and form**  
48 **that permits any person who is authorized to review the information, to:**

- 1 (1) access the information at any time; and
- 2 (2) accurately determine:
  - 3 (A) where each student is enrolled and attending classes; and
  - 4 (B) the number of students enrolled in a school corporation or charter school and
  - 5 residing in the area served by a school corporation;
  - 6 as of any date after December 31, 2009, occurring before two (2) regular instructional days
  - 7 before the date of the inquiry.

8 Each school corporation and charter school shall provide the information to the department in  
9 the form and on a schedule that permits the department to comply with this section. The  
10 department shall provide technical assistance to school corporations and charter schools to assist  
11 school corporations and charter schools in complying with this section.

12 SECTION 304. IC 20-20-13-3, AS ADDED BY P.L.218-2005, SECTION 45, IS AMENDED TO  
13 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in sections 13 through 24 of this  
14 chapter, "school corporation" includes, except as otherwise provided in this chapter, the Indiana  
15 School for the Blind and Visually Impaired established by IC 20-21-2-1, and the Indiana School for  
16 the Deaf established by IC 20-22-2-1, and a charter school established under IC 20-24.

17 SECTION 305. IC 20-20-13-6, AS AMENDED BY P.L.31-2009, SECTION 2, IS AMENDED TO  
18 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The Senator David C. Ford  
19 educational technology fund is established to extend educational technologies to elementary and  
20 secondary schools. The fund may be used for:

- 21 (1) the 4R's technology grant program to assist school corporations (on behalf of public schools)  
22 in purchasing technology equipment:

- 23 (A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using  
24 technology;

- 25 (B) for students in all grades, to understand that technology is a tool for learning; and

- 26 (C) for students in kindergarten through grade 3 who have been identified as needing  
27 remediation, to offer daily remediation opportunities using technology to prevent those  
28 students from failing to make appropriate progress at the particular grade level;

- 29 (2) a school technology program developed by the department. The program may include  
30 grants to school corporations for the purchase of:

- 31 (A) equipment, hardware, and software;

- 32 (B) learning and teaching systems; and

- 33 (C) other materials;

34 that promote student learning, as determined by the department.

- 35 ~~(2)~~ (3) providing educational technologies, including computers in the homes of students;

- 36 ~~(3)~~ (4) conducting educational technology training for teachers; and

- 37 ~~(4)~~ (5) other innovative educational technology programs.

38 (b) The department may also use money in the fund under contracts entered into with the office of  
39 technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information  
40 telecommunications gateway that provides access to information on employment opportunities, career  
41 development, and instructional services from data bases operated by the state among the following:

- 42 (1) Elementary and secondary schools.

- 43 (2) Postsecondary educational institutions.

- 44 (3) Career and technical educational centers and institutions that are not postsecondary  
45 educational institutions.

- 46 (4) Libraries.

- 47 (5) Any other agencies offering education and training programs.

48 (c) The fund consists of:

- 49 (1) state appropriations;

- 1 (2) private donations to the fund;  
 2 (3) money directed to the fund from the corporation for educational technology under  
 3 IC 20-20-15; or  
 4 (4) any combination of the amounts described in subdivisions (1) through (3).  
 5 (d) The fund shall be administered by the department.  
 6 (e) Unexpended money appropriated to or otherwise available in the fund at the end of a state fiscal  
 7 year does not revert to the state general fund but remains available to the department for use under this  
 8 chapter.  
 9 (f) Subject to section 7 of this chapter, a school corporation may use money from the school  
 10 corporation's capital projects fund as permitted under IC 20-40-8 for educational technology  
 11 equipment.

12 SECTION 306. IC 20-20-36.2-5, AS ADDED BY P.L.1-2009, SECTION 120, IS AMENDED TO  
 13 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. (a) An eligible  
 14 school corporation's circuit breaker replacement amount for 2009 is equal to the result determined  
 15 under STEP FOUR of the following formula:

16 STEP ONE: Determine the amount of credits granted against the eligible school corporation's  
 17 combined levy for the eligible school corporation's debt service fund, capital projects fund,  
 18 transportation fund, school bus replacement fund, and racial balance fund.

19 STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations  
 20 in Indiana.

21 STEP THREE: Divide ~~fifty million dollars (\$50,000,000)~~ **the lesser of the STEP TWO amount**  
 22 **or forty million dollars (\$40,000,000)** by the STEP TWO amount, rounding to the nearest ten  
 23 thousandth (0.0001).

24 STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount, rounding to the  
 25 nearest dollar (\$1).

26 (b) **An eligible school corporation is entitled to a grant under this chapter in a calendar year.**  
 27 **The grant is equal to the eligible school corporation's circuit breaker replacement amount, as**  
 28 **determined for calendar year 2010.** An eligible school corporation's circuit breaker replacement  
 29 amount for 2010 is equal to the result determined under ~~STEP FOUR~~ **SIX** of the following formula:

30 STEP ONE: Determine the amount of credits granted against the eligible school corporation's  
 31 combined levy for the school corporation's debt service fund, capital projects fund, transportation  
 32 fund, school bus replacement fund, and racial balance fund.

33 STEP TWO: **Determine an amount equal to two percent (2%) of the school corporation's**  
 34 **total combined property tax levy for 2010, rounded to the nearest one dollar (\$1).**

35 **STEP THREE: Determine the greater of zero (0) or the result of the STEP ONE amount**  
 36 **minus the STEP TWO amount.**

37 **STEP FOUR:** Determine the sum of the ~~STEP ONE~~ **THREE** amounts for all eligible school  
 38 corporations in Indiana.

39 ~~STEP THREE: Divide seventy~~ **FIVE: Determine the result of the lesser of:**

40 (A) **one (1); or**

41 (B) **the result of sixty million dollars (~~\$70,000,000~~) (\$60,000,000) divided by the STEP**  
 42 ~~FWO~~ **FOUR** amount, rounding to the nearest ten thousandth (0.0001).

43 ~~STEP FOUR: SIX:~~ Multiply the ~~STEP THREE~~ **FIVE** result by the ~~STEP ONE~~ **THREE** amount,  
 44 rounding to the nearest dollar (\$1).

45 SECTION 307. IC 20-20-36.2-7, AS ADDED BY P.L.1-2009, SECTION 120, IS AMENDED TO  
 46 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 7. (a) Not later  
 47 than ~~May~~ **July 30** of a calendar year, the budget agency shall certify to the department an initial  
 48 estimate of the circuit breaker replacement amount attributable to each school corporation for the

1 calendar year.

2 (b) Not later than November 1 of a calendar year, the budget agency shall certify to the department  
3 a final estimate of the circuit breaker replacement amount attributable to each eligible school  
4 corporation for the calendar year.

5 (c) The budget agency shall compute an amount certified under this section using the best  
6 information available to the budget agency at the time the certification is made.

7 SECTION 308. IC 20-20-36.2-8, AS ADDED BY P.L.1-2009, SECTION 120, IS AMENDED TO  
8 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 8. Subject to  
9 section 9 of this chapter, the department shall distribute a grant to an eligible school corporation equal  
10 to fifty percent (50%) of the eligible school corporation's estimated circuit breaker replacement amount  
11 for the calendar year in two (2) installments. ~~An installment shall be paid not later than:~~

12 ~~(1) June 20; and~~

13 ~~(2) December 20;~~

14 ~~of the calendar year.~~

15 SECTION 309. IC 20-20-36.2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
16 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11. This chapter expires January 1,**  
17 **2011.**

18 SECTION 310. IC 20-23-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
19 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 18. (a) Before January 1, 2011, Prairie**  
20 **Township School Corporation shall reorganize by consolidating with an adjacent school**  
21 **corporation under this chapter.**

22 **(c) If the governing body of Prairie Township School Corporation does not comply with this**  
23 **section before January 1, 2011, the state board shall, after December 31, 2010, develop a**  
24 **reorganization plan for the school corporation and require the governing body to implement the**  
25 **plan.**

26 SECTION 311. IC 20-23-9-5, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ  
27 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. If the department of local government finance  
28 receives a petition of appeal under section 4 of this chapter, the department of local government  
29 finance shall ~~submit the petition to the school property tax control board established by IC 6-1.1-19-4.1~~  
30 ~~for hold~~ a factfinding hearing.

31 SECTION 312. IC 20-23-9-6, AS ADDED BY P.L.231-2005, SECTION 24, IS AMENDED TO  
32 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. ~~(a) If the department of local government~~  
33 ~~finance submits a petition to the school property tax control board under section 5 of this chapter, the~~  
34 ~~school property tax control board shall hold a factfinding hearing.~~

35 ~~(b) (a) At a factfinding hearing described in subsection (a), under section 5 of this chapter, the~~  
36 ~~school property tax control board department of local government finance shall determine the~~  
37 ~~following:~~

38 (1) Whether the township school has made all payments required by any statute, including the  
39 following:

40 (A) P.L.32-1999.

41 (B) IC 20-23-5-12.

42 (C) The resolution or plan of annexation of the township school, including:

43 (i) any amendment to the resolution or plan;

44 (ii) any supporting or related documents; and

45 (iii) any agreement between the township school and an annexing corporation relating to the  
46 winding up of affairs of the township school.

47 (2) The amount, if any, by which the township school is in arrears on any payment described in  
48 subdivision (1).

1 (3) Whether the township school has filed with the department of local government finance all  
2 reports concerning the affairs of the township school, including all transfer tuition reports  
3 required for the two (2) school years immediately preceding the date on which the township  
4 school was annexed.

5 ~~(c)~~ **(b)** In determining the amount of arrears under ~~subsection (b)(2);~~ **subsection (a)(2)**, the ~~school~~  
6 ~~property tax control board~~ **department of local government finance** shall consider all amounts due  
7 to an annexing corporation, including the following:

8 (1) Any transfer tuition payments due to the annexing corporation.

9 (2) All levies, excise tax distributions, and state distributions received by the township school and  
10 due to the annexing corporation, including levies and distributions received by the township  
11 school after the date on which the township school was annexed.

12 (3) All excessive levies that the township school agreed to impose and pay to an annexing  
13 corporation but failed to impose.

14 ~~(d)~~ **(c)** If, in a hearing under this section, ~~a school property tax control board~~ **the department of**  
15 **local government finance** determines that a township school has:

16 (1) under subsection ~~(b)(1);~~ **(a)(1)**, failed to make a required payment; or

17 (2) under subsection ~~(b)(3);~~ **(a)(3)**, failed to file a required report;

18 the department may act under section 7 of this chapter.

19 SECTION 313. IC 20-23-9-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ  
20 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) If a ~~school property tax control board~~ **the**  
21 **department of local government finance** makes a determination under section ~~6(d)~~ **6(c)** of this  
22 chapter, the department:

23 (1) may prohibit a township from:

24 (A) acquiring real estate;

25 (B) making a lease or incurring any other contractual obligation calling for an annual outlay  
26 by the township exceeding ten thousand dollars (\$10,000);

27 (C) purchasing personal property for a consideration greater than ten thousand dollars  
28 (\$10,000); and

29 (D) adopting or advertising a budget, tax levy, or tax rate for any calendar year;

30 until the township school has made all required payments under section ~~6(b)(1)~~ **6(a)(1)** of this  
31 chapter and filed all required reports under section ~~6(b)(3)~~ **6(a)(3)** of this chapter; and

32 (2) shall certify to the treasurer of state the amount of arrears determined under section ~~6(b)(2)~~  
33 **6(a)(2)** of this chapter.

34 (b) Upon being notified of the amount of arrears certified under subsection (a)(2), the treasurer of  
35 state shall make payments from the funds of state to the extent, but not in excess, of any amounts  
36 appropriated by the general assembly for distribution to the township school, deducting the payments  
37 from any amount distributed to the township school.

38 SECTION 314. IC 20-24-7-11, AS ADDED BY P.L.246-2005, SECTION 129, IS CORRECTED  
39 AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If the  
40 United States Department of Education approves a new competition for states to receive matching  
41 funds for charter school facilities, the department shall pursue this federal funding.

42 *(b) There is appropriated to the department of education ten million dollars (\$10,000,000) from*  
43 *the common school fund interest balance in the state general fund to provide state matching funds for*  
44 *the federal funding described in subsection (a) for the benefit of charter schools, beginning July 1,*  
45 *2005, and ending June 30, 2007.*

46 *(b) The department shall use the common school fund interest balance to provide state matching*  
47 *funds for the federal funding described in subsection (a) for the benefit of charter schools.*

48 **(c) The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2**

1 necessary to implement this section:

2 (c) To increase the state's opportunity to receive matching funds from the United States  
3 Department of Education, the department shall develop a facilities incentive grants program  
4 before January 1, 2010.

5 (d) The department shall use the priority criteria set forth in 21 U.S.C. 7221d(b) and 34 CFR  
6 226.12 through 34 CFR 226.14 to develop the facilities incentive grants program.

7 SECTION 315. IC 20-24-7-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
8 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) As used in this SECTION,  
9 "virtual charter school" means any charter school, including a conversion charter school, that  
10 provides for the delivery of more than fifty percent (50%) of instruction to students through:

- 11 (1) virtual distance learning;
- 12 (2) online technologies; or
- 13 (3) computer based instruction.

14 (b) The department shall establish a pilot program to provide funding for a statewide total  
15 of up to two hundred (200) students who attend virtual charter schools in the school year ending  
16 in 2010 and five hundred (500) students who attend virtual charter schools in the school year  
17 ending in 2011. The department shall choose an entity or entities to operate the virtual charter  
18 school. The pilot program must focus on children who have medical disabilities or circumstances  
19 that prevent them from attending school or for whom a virtual charter school is a better  
20 alternative than a traditional school. At least seventy-five percent (75%) of the students enrolled  
21 in virtual charter schools under this section must have been included in the ADM count for the  
22 previous school year.

23 (c) A virtual charter school is entitled to receive funding from the state in an amount equal  
24 to the product of:

- 25 (1) the number of students included in the virtual charter school's ADM who are  
26 participating in the pilot program; multiplied by
- 27 (2) eighty percent (80%) of the statewide average basic tuition support.

28 (d) The department shall adopt rules under IC 4-22-2 to govern the operation of virtual  
29 charter schools.

30 (e) Beginning in 2009, the department shall before December 1 of each year submit an annual  
31 report to the state budget committee concerning the program under this section.

32 SECTION 316. IC 20-26-5-4, AS AMENDED BY P.L.168-2006, SECTION 1, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. In carrying out the school purposes of  
34 a school corporation, the governing body acting on the school corporation's behalf has the following  
35 specific powers:

- 36 (1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters  
37 permitted by applicable law.
- 38 (2) To take charge of, manage, and conduct the educational affairs of the school corporation and  
39 to establish, locate, and provide the necessary schools, school libraries, other libraries where  
40 permitted by law, other buildings, facilities, property, and equipment.
- 41 (3) To appropriate from the school corporation's general fund an amount, not to exceed the  
42 greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to  
43 exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's  
44 previous year's ADM, to promote the best interests of the school corporation through:
  - 45 (A) the purchase of meals, decorations, memorabilia, or awards;
  - 46 (B) provision for expenses incurred in interviewing job applicants; or
  - 47 (C) developing relations with other governmental units.
- 48 (4) To:
  - 49 (A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or

1 maintenance of real estate, real estate improvements, or an interest in real estate or real estate  
2 improvements, as the governing body considers necessary for school purposes, including  
3 buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums,  
4 playgrounds, playing and athletic fields, facilities for physical training, buildings for  
5 administrative, office, warehouse, repair activities, or housing school owned buses,  
6 landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer,  
7 water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities  
8 and similar purposes, by purchase, either outright for cash (or under conditional sales or  
9 purchase money contracts providing for a retention of a security interest by the seller until  
10 payment is made or by notes where the contract, security retention, or note is permitted by  
11 applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without  
12 option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

13 (B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal,  
14 or demolition of the real estate, real estate improvements, or interest in the real estate or real  
15 estate improvements, as the governing body considers necessary for school purposes.

16 (C) Provide for conservation measures through utility efficiency programs or under a  
17 guaranteed savings contract as described in IC 36-1-12.5.

18 (5) To acquire personal property or an interest in personal property as the governing body  
19 considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus,  
20 appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or  
21 purchase money contracts providing for a security interest by the seller until payment is made or  
22 by notes where the contract, security, retention, or note is permitted by applicable law, by gift,  
23 by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove,  
24 relocate, and demolish the personal property. All purchases and contracts specified under the  
25 powers authorized under subdivision (4) and this subdivision are subject solely to applicable law  
26 relating to purchases and contracting by municipal corporations in general and to the supervisory  
27 control of state agencies as provided in section 6 of this chapter.

28 (6) To sell or exchange real or personal property or interest in real or personal property that, in  
29 the opinion of the governing body, is not necessary for school purposes, in accordance with  
30 IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing  
31 body, the property is not necessary for school purposes and is worthless, and to pay the expenses  
32 for the demolition or disposition.

33 (7) To lease any school property for a rental that the governing body considers reasonable or to  
34 permit the free use of school property for:

35 (A) civic or public purposes; or

36 (B) the operation of a school age child care program for children who are at least five (5) years  
37 of age and less than fifteen (15) years of age that operates before or after the school day, or  
38 both, and during periods when school is not in session;

39 if the property is not needed for school purposes. Under this subdivision, the governing body may  
40 enter into a long term lease with a nonprofit corporation, community service organization, or  
41 other governmental entity, if the corporation, organization, or other governmental entity will use  
42 the property to be leased for civic or public purposes or for a school age child care program.  
43 However, if payment for the property subject to a long term lease is made from money in the  
44 school corporation's debt service fund, all proceeds from the long term lease must be deposited  
45 in the school corporation's debt service fund so long as payment for the property has not been  
46 made. The governing body may, at the governing body's option, use the procedure specified in  
47 IC 36-1-11-10 in leasing property under this subdivision.

48 (8) To:

49 (A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers,

1 librarians, athletic coaches (whether or not they are otherwise employed by the school  
2 corporation and whether or not they are licensed under IC 20-28-5), business managers,  
3 superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists,  
4 nurses, accountants, teacher aides performing noninstructional duties, educational and other  
5 professional consultants, data processing and computer service for school purposes, including  
6 the making of schedules, the keeping and analyzing of grades and other student data, the  
7 keeping and preparing of warrants, payroll, and similar data where approved by the state board  
8 of accounts as provided below, and other personnel or services as the governing body  
9 considers necessary for school purposes.

10 (B) Fix and pay the salaries and compensation of persons and services described in this  
11 subdivision.

12 (C) Classify persons or services described in this subdivision and to adopt schedules of  
13 salaries or compensation.

14 (D) Determine the number of the persons or the amount of the services employed or  
15 contracted for as provided in this subdivision.

16 (E) Determine the nature and extent of the duties of the persons described in this subdivision.

17 The compensation, terms of employment, and discharge of teachers are, however, subject to and  
18 governed by the laws relating to employment, contracting, compensation, and discharge of  
19 teachers. The compensation, terms of employment, and discharge of bus drivers are subject to  
20 and governed by laws relating to employment, contracting, compensation, and discharge of bus  
21 drivers. The forms and procedures relating to the use of computer and data processing equipment  
22 in handling the financial affairs of the school corporation must be submitted to the state board  
23 of accounts for approval so that the services are used by the school corporation when the  
24 governing body determines that it is in the best interest of the school corporation while at the  
25 same time providing reasonable accountability for the funds expended.

26 (9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by  
27 resolution considers a trip by an employee of the school corporation or by a member of the  
28 governing body to be in the interest of the school corporation, including attending meetings,  
29 conferences, or examining equipment, buildings, and installation in other areas, to permit the  
30 employee to be absent in connection with the trip without any loss in pay and to reimburse the  
31 employee or the member the employee's or member's reasonable lodging and meal expenses and  
32 necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and  
33 working with school related trips or activities.

34 (10) To transport children to and from school, when in the opinion of the governing body the  
35 transportation is necessary, including considerations for the safety of the children and without  
36 regard to the distance the children live from the school. The transportation must be otherwise in  
37 accordance with applicable law.

38 (11) To provide a lunch program for a part or all of the students attending the schools of the  
39 school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment,  
40 lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase  
41 of material and supplies for the lunch program, charging students for the operational costs of the  
42 lunch program, fixing the price per meal or per food item. To operate the lunch program as an  
43 extracurricular activity, subject to the supervision of the governing body. To participate in a  
44 surplus commodity or lunch aid program.

45 (12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students,  
46 to participate in a textbook aid program, all in accordance with applicable law.

47 (13) To accept students transferred from other school corporations and to transfer students to  
48 other school corporations in accordance with applicable law.

49 (14) To make budgets, to appropriate funds, and to disburse the money of the school corporation

1 in accordance with applicable law. To borrow money against current tax collections and  
2 otherwise to borrow money, in accordance with IC 20-48-1.

3 (15) To purchase insurance or to establish and maintain a program of self-insurance relating to  
4 the liability of the school corporation or the school corporation's employees in connection with  
5 motor vehicles or property and for additional coverage to the extent permitted and in accordance  
6 with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of  
7 self-insurance protecting the school corporation and members of the governing body, employees,  
8 contractors, or agents of the school corporation from liability, risk, accident, or loss related to  
9 school property, school contract, school or school related activity, including the purchase of  
10 insurance or the establishment and maintenance of a self-insurance program protecting persons  
11 described in this subdivision against false imprisonment, false arrest, libel, or slander for acts  
12 committed in the course of the persons' employment, protecting the school corporation for fire  
13 and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and  
14 other insurable risks relating to property owned, leased, or held by the school corporation. To:

15 (A) participate in a state employee health plan under IC 5-10-8-6.6 or **IC 5-10-8-6.7**;

16 (B) purchase insurance; or

17 (C) establish and maintain a program of self-insurance;

18 to benefit school corporation employees, including accident, sickness, health, or dental coverage,  
19 provided that a plan of self-insurance must include an aggregate stop-loss provision.

20 (16) To make all applications, to enter into all contracts, and to sign all documents necessary for  
21 the receipt of aid, money, or property from the state, the federal government, or from any other  
22 source.

23 (17) To defend a member of the governing body or any employee of the school corporation in any  
24 suit arising out of the performance of the member's or employee's duties for or employment with,  
25 the school corporation, if the governing body by resolution determined that the action was taken  
26 in good faith. To save any member or employee harmless from any liability, cost, or damage in  
27 connection with the performance, including the payment of legal fees, except where the liability,  
28 cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is  
29 a claim or judgment based on the member's or employee's malfeasance in office or employment.

30 (18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

31 (A) for the government and management of the schools, property, facilities, and activities of  
32 the school corporation, the school corporation's agents, employees, and pupils and for the  
33 operation of the governing body; and

34 (B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or  
35 "rules and regulations".

36 (19) To ratify and approve any action taken by a member of the governing body, an officer of the  
37 governing body, or an employee of the school corporation after the action is taken, if the action  
38 could have been approved in advance, and in connection with the action to pay the expense or  
39 compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and  
40 IC 20-48-1 or any other law.

41 (20) To exercise any other power and make any expenditure in carrying out the governing body's  
42 general powers and purposes provided in this chapter or in carrying out the powers delineated in  
43 this section which is reasonable from a business or educational standpoint in carrying out school  
44 purposes of the school corporation, including the acquisition of property or the employment or  
45 contracting for services, even though the power or expenditure is not specifically set out in this  
46 chapter. The specific powers set out in this section do not limit the general grant of powers  
47 provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5,  
48 IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

49 SECTION 317. IC 20-26-11-23, AS AMENDED BY P.L.146-2008, SECTION 473, IS AMENDED

1 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) If a transfer is ordered to  
2 commence in a school year, where the transferor corporation has net additional costs over savings (on  
3 account of any transfer ordered) allocable to the calendar year in which the school year begins, and  
4 where the transferee corporation does not have budgeted funds for the net additional costs, the net  
5 additional costs may be recovered by one (1) or more of the following methods in addition to any other  
6 methods provided by applicable law:

7 (1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund,  
8 or a loan from any state fund made available for the net additional costs.

9 (2) An advance in the calendar year of state funds, which would otherwise become payable to the  
10 transferee corporation after such calendar year under law.

11 (3) A grant or grants in the calendar year from any funds of the state made available for the net  
12 additional costs.

13 (b) The net additional costs must be certified by the department of local government finance. ~~and~~  
14 ~~any grant shall be made solely after affirmative recommendation of the school property tax control~~  
15 ~~board.~~ Repayment of any advance or loan from the state shall be made from state tuition support  
16 distributions or other money available to the school corporation.

17 SECTION 318. IC 20-27-9-5, AS AMENDED BY P.L.146-2009, SECTION 6, IS AMENDED TO  
18 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A special purpose bus may be  
19 used:

20 (1) by a school corporation to provide regular transportation of a student between one (1) school  
21 and another school but not between the student's residence and the school;

22 (2) to transport students and their supervisors, including coaches, managers, and sponsors to  
23 athletic or other extracurricular school activities and field trips;

24 (3) by a school corporation to provide transportation between an individual's residence and the  
25 school for an individual enrolled in a special program for the habilitation or rehabilitation of  
26 persons with a developmental or physical disability; and

27 (4) to transport homeless students under IC 20-27-12.

28 (b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

29 (c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be  
30 authorized by the school corporation, and meet the following requirements:

31 (1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator  
32 must

33 ~~(A)~~ hold a valid:

34 ~~(i)~~ ~~(A)~~ operator's;

35 ~~(ii)~~ ~~(B)~~ chauffeur's;

36 ~~(iii)~~ ~~(C)~~ public passenger chauffeur's; or

37 ~~(iv)~~ ~~(D)~~ commercial driver's;

38 license. ~~and~~

39 ~~(B)~~ ~~meet the requirements for a school bus driver set forth in IC 20-27-8-4.~~

40 (2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator  
41 must meet the requirements for a school bus driver set out in IC 20-27-8.

42 (d) A special purpose bus is not required to be constructed, equipped, or painted as specified for  
43 school buses under this article or by the rules of the committee.

44 (e) An owner or operator of a special purpose bus, other than a special purpose bus owned or  
45 operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

46 SECTION 319. IC 20-28-7-9, AS AMENDED BY P.L.38-2007, SECTION 1, IS AMENDED TO  
47 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) Before a teacher is refused  
48 continuation of the contract under section 8 of this chapter, the teacher has the following rights, which  
49 shall be strictly construed:

1 (1) The principal of the school at which the teacher teaches must provide the teacher with an  
2 annual written evaluation of the teacher's performance before January 1 of each year. Upon the  
3 request of a nonpermanent teacher, delivered in writing to the principal not later than thirty (30)  
4 days after the teacher receives the evaluation required by this section, the principal shall provide  
5 the teacher with an additional written evaluation.

6 (2) On or before ~~May~~ **June 1 in an even-numbered year and the later of June 15 or the date**  
7 **a budget act is enacted by the general assembly in an odd-numbered year**, the school  
8 corporation shall notify the teacher that the governing body will consider nonrenewal of the  
9 contract for the next school term. The notification must be:

10 (A) written; and

11 (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's  
12 last known address.

13 (b) The notice in subsection (a)(2) must include a written statement, which:

14 (1) may be developed in executive session; and

15 (2) is not a public document;

16 giving the reasons for the consideration of the nonrenewal of the teacher's contract.

17 (c) For reasons other than a reduction in force, the notice in subsection (a)(2) must inform the  
18 teacher that, not later than ten (10) days after the teacher's receipt of the notice, the teacher may  
19 request a conference under section 10 of this chapter.

20 (d) If the reason for nonrenewal is reduction in force, the teacher may request a conference as  
21 provided in section 10 of this chapter.

22 SECTION 320. IC 20-28-11-3, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO  
23 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Each plan:

24 (1) must provide for the improvement of the performance of the individuals evaluated;

25 (2) must provide for the growth and development of the individuals evaluated;

26 (3) must require periodic assessment of the effectiveness of the plan;

27 (4) must provide that nonpermanent and semipermanent teachers receive:

28 (A) an evaluation on or before December 31 each year; and

29 (B) if requested by that teacher, an additional evaluation on or before March 1 of the  
30 following year; ~~and~~

31 (5) may provide a basis for making employment decisions; ~~and~~

32 **(6) may provide that collective program results of tests used by the school corporation may**  
33 **be used as a factor, but not the sole factor, to evaluate all educators in order to enable the**  
34 **state to compete for United States Department of Education funding. If collective testing**  
35 **results are used as a factor in evaluations by the school corporation, they must be applied**  
36 **uniformly to all educators.**

37 ~~However, the plan may not provide for an evaluation that is based in whole or in part on the ISTEP~~  
38 ~~program test scores of the students in the school corporation.~~

39 SECTION 321. IC 20-33-8.5-5, AS AMENDED BY P.L.234-2007, SECTION 228, IS AMENDED  
40 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 5. The agreement must provide  
41 how the expenses of supervising a student who has been suspended or expelled are funded. A school  
42 corporation may not be required to expend more than the transition to foundation ~~revenue per adjusted~~  
43 ~~ADM amount (as defined in IC 20-43-1-29.3)~~ **determined under IC 20-43-5-6)** for each student  
44 referred under the agreement.

45 SECTION 322. IC 20-40-8-19, AS AMENDED BY P.L.146-2008, SECTION 528, IS AMENDED  
46 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 19. Money in the fund may be  
47 used to pay for up to one hundred percent (100%) of the following costs of a school corporation:

48 (1) Utility services.

1 (2) Property or casualty insurance.

2 (3) Both utility services and property or casualty insurance.

3 A school corporation's expenditures under this section may not exceed in ~~2008~~ **2010** and in ~~2009~~ **2011**  
4 three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution.

5 SECTION 323. IC 20-43-1-1, AS AMENDED BY P.L.234-2007, SECTION 232, IS AMENDED  
6 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This article expires January 1, ~~2010~~:  
7 **2012.**

8 SECTION 324. IC 20-43-1-8, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO  
9 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8. "Basic tuition support" means the  
10 part of a school corporation's state tuition support for basic programs determined under ~~IC 20-43-6-5~~:  
11 **IC 20-43-6-3.**

12 SECTION 325. IC 20-43-1-25, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO  
13 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. "State tuition support" means the  
14 amount of state funds to be distributed to:

15 (1) a school corporation **other than a virtual charter school** in any calendar year under this  
16 article for all grants, distributions, and awards described in IC 20-43-2-3; and

17 (2) a virtual charter school in any calendar year under **IC 20-24-7-13.**

18 SECTION 326. IC 20-43-1-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
19 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 21.5.**  
20 **"Restoration grant" refers to a grant under IC 20-43-12.**

21 SECTION 327. IC 20-43-1-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31. "Virtual charter school" has the**  
23 **meaning set forth in IC 20-24-7-13.**

24 SECTION 328. IC 20-43-1-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
25 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 32. For purposes**  
26 **of the calculation of state tuition support under this article and for purposes of restoration**  
27 **grants, a school corporation's fiscal year is the calendar year.**

28 SECTION 329. IC 20-43-2-2, AS AMENDED BY P.L.146-2008, SECTION 482, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. The  
30 maximum state distribution for a calendar year for all school corporations for the purposes described  
31 in section 3 of this chapter is:

32 (1) ~~three billion eight hundred twelve million five hundred thousand dollars (\$3,812,500,000) in~~  
33 ~~2007;~~

34 (2) ~~three billion nine hundred sixty million nine hundred thousand dollars (\$3,960,900,000) in~~  
35 ~~2008; and~~

36 (3) (1) ~~six five billion five eight hundred nine twenty-nine million nine hundred thousand~~  
37 ~~dollars (\$6,509,000,000) (\$5,829,900,000) in 2009;~~

38 (2) ~~six billion five hundred forty-eight million nine hundred thousand dollars~~  
39 ~~(\$6,548,900,000) in 2010; and~~

40 (3) ~~six billion five hundred sixty-eight million five hundred thousand dollars~~  
41 ~~(\$6,568,500,000) in 2011.~~

42 SECTION 330. IC 20-43-2-3, AS AMENDED BY P.L.3-2008, SECTION 122, IS AMENDED TO  
43 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. If the total amount to be  
44 distributed:

45 (1) as basic tuition support;

46 (2) for academic honors diploma awards;

47 (3) for primetime distributions;

48 (4) for special education grants; and

- 1 (5) for career and technical education grants;
- 2 **(6) for restoration grants; and**
- 3 **(7) for small school grants;**

4 for a particular year exceeds the maximum state distribution for a calendar year, the amount to be  
5 distributed for state tuition support under this article to each school corporation during each of the last  
6 six (6) months of the year shall be proportionately reduced so that the total reductions equal the  
7 amount of the excess.

8 SECTION 331. IC 20-43-3-4, AS AMENDED BY P.L.146-2008, SECTION 485, IS AMENDED  
9 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 4. (a) **This subsection applies**  
10 **to calendar year 2009.** A school corporation's previous year revenue equals the amount determined  
11 under STEP TWO of the following formula:

12 STEP ONE: Determine the sum of the following:

- 13 (A) The school corporation's basic tuition support for the year that precedes the current year.
- 14 (B) The school corporation's maximum permissible tuition support levy for calendar year  
15 2008.
- 16 (C) The school corporation's excise tax revenue for calendar year 2007.

17 STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school  
18 corporation's state tuition support under any combination of subsection ~~(b)~~, (c), subsection ~~(c)~~,  
19 (d), IC 20-10.1-2-1 (before its repeal), or IC 20-30-2-4.

20 **(b) This subsection applies to calendar years 2010 and 2011. A school corporation's previous**  
21 **year revenue equals the amount determined under STEP TWO of the following formula:**

22 **STEP ONE: Determine the sum of the following:**

- 23 **(A) The school corporation's basic tuition support for the year that precedes the current**  
24 **year.**
- 25 **(B) For calendar year 2010, the amount of education stabilization funds received by the**  
26 **school corporation in calendar year 2009 under Section 14002(a) of the federal American**  
27 **Recovery and Reinvestment Act of 2009 (ARRA).**
- 28 **(C) The amount of the annual decrease in federal aid to impacted areas from the year**  
29 **preceding the ensuing calendar year by three (3) years to the year preceding the ensuing**  
30 **calendar year by two (2) years.**

31 **STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the**  
32 **school corporation's state tuition support under any combination of subsection (c) or**  
33 **IC 20-30-2-4.**

34 ~~(b)~~ (c) A school corporation's previous year revenue must be reduced if:

- 35 (1) the school corporation's state tuition support for special education or career and technical  
36 education is reduced as a result of a complaint being filed with the department after December  
37 31, 1988, because the school program overstated the number of children enrolled in special  
38 education programs or career and technical education programs; and
- 39 (2) the school corporation's previous year revenue has not been reduced under this subsection  
40 more than one (1) time because of a given overstatement.

41 The amount of the reduction equals the amount the school corporation would have received in state  
42 tuition support for special education and career and technical education because of the overstatement.

43 ~~(c)~~ (d) This section applies only to 2009. A school corporation's previous year revenue must be  
44 reduced if an existing elementary or secondary school located in the school corporation converts to  
45 a charter school under IC 20-24-11. The amount of the reduction equals the product of:

- 46 (1) the sum of the amounts distributed to the conversion charter school under IC 20-24-7-3(c) and  
47 IC 20-24-7-3(d) (as effective December 31, 2008); multiplied by
- 48 (2) two (2).

1 SECTION 332. IC 20-43-4-7, AS AMENDED BY P.L.234-2007, SECTION 240, IS AMENDED  
2 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 7. (a) This subsection does not  
3 apply to a charter school. When calculating adjusted ADM for ~~2008~~ **2010** distributions, this  
4 subsection, as effective after December 31, ~~2007~~, **2009**, shall be used to calculate the adjusted ADM  
5 for the previous year rather than the calculation used to calculate adjusted ADM for ~~2007~~ **2009**  
6 distributions. For purposes of this article, a school corporation's "adjusted ADM" for the current year  
7 is the result determined under the following formula:

8 STEP ONE: Determine the sum of the following:

9 ~~(A) The school corporation's ADM for the year preceding the current year by four (4) years~~  
10 ~~multiplied by two-tenths (0.2):~~

11 ~~(B) The school corporation's ADM for the year preceding the current year by three (3) years~~  
12 ~~multiplied by two-tenths (0.2):~~

13 ~~(C) (A) The school corporation's ADM for the year preceding the current year by two (2)~~  
14 ~~years multiplied~~ **divided by two-tenths (0.2): three (3).**

15 ~~(D) (B) The school corporation's ADM for the year preceding the current year by one (1) year~~  
16 ~~multiplied~~ **divided by two-tenths (0.2): three (3).**

17 ~~(E) (C) The school corporation's ADM for the current year multiplied~~ **divided by two-tenths**  
18 ~~(0.2): three (3).~~

19 STEP TWO: Determine the school corporation's ADM for the current year.

20 STEP THREE: Determine the greater of the following:

21 (A) The STEP ONE result.

22 (B) The STEP TWO result.

23 (b) A charter school's adjusted ADM for purposes of this article is the charter school's current  
24 ADM.

25 SECTION 333. IC 20-43-5-3, AS AMENDED BY P.L.3-2008, SECTION 125, IS AMENDED TO  
26 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. A school corporation's complexity  
27 index is determined under the following formula:

28 STEP ONE: Determine the greater of zero (0) or the result of the following:

29 (1) Determine the percentage of the school corporation's students who were eligible for free  
30 or reduced price lunches in the school year ending in the later of:

31 **(A) 2007 for purposes of determining the complexity index in 2009, and 2009 for the**  
32 **purposes of determining the complexity index in 2010 and 2011; or**

33 **(B) the first year of operation of the school corporation.**

34 (2) Determine the quotient of:

35 ~~(A) in 2008:~~

36 ~~(i) two thousand two hundred fifty dollars (\$2,250); divided by~~

37 ~~(ii) four thousand seven hundred ninety dollars (\$4,790); and~~

38 ~~(B) (A) in 2009:~~

39 ~~(i) two thousand four hundred dollars (\$2,400); divided by~~

40 ~~(ii) four thousand eight hundred twenty-five dollars (\$4,825);~~

41 **(B) in 2010:**

42 **(i) two thousand two hundred sixty-three dollars (\$2,263); divided by**

43 **(ii) four thousand five hundred fifty dollars (\$4,550); and**

44 **(C) in 2011:**

45 **(i) two thousand two hundred forty-one dollars (\$2,241); divided by**

46 **(ii) four thousand five hundred five dollars (\$4,505).**

47 (3) Determine the product of:

48 (A) the subdivision (1) amount; multiplied by

- 1 (B) the subdivision (2) amount.  
2 STEP TWO: Determine the result of one (1) plus the STEP ONE result.  
3 STEP THREE: This STEP applies if the STEP TWO result is equal to or greater than at least one  
4 and twenty-five hundredths (1.25). Determine the result of the following:  
5 (1) Subtract one and twenty-five hundredths (1.25) from the STEP TWO result.  
6 (2) Determine the result of:  
7 (A) the STEP TWO result; plus  
8 (B) the subdivision (1) result.

9 The data to be used in making the calculations under STEP ONE must be the data collected in the  
10 annual pupil enrollment count by the department.

11 SECTION 334. IC 20-43-5-4, AS AMENDED BY P.L.234-2007, SECTION 244, IS AMENDED  
12 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 4. A school corporation's  
13 foundation amount for a calendar year is the result determined under STEP TWO of the following  
14 formula:

15 STEP ONE: ~~Determine~~ **The STEP ONE amount is:**

- 16 ~~(A) in 2008, four thousand seven hundred ninety dollars (\$4,790); or~~  
17 ~~(B) (A) in 2009, four thousand eight hundred twenty-five dollars (\$4,825);~~  
18 **(B) in 2010, four thousand five hundred fifty dollars (\$4,550); and**  
19 **(C) in 2011, four thousand five hundred five dollars (\$4,505).**

20 STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.

21 SECTION 335. IC 20-43-5-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 5. A school corporation's previous  
23 year revenue foundation amount for a calendar year is equal to the **result of:**

- 24 **(1) the school corporation's previous year revenue; divided by**  
25 **(2) the school corporation's adjusted ADM for the previous year.**

26 SECTION 336. IC 20-43-5-6, AS AMENDED BY P.L.234-2007, SECTION 245, IS AMENDED  
27 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. **(a)** A school corporation's  
28 transition to foundation amount for a calendar year is equal to the result determined under STEP  
29 THREE of the following formula:

30 STEP ONE: Determine the difference of:

- 31 (A) the school corporation's foundation amount; minus  
32 (B) the school corporation's previous year revenue foundation amount.

33 STEP TWO: Divide the STEP ONE result by:

- 34 ~~(A) four (4) in 2008; or~~  
35 ~~(B) (A) three (3) in 2009;~~  
36 **(B) two (2) in 2010; and**  
37 **(C) one (1) in 2011.**

38 STEP THREE: A school corporation's STEP THREE amount is the following:

39 (A) For a charter school located outside Marion County that has previous year revenue that  
40 is not greater than zero (0), the charter school's STEP THREE amount is the quotient of:

- 41 (i) the school corporation's transition to foundation revenue for the calendar year where the  
42 charter school is located; divided by  
43 (ii) the school corporation's current ADM.

44 (B) For a charter school located in Marion County that has previous year revenue that is not  
45 greater than zero (0), the charter school's STEP THREE amount is the weighted average of  
46 the transition to foundation revenue for the school corporations where the students counted  
47 in the current ADM of the charter school have legal settlement, as determined under item (iv)  
48 of the following formula:

- 1 (i) Determine the transition to foundation revenue for each school corporation where a
- 2 student counted in the current ADM of the charter school has legal settlement.
- 3 (ii) For each school corporation identified in item (i), divide the item (i) amount by the
- 4 school corporation's current ADM.
- 5 (iii) For each school corporation identified in item (i), multiply the item (ii) amount by the
- 6 number of students counted in the current ADM of the charter school that have legal
- 7 settlement in the particular school corporation.
- 8 (iv) Determine the sum of the item (iii) amounts for the charter school.

9 (C) The STEP THREE amount for a school corporation that is not a charter school described  
10 in clause (A) or (B) is the following:

- 11 (i) The school corporation's foundation amount for the calendar year if the STEP ONE
- 12 amount is at least negative **one hundred** fifty dollars ~~(-\$50)~~ **(-\$150)** and not more than ~~one~~
- 13 **hundred fifty** dollars ~~(\$100)~~ **(\$50)**.
- 14 ~~(ii) For 2009, the school corporation's foundation amount for the calendar year, if the~~
- 15 ~~foundation amount in 2008 equaled the school corporation's transition to foundation revenue~~
- 16 ~~per adjusted ADM in 2008:~~
- 17 ~~(iii) (ii) The sum of the school corporation's previous year revenue foundation amount and~~
- 18 ~~the greater of the school corporation's STEP TWO amount or **one hundred fifty** dollars~~
- 19 ~~(\$100); **(\$50)**, if the school corporation's STEP ONE amount is greater than **one hundred**~~
- 20 ~~**fifty** dollars ~~(\$100)~~ **(\$50)**.~~
- 21 ~~(iv) (iii) The difference determined by subtracting fifty dollars ~~(\$50)~~ from amount~~
- 22 ~~determined under subsection (b), if the school corporation's STEP ONE amount is less~~
- 23 ~~than negative one hundred fifty dollars ~~(\$150)~~ **(-\$150)**.~~

- 24 **(b) For the purposes of STEP THREE (C)(iii) in subsection (a), determine the result of:**
- 25 **(1) the school corporation's previous year revenue foundation amount; if the school corporation's**
- 26 **STEP ONE amount is less than negative fifty dollars ~~(-\$50)~~ **minus****
- 27 **(2) the greater of:**
- 28 **(A) one hundred fifty dollars ~~(\$150)~~ **(\$150)**; or**
- 29 **(B) the result of:**
- 30 **(i) the absolute value of the STEP ONE amount; divided by**
- 31 **(ii) ~~nine (9) in 2010, and eight (8) in 2011.~~**

32 SECTION 337. IC 20-43-5-7, AS AMENDED BY P.L.3-2008, SECTION 126, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 7. A school corporation's transition  
34 to foundation revenue for a calendar year is equal to the ~~sum of the following:~~

- 35 ~~(1) The product of:~~
- 36 ~~(A) (1) the school corporation's transition to foundation amount for the calendar year;~~
- 37 ~~multiplied by~~
- 38 ~~(B) (2) the school corporation's:~~
- 39 ~~(i) (A) current ADM, if the current ADM for the school corporation is less than one hundred~~
- 40 ~~(100); and~~
- 41 ~~(ii) (B) current adjusted ADM, if item (i) clause (A) does not apply.~~
- 42 ~~(2) Either:~~
- 43 ~~(A) The result of:~~
- 44 ~~(i) one hundred dollars ~~(\$100)~~ for calendar year 2008 and one hundred fifty dollars ~~(\$150)~~~~
- 45 ~~for calendar year 2009; multiplied by~~
- 46 ~~(ii) the school corporation's adjusted ADM;~~
- 47 ~~if the school corporation's current ADM is less than three thousand and six hundred ~~(3,600)~~~~
- 48 ~~and the amount determined under subdivision (1) is less than the school corporation's previous~~

1 year revenue:

2 (B) The result of:

3 (i) one hundred dollars (\$100) for calendar year 2008 and one hundred fifty dollars (\$150)  
4 for calendar year 2009; multiplied by

5 (ii) the school corporation's adjusted ADM;

6 if clause (A) does not apply and the result of the amount under subdivision (1) is less than the  
7 result of the school corporation's previous year revenue multiplied by nine hundred sixty-five  
8 thousandths (0.965):

9 (C) The school corporation's current adjusted ADM multiplied by the lesser of:

10 (i) one hundred dollars (\$100); or

11 (ii) the school corporation's STEP TWO amount under section 6 of this chapter;

12 if clauses (A) and (B) do not apply; the amount under subdivision (1) is less than the school  
13 corporation's previous year revenue; and the school corporation's result under STEP ONE of  
14 section 6 of this chapter is greater than zero (0): or

15 (D) Zero (0), if clauses (A), (B), and (C) do not apply.

16 (3) This subdivision does not apply to a charter school. Either:

17 (A) three hundred dollars (\$300) multiplied by the school corporation's current ADM; if the  
18 school corporation's current ADM is less than one thousand seven hundred (1,700) and the  
19 school corporation's complexity index is greater than one and two-tenths (1.2);

20 (B) one hundred dollars (\$100) multiplied by the school corporation's current ADM; if the  
21 school corporation's current ADM is less than one thousand seven hundred (1,700) and the  
22 school corporation's complexity index is greater than one and one-tenth (1.1) and not greater  
23 than one and two-tenths (1.2); or

24 (C) zero (0); if clauses (A) and (B) do not apply.

25 SECTION 338. IC 20-43-6-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO  
26 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. Subject to the amount appropriated  
27 by the general assembly for state tuition support and IC 20-43-2, the amount that a school corporation  
28 is entitled to receive in basic tuition support for a year is the amount determined in section 5 3 of this  
29 chapter.

30 SECTION 339. IC 20-43-6-3, AS AMENDED BY P.L.146-2008, SECTION 488, IS AMENDED  
31 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. (a) A school corporation's ~~total~~  
32 **regular program basic** tuition support for a ~~calendar~~ year is the amount determined under the  
33 applicable provision of this section.

34 (b) This subsection applies to a school corporation that has transition to foundation revenue per  
35 adjusted ADM for a ~~calendar~~ year that is not equal to the ~~school corporation's~~ foundation amount for  
36 the ~~calendar~~ year. The school corporation's ~~total regular program basic~~ tuition support for a ~~calendar~~  
37 year is equal to the school corporation's transition to foundation revenue for the ~~calendar~~ year.

38 (c) This subsection applies to a school corporation that has transition to foundation revenue per  
39 adjusted ADM for a ~~calendar~~ year that is equal to the ~~school corporation's~~ foundation amount for the  
40 ~~calendar~~ year. The school corporation's ~~total regular program basic~~ tuition support for a ~~calendar~~ year  
41 is the sum of the following:

42 (1) The ~~school corporation's~~ foundation amount for the ~~calendar~~ year multiplied by the school  
43 corporation's adjusted ADM. ~~for the current year.~~

44 (2) The amount of the annual decrease in federal aid to impacted areas from the year preceding  
45 the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by  
46 two (2) years.

47 (d) **This subsection applies to students of a virtual charter school who are participating in the**  
48 **pilot program under IC 20-24-7-13. A virtual charter school's basic tuition support for a year**

1 **for those students is the amount determined under IC 20-24-7-13.**

2 SECTION 340. IC 20-43-7-6, AS AMENDED BY P.L.234-2007, SECTION 252, IS AMENDED  
3 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. A school corporation's special  
4 education grant for a calendar year is equal to the sum of the following:

- 5 (1) The nonduplicated count of pupils in programs for severe disabilities multiplied by  
6 ~~(A) in 2008; eight thousand three hundred dollars (\$8,300); and~~  
7 ~~(B) in 2009; eight thousand three hundred fifty dollars (\$8,350).~~
- 8 (2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied  
9 by  
10 ~~(A) in 2008; two thousand two hundred fifty dollars (\$2,250); and~~  
11 ~~(B) in 2009; two thousand two hundred sixty-five dollars (\$2,265).~~
- 12 (3) The duplicated count of pupils in programs for communication disorders multiplied by  
13 ~~(A) in 2008; five hundred thirty-one dollars (\$531); and~~  
14 ~~(B) in 2009; five hundred thirty-three dollars (\$533).~~
- 15 (4) The cumulative count of pupils in homebound programs multiplied by  
16 ~~(A) in 2008; five hundred thirty-one dollars (\$531); and~~  
17 ~~(B) in 2009; five hundred thirty-three dollars (\$533).~~
- 18 **(5) The nonduplicated count of pupils in special preschool education programs multiplied**  
19 **by two thousand seven hundred fifty dollars (\$2,750).**

20 SECTION 341. IC 20-43-9-4, AS AMENDED BY P.L.234-2007, SECTION 253, IS AMENDED  
21 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 4. For purposes of computation  
22 under this chapter, the following shall be used:

- 23 (1) The staff cost amount for a school corporation  
24 ~~(A) in 2008; is seventy-two thousand dollars (\$72,000); and~~  
25 ~~(B) in 2009; is seventy-four thousand five hundred dollars (\$74,500).~~
- 26 (2) The guaranteed primetime amount for a school corporation is the primetime allocation, before  
27 any penalty is assessed under this chapter, that the school corporation would have received under  
28 this chapter for the 1999 calendar year or the first year of participation in the program, whichever  
29 is later.
- 30 (3) The following apply to determine whether amounts received under this chapter have been  
31 devoted to reducing class size in kindergarten through grade 3 as required by section 2 of this  
32 chapter:
  - 33 (A) Except as permitted under section 8 of this chapter, only a licensed teacher who is an  
34 actual classroom teacher in a regular instructional program is counted as a teacher.
  - 35 (B) If a school corporation is granted approval under section 8 of this chapter, the school  
36 corporation may include as one-third (1/3) of a teacher each classroom instructional aide who  
37 meets qualifications and performs duties prescribed by the state board.

38 SECTION 342. IC 20-43-9-6, AS AMENDED BY P.L.234-2007, SECTION 254, IS AMENDED  
39 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. A school corporation's  
40 primetime distribution for a calendar year under this chapter is the amount determined by the  
41 following formula:

- 42 STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as  
43 follows:
- 44 (A) If the school corporation's complexity index is less than one and one-tenth (1.1), the  
45 school corporation's target pupil/teacher ratio is eighteen to one (18:1).
  - 46 (B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less  
47 than one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen (15)  
48 plus the result determined in item (iii) to one (1):
    - 49 (i) Determine the result of one and two-tenths (1.2) minus the school corporation's

- 1 complexity index.  
2 (ii) Determine the item (i) result divided by one-tenth (0.1).  
3 (iii) Determine the item (ii) result multiplied by three (3).  
4 (C) If the school corporation's complexity index is at least one and two-tenths (1.2), the school  
5 corporation's target pupil/teacher ratio is fifteen to one (15:1).

6 STEP TWO: Determine the result of:

- 7 (A) the ADM of the school corporation in kindergarten through grade 3 for the current school  
8 year; divided by  
9 (B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

10 STEP THREE: Determine the result of:

- 11 (A) the ~~total regular program~~ **basic** tuition support for the year multiplied by seventy-five  
12 hundredths (0.75); divided by  
13 (B) the school corporation's total ADM.

14 STEP FOUR: Determine the result of:

- 15 (A) the STEP THREE result; multiplied by  
16 (B) the ADM of the school corporation in kindergarten through grade 3 for the current school  
17 year.

18 STEP FIVE: Determine the result of:

- 19 (A) the STEP FOUR result; divided by  
20 (B) the staff cost amount.

21 STEP SIX: Determine the greater of zero (0) or the result of:

- 22 (A) the STEP TWO amount; minus  
23 (B) the STEP FIVE amount.

24 STEP SEVEN: Determine the result of:

- 25 (A) the STEP SIX amount; multiplied by  
26 (B) the staff cost amount.

27 STEP EIGHT: Determine the greater of the STEP SEVEN amount or the school corporation's  
28 guaranteed primetime amount.

29 STEP NINE: A school corporation's amount under this STEP is the following:

- 30 (A) If the amount the school corporation received under this chapter in the previous calendar  
31 year is greater than zero (0), the amount under this STEP is the lesser of:

- 32 (i) the STEP EIGHT amount; or  
33 (ii) the amount the school corporation received under this chapter for the previous calendar  
34 year multiplied by one hundred seven and one-half percent (107.5%).

- 35 (B) If the amount the school corporation received under this chapter in the previous calendar  
36 year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

37 SECTION 343. IC 20-43-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO  
38 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]:

39 **Chapter 12. Restoration Grants**

40 **Sec. 1. A school corporation is entitled to a restoration grant.**

41 **Sec. 2. The amount of the restoration grant to which a school corporation is entitled in a year**  
42 **is equal to the result determined under the following formula:**

43 **STEP ONE: Determine the school corporation's basic tuition support for the current year.**

44 **STEP TWO: Determine the amount of the basic tuition support to which the school**  
45 **corporation would have been entitled for the 2009 year if the school corporation's basic**  
46 **tuition support had been computed using the formula for computing basic tuition support**  
47 **for 2009 as that formula existed after the amendments made by P.L.146-2008.**

48 **STEP THREE: Determine the sum of:**

- 49 (A) the STEP TWO amount divided by the school corporation's 2009 ADM; plus

- 1 (B) twenty-five dollars (\$25) for 2010 and seventy-five dollars (\$75) for 2011.
- 2 **STEP FOUR: Determine the result of:**
- 3 (A) the school corporation's STEP THREE amount; multiplied by
- 4 (B) the school corporation's ADM for the current year.
- 5 **STEP FIVE: Determine the sum of:**
- 6 (A) the STEP TWO amount divided by the school corporation's 2009 ADM; minus
- 7 (B) twenty-five dollars (\$25) for 2010 and seventy-five dollars (\$75) for 2011.
- 8 **STEP SIX: Determine the result of:**
- 9 (A) the school corporation's STEP FIVE amount; multiplied by
- 10 (B) the school corporation's ADM for the current year.
- 11 **STEP SEVEN: Determine the lesser of:**
- 12 (A) the STEP FOUR amount; or
- 13 (B) the STEP TWO amount.
- 14 **STEP EIGHT: Determine the greater of:**
- 15 (A) the STEP SEVEN amount; or
- 16 (B) the STEP SIX amount.
- 17 **STEP NINE: Determine the greater of zero (0) or the result of:**
- 18 (A) the STEP EIGHT amount; minus
- 19 (B) the STEP ONE amount.
- 20 **STEP TEN: Determine the sum of the current year basic tuition support plus the STEP**
- 21 **NINE amount.**
- 22 **STEP ELEVEN: Determine the result of the following:**
- 23 (A) For 2010, divide the STEP TEN amount by the STEP TWO amount.
- 24 (B) For 2011, divide:
- 25 (i) the STEP TEN amount; by
- 26 (ii) the sum of the prior year basic tuition support plus the prior year STEP NINE
- 27 amount.
- 28 **STEP TWELVE: Determine the greater of:**
- 29 (A) zero (0); or
- 30 (B) the result of:
- 31 (i) ninety-seven hundredths (0.97); minus
- 32 (ii) the STEP ELEVEN amount.
- 33 **STEP THIRTEEN: Determine the lesser of:**
- 34 (A) two hundred twenty dollars (\$220) for 2010 and three hundred fifty dollars (\$350)
- 35 for 2011; or
- 36 (B) the result of:
- 37 (i) the STEP TWELVE amount multiplied by nine thousand five hundred (9,500), in
- 38 2010; and
- 39 (ii) the STEP TWELVE amount multiplied by twelve thousand (12,000), in 2011.
- 40 **STEP FOURTEEN: Determine the product of:**
- 41 (A) the STEP THIRTEEN amount; multiplied by
- 42 (B) the school corporation's current ADM.
- 43 **STEP FIFTEEN: Determine the sum of:**
- 44 (A) the STEP NINE amount; plus
- 45 (B) the STEP FOURTEEN amount.

46 SECTION 344. IC 20-43-12.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
47 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]:

48 **Chapter 12.2. Small School Grants**

49 **Sec. 1. A school corporation is entitled to a small school grant as provided in this chapter.**

1 **This chapter does not apply to a charter school.**

2 **Sec. 2. The amount of the small school grant to which a school corporation is entitled in a year**  
3 **is equal to:**

4 **(1) the lesser of:**

5 **(A) one hundred ninety-two dollars (\$192); or**

6 **(B) one dollar (\$1) multiplied by the result of:**

7 **(i) one thousand seven hundred (1,700); minus**

8 **(ii) the school corporation's current ADM; multiplied by**

9 **the school corporation's current ADM, if the school corporation's current ADM is less than**  
10 **one thousand seven hundred (1,700) and the school corporation's complexity index is**  
11 **greater than one and two-tenths (1.2);**

12 **(2) the lesser of:**

13 **(A) ninety-one dollars (\$91); or**

14 **(B) one dollar (\$1) multiplied by the result of:**

15 **(i) one thousand seven hundred (1,700); minus**

16 **(ii) the school corporation's current ADM; multiplied by**

17 **the school corporation's current ADM, if the school corporation's current ADM is less than**  
18 **one thousand seven hundred (1,700) and the school corporation's complexity index is**  
19 **greater than one and one-tenth (1.1) and not greater than one and two-tenths (1.2); and**

20 **(3) zero (0), if subdivisions (1) and (2) do not apply.**

21 SECTION 345. IC 20-46-1-7, AS AMENDED BY P.L.146-2008, SECTION 494, IS AMENDED  
22 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) This section applies to a school  
23 corporation that added an amount to the school corporation's base tax levy before 2002 as the result  
24 of the approval of an excessive tax levy by the majority of individuals voting in a referendum held in  
25 the area served by the school corporation under IC 6-1.1-19-4.5 (before its repeal).

26 (b) A school corporation may adopt a resolution before September 21, 2005, to transfer the power  
27 of the school corporation to levy the amount described in subsection (a) from the school corporation's  
28 general fund to the school corporation's fund. A school corporation that adopts a resolution under this  
29 section shall, as soon as practicable after adopting the resolution, send a certified copy of the  
30 resolution to the department of local government finance and the county auditor. A school corporation  
31 that adopts a resolution under this section may, for property taxes first due and payable after 2005,  
32 levy an additional amount for the fund that does not exceed the amount of the excessive tax levy added  
33 to the school corporation's base tax levy before 2002.

34 (c) The power of the school corporation to impose the levy transferred to the fund under this section  
35 expires December 31, 2012, unless:

36 (1) the school corporation adopts a resolution to reimpose or extend the levy; and

37 (2) the levy is approved, before January 1, 2013, by a majority of the individuals who vote in a  
38 referendum that is conducted in accordance with the requirements in this chapter.

39 As soon as practicable after adopting the resolution under subdivision (1), the school corporation shall  
40 send a certified copy of the resolution to the county auditor. ~~and the department of local government~~  
41 ~~finance. Upon receipt of the certified resolution, the tax control board shall proceed in the same~~  
42 ~~manner as the tax control board would for any other levy being reimposed or extended under this~~  
43 ~~chapter. However, if requested by the school corporation in the resolution adopted under subdivision~~  
44 (1), the question of reimposing or extending a levy transferred to the fund under this section may be  
45 combined with a question presented to the voters to reimpose or extend a levy initially imposed after  
46 2001. A levy reimposed or extended under this subsection shall be treated for all purposes as a levy  
47 reimposed or extended under ~~IC 6-1.1-19-4.5(c) (before its repeal) and this chapter. after June 30,~~  
48 ~~2006.~~

49 (d) The school corporation's levy under this section may not be considered in the determination of

1 the school corporation's state tuition support distribution under IC 20-43 or the determination of any  
2 other property tax levy imposed by the school corporation.

3 SECTION 346. IC 20-46-3-5, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. A school corporation may petition the  
5 ~~tax control board~~ **department of local government finance** to impose a property tax to raise revenue  
6 for the purposes of the fund. However, before a school corporation may impose a property tax under  
7 this chapter, the school corporation must file a petition with the ~~tax control board~~ **department of local**  
8 **government finance** under IC 6-1.1-19. The petition must be filed before June 1 of the year preceding  
9 the first year the school corporation desires to impose the property tax and must include the following:

- 10 (1) The name of the school corporation.
- 11 (2) A settlement agreement among the parties to a desegregation lawsuit that includes the  
12 program that will improve or maintain racial balance in the school corporation.
- 13 (3) The proposed levy.
- 14 (4) Any other item required by the ~~school property tax control board~~ **department of local**  
15 **government finance**.

16 SECTION 347. IC 20-46-3-6, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
17 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Subject to IC 6-1.1-18.5-9.9, the ~~tax~~  
18 ~~control board~~ **may recommend to the** department of local government finance ~~that a~~ **may allow a**  
19 school corporation ~~be allowed~~ to establish a levy. The amount of the levy shall be determined each  
20 year and the levy may not exceed the lesser of the following:

- 21 (1) The revenue derived from a tax rate of eight and thirty-three hundredths cents (\$0.0833) for  
22 each one hundred dollars (\$100) of assessed valuation within the school corporation.
- 23 (2) The revenue derived from a tax rate equal to the difference between the maximum rate  
24 allowed for the school corporation's capital projects fund under IC 20-46-6 minus the actual  
25 capital projects fund rate that will be in effect for the school corporation for a particular year.

26 SECTION 348. IC 20-46-3-7, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
27 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. The department of local government  
28 finance shall review the petition of the school corporation ~~and the recommendation of the tax control~~  
29 ~~board~~ and:

- 30 (1) disapprove the petition if the petition does not comply with this section;
- 31 (2) approve the petition; or
- 32 (3) approve the petition with modifications.

33 SECTION 349. IC 20-46-5-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO**  
34 **READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section does not apply**  
35 **to a school corporation located in South Bend, unless a resolution adopted under**  
36 **IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.**

37 **(b) Before a governing body may collect property taxes for the fund in a particular calendar**  
38 **year, the governing body must, after January 1 and not later than September 20 of the**  
39 **immediately preceding year:**

- 40 **(1) conduct a public hearing on; and**
  - 41 **(2) pass a resolution to adopt;**
- 42 **a plan.**

43 **(c) This section expires January 1, 2011.**

44 SECTION 350. IC 20-46-5-7, AS AMENDED BY P.L.146-2008, SECTION 505, IS AMENDED  
45 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in  
46 subsection (b), this section applies only to a school corporation located in South Bend.

47 (b) After December 31, ~~2009~~, **2010**, this section applies to all school corporations.

48 (c) This subsection expires January 1, ~~2010~~, **2011**. This section does not apply to the school

1 corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school  
2 corporation is in effect.

3 (d) Before the governing body of the school corporation may collect property taxes for the fund in  
4 a particular calendar year, the governing body must, after January 1 and on or before February 1 of  
5 the immediately preceding year:

6 (1) conduct a public hearing on; and

7 (2) pass a resolution to adopt;

8 a plan.

9 SECTION 351. IC 20-46-5-9, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
10 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. After reviewing the plan, the department  
11 of local government finance shall certify its approval, disapproval, or modification of the plan to the  
12 governing body and the county auditor of the county. ~~The department of local government finance may~~  
13 ~~seek the recommendation of the tax control board with respect to this determination.~~ The action of the  
14 department of local government finance with respect to the plan is final.

15 SECTION 352. IC 20-46-5-10, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
16 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A governing body may amend  
17 a plan. When an amendment to a plan is required, the governing body must:

18 (1) declare the nature of and the need for the amendment; and

19 (2) show cause as to why the original plan no longer meets the needs of the school corporation.

20 (b) The governing body must then conduct a public hearing on and pass a resolution to adopt the  
21 amendment to the plan.

22 (c) The plan, as proposed to be amended, must comply with the requirements for a plan under  
23 section 8 of this chapter.

24 (d) An amendment to the plan is not subject to the deadlines for adoption described in section ~~6~~ **6.1**  
25 or 7 of this chapter. However, the amendment to the plan must be submitted to the department of local  
26 government finance for its consideration and is subject to approval, disapproval, or modification in  
27 accordance with the procedures for adopting a plan set forth in this chapter.

28 SECTION 353. IC 20-46-6-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO  
29 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.1. (a) This section does not apply**  
30 **to a school corporation that is located in South Bend, unless a resolution adopted under**  
31 **IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.**

32 **(b) Before a governing body may collect property taxes for a capital projects fund in a**  
33 **particular year, the governing body must:**

34 **(1) after January 1; and**

35 **(2) not later than September 20;**

36 **of the immediately preceding year, hold a public hearing on a proposed or amended plan and**  
37 **pass a resolution to adopt the proposed or amended plan.**

38 **(c) This section expires January 1, 2011.**

39 SECTION 354. IC 20-46-6-9, AS AMENDED BY P.L.146-2008, SECTION 508, IS AMENDED  
40 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) ~~Except as provided in subsection~~  
41 ~~(b);~~ This section applies only to a school corporation that is located in South Bend.

42 ~~(b) After December 31, 2009, this section applies to all school corporations.~~

43 ~~(c) This subsection expires January 1, 2010. However,~~ this section does not apply to the school  
44 corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school  
45 corporation is in effect.

46 ~~(d)~~ **(b)** Before the governing body of the school corporation may collect property taxes for a fund  
47 in a particular year, the governing body must:

48 (1) after January 1; and

1 (2) before February 2;  
2 of the immediately preceding year, hold a public hearing on a proposed or amended plan and pass a  
3 resolution to adopt the proposed or amended plan.

4 SECTION 355. IC 20-46-6-15, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
5 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. After a hearing on the petition under  
6 section 14 of this chapter, the department of local government finance shall certify its approval,  
7 disapproval, or modification of the plan to the governing body and the county auditor of the county.  
8 ~~The department of local government finance may seek the recommendation of the tax control board~~  
9 ~~with respect to the department of local government finance's determination.~~

10 SECTION 356. IC 20-46-6-18, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
11 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) This section applies to an  
12 amendment to a plan that is required by a reason other than an emergency.

13 (b) The governing body must hold a public hearing on the proposed amendment. At the hearing,  
14 the governing body must declare the nature of and the need for the amendment and pass a resolution  
15 to adopt the amendment to the plan.

16 (c) The plan, as proposed to be amended, must comply with the requirements for a plan under  
17 section 10 of this chapter. The governing body must publish the proposed amendment to the plan and  
18 notice of the hearing in accordance with IC 5-3-1-2(b).

19 (d) An amendment to the plan:

- 20 (1) is not subject to the deadline for adoption described in section 8 8.1 or 9 of this chapter;
- 21 (2) must be submitted to the department of local government finance for its consideration; and
- 22 (3) is subject to approval, disapproval, or modification in accordance with the procedures for  
23 adopting a plan.

24 SECTION 357. IC 20-46-6-19, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO  
25 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section applies to an  
26 amendment to a plan that is required by reason of an emergency that results in costs that exceed the  
27 amount accumulated in the fund for repair, replacement, or site acquisition that is necessitated by an  
28 emergency.

29 (b) The governing body is not required to comply with section 18 of this chapter.

30 (c) The governing body must immediately apply to the department of local government finance for  
31 a determination that an emergency exists. If the department of local government finance determines  
32 that an emergency exists, the governing body may adopt a resolution to amend the plan.

33 (d) An amendment to the plan is not subject to the deadline and the procedures for adoption  
34 described in section 8 8.1 or 9 of this chapter. However, the amendment is subject to modification by  
35 the department of local government finance.

36 SECTION 358. IC 20-46-7-11, AS AMENDED BY P.L.146-2008, SECTION 513, IS AMENDED  
37 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The department of local  
38 government finance in determining whether to approve or disapprove a school building construction  
39 project ~~and the tax control board in determining whether to recommend approval or disapproval of a~~  
40 ~~school building construction project~~ shall consider the following factors:

- 41 (1) The current and proposed square footage of school building space per student.
- 42 (2) Enrollment patterns within the school corporation.
- 43 (3) The age and condition of the current school facilities.
- 44 (4) The cost per square foot of the school building construction project.
- 45 (5) The effect that completion of the school building construction project would have on the  
46 school corporation's tax rate.
- 47 (6) Any other pertinent matter.

48 (b) The authority of the department of local government finance to determine whether to approve  
49 or disapprove a school building construction project does not after June 30, 2008, include the authority

1 to review or approve the financing of the school building construction project.

2 SECTION 359. IC 20-49-1-3, AS AMENDED BY P.L.234-2007, SECTION 265, IS AMENDED  
3 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. "Transition to foundation  
4 ~~revenue per adjusted ADM~~" has the meaning set forth in IC 20-43-1-29.3. **amount**" refers to the  
5 **amount determined under IC 20-43-5-6.**

6 SECTION 360. IC 20-49-2-9, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO  
7 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. A nondisaster advancement to any  
8 school corporation under section 10 of this chapter may not exceed two hundred fifty thousand dollars  
9 (\$250,000). However, this dollar limitation is waived if:

10 (1) the school corporation has an ~~adjusted~~ assessed valuation per ADA of less than eight thousand  
11 four hundred dollars (\$8,400); **and**

12 (2) the school corporation's debt service fund tax rate would exceed one dollar (\$1) for each one  
13 hundred dollars (\$100) of assessed valuation without a waiver of the dollar limitation. **and**

14 ~~(3) the school property tax control board recommends a waiver of the limitation.~~

15 SECTION 361. IC 20-49-7-10, AS AMENDED BY P.L.234-2007, SECTION 266, IS AMENDED  
16 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 10. The amount of an advance  
17 for operational costs may not exceed the amount determined under STEP THREE of the following  
18 formula:

19 STEP ONE: Determine the product of:

20 (A) the charter school's enrollment reported under IC 20-24-7-2(a); multiplied by

21 (B) the charter school's transition to foundation ~~revenue per adjusted ADM~~: **amount**.

22 STEP TWO: Determine the quotient of:

23 (A) the STEP ONE amount; divided by

24 (B) two (2).

25 STEP THREE: Determine the product of:

26 (A) the STEP TWO amount; multiplied by

27 (B) one and fifteen-hundredths (1.15).

28 SECTION 362. IC 20-49-7-11, AS AMENDED BY P.L.234-2007, SECTION 267, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 11. The amount of an advance  
30 for operational costs may not exceed the amount determined under STEP FOUR of the following  
31 formula:

32 STEP ONE: Determine the quotient of:

33 (A) the charter school's transition to foundation ~~revenue per adjusted ADM~~: **amount**; divided  
34 by

35 (B) two (2).

36 STEP TWO: Determine the difference between:

37 (A) the charter school's current ADM; minus

38 (B) the charter school's ADM of the previous year.

39 STEP THREE: Determine the product of:

40 (A) the STEP ONE amount; multiplied by

41 (B) the STEP TWO amount.

42 STEP FOUR: Determine the product of:

43 (A) the STEP THREE amount; multiplied by

44 (B) one and fifteen-hundredths (1.15).

45 SECTION 363. IC 20-49-7-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
46 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21. (a) A charter school, including a**  
47 **conversion charter school, that has received an advance for operational costs from the common**  
48 **school fund under this chapter does not have to make principal or interest payments during the**

1 state fiscal years beginning:

2 (1) July 1, 2009; and

3 (2) July 1, 2010;

4 notwithstanding contrary terms in the charter school and state board advance agreement.

5 (b) The repayment term of the advance shall be extended by two (2) years to provide for the  
6 waiver described in subsection (a) even though it may make the repayment term for the advance  
7 longer than twenty (20) years.

8 SECTION 364. IC 20-51 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ  
9 AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

10 **ARTICLE 51. SCHOOL SCHOLARSHIPS**

11 **Chapter 1. Definitions**

12 **Sec. 1. The definitions in this chapter apply throughout this article.**

13 **Sec. 2. "Agreement" refers to an agreement between the department and an applicant that  
14 applies for certification of a school scholarship program.**

15 **Sec. 3. "Contribution" refers to a contribution to a scholarship granting organization for use  
16 in a school scholarship program.**

17 **Sec. 4. (a) "Cost of education" means the tuition and fees that would otherwise be charged  
18 by a participating school to:**

19 (1) an eligible student; or

20 (2) a parent of an eligible student.

21 (b) In the case of an eligible pupil who attends a public school, the term includes any transfer  
22 tuition charged to the eligible student or a parent of the eligible student.

23 **Sec. 5. "Eligible student" refers to an individual who:**

24 (1) has legal settlement in Indiana;

25 (2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in  
26 the school year specified in IC 20-33-2-7;

27 (3) either has been or is currently enrolled in a participating school;

28 (4) either:

29 (A) is a member of a household with an annual income of not more than two hundred  
30 percent (200%) of the amount required for the individual to qualify for the federal free  
31 or reduced price lunch program; or

32 (B) received a scholarship under this article in the immediately preceding school year  
33 or the immediately preceding term of the current school year and qualified under clause

34 (A) in the first year that the individual received a scholarship under this article; and

35 (5) meets at least one (1) of the following conditions:

36 (A) The individual is enrolling in kindergarten.

37 (B) The individual was enrolled in a public school during the school year preceding the  
38 first school year for which a scholarship granting organization provides a scholarship  
39 to the individual.

40 (C) The individual received a scholarship in the previous year from a nonprofit  
41 scholarship granting organization that qualifies for certification as a school scholarship  
42 program.

43 (D) The individual received a school scholarship for the previous school year.

44 **Sec. 6. (a) "Participating school" refers to a public or nonpublic school that:**

45 (1) an eligible student is required to pay tuition or transfer tuition to attend;

46 (2) voluntarily agrees to enroll an eligible student;

47 (3) is accredited by either the state board or a national or regional accreditation agency that  
48 is recognized by the state board; and

49 (4) administers the tests under the Indiana statewide testing for educational progress

1 (ISTEP) program or administers another nationally recognized and norm-referenced  
2 assessment of the school's students.

3 (b) The term does not include a public school in a school corporation where the eligible  
4 student has legal settlement under IC 20-26-11.

5 Sec. 7. "Scholarship granting organization" refers to an organization that:

6 (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue  
7 Code; and

8 (2) is organized at least in part to grant school scholarships.

9 Sec. 8. "School scholarship" refers to a grant to pay only the cost of education for an eligible  
10 student as determined for the school year (as defined in IC 20-18-2-17) for which the scholarship  
11 will be granted.

12 Chapter 2. Exchange of Information; Rules

13 Sec. 1. The department shall maintain a publicly available list of the school scholarship  
14 programs certified by the department. The list must contain names, addresses, and any other  
15 information that the department determines is necessary for the public to determine which  
16 scholarship granting organizations conduct school scholarship programs. A current list must be  
17 posted on an Internet web site used by the department to provide information to the public.

18 Chapter 3. Scholarship Granting Organizations; Certification; Administration of  
19 Contributions

20 Sec. 1. (a) A program qualifies for certification as a school scholarship program if:

21 (1) the program:

22 (A) is administered by a scholarship granting organization; and

23 (B) has the primary purpose of providing school scholarships to eligible students; and

24 (2) the scholarship granting organization administering the program:

25 (A) applies to the department on the form and in the manner prescribed by the  
26 department; and

27 (B) enters into an agreement with the department to comply with this article.

28 (b) A program may not be certified as a school scholarship program if the program:

29 (1) limits a recipient of a school scholarship to attending specific participating schools; or

30 (2) limits the ability of a recipient of a school scholarship to change attendance from one  
31 (1) participating school to another participating school.

32 Sec. 2. The department shall certify all programs that meet the qualifications under section  
33 1 of this chapter as school scholarship programs.

34 Sec. 3. An agreement entered into under section 1 of this chapter between the department and  
35 a scholarship granting organization must require the scholarship granting organization to do  
36 the following:

37 (1) Provide a receipt to taxpayers for contributions made to the scholarship granting  
38 organization that will be used in a school scholarship program. The department of state  
39 revenue shall prescribe a standardized form for the receipt issued under this subdivision.  
40 The receipt must indicate the value of the contribution and part of the contribution being  
41 designated for use in a school scholarship program.

42 (2) Distribute at least ninety percent (90%) of the total amount of contributions as school  
43 scholarships to eligible students.

44 (3) Distribute one hundred percent (100%) of any income earned on contributions as school  
45 scholarships to eligible students.

46 (4) Conduct criminal background checks on all the scholarship granting organization's  
47 employees and board members and exclude from employment or governance any individual  
48 who might reasonably pose a risk to the appropriate use of contributed funds.

49 (5) Make the reports required by this chapter.

1       **Sec. 4. An agreement entered into under section 1 of this chapter may not prohibit a**  
2 **scholarship granting organization from receiving contributions other than contributions**  
3 **described in section 3(1) of this chapter.**

4       **Sec. 5. An agreement entered into under section 1 of this chapter must prohibit a scholarship**  
5 **granting organization from distributing school scholarships for use by an eligible student to:**

6       **(1) enroll in a school that has:**

7           **(A) paid staff or board members; or**

8           **(B) relatives of paid staff or board members;**

9       **in common with the scholarship granting support organization;**

10       **(2) enroll in a school that the scholarship granting organization knows does not qualify as**  
11 **a participating school; or**

12       **(3) pay for the cost of education for a public school where the eligible student is entitled to**  
13 **enroll without the payment of tuition.**

14       **Sec. 6. (a) A scholarship granting organization certified under this chapter must publicly**  
15 **report to the department by August 1 of each year the following information regarding the**  
16 **organization's scholarships awarded in the previous school year:**

17       **(1) The name and address of the scholarship granting organization.**

18       **(2) The total number and total dollar amount of contributions received during the previous**  
19 **school year.**

20       **(3) The:**

21           **(A) total number and total dollar amount of scholarships awarded during the previous**  
22 **school year; and**

23           **(B) total number and total dollar amount of school scholarships awarded during the**  
24 **previous school year.**

25 **The report must be certified under penalties of perjury by the chief executive officer of the**  
26 **scholarship granting organization.**

27       **(b) A scholarship granting organization certified under this chapter shall contract with an**  
28 **independent certified public accountant for an annual financial audit of the scholarship granting**  
29 **organization. The scholarship granting organization must provide a copy of the annual financial**  
30 **audit to the department and must make the annual financial audit available to a member of the**  
31 **public upon request.**

32       **Sec. 7. The department shall prescribe a standardized form for scholarship granting**  
33 **organizations to report information required under this chapter.**

34       **Sec. 8. The department may, in a proceeding under IC 4-21.5, suspend or terminate the**  
35 **certification of an organization as a scholarship granting organization if the department**  
36 **establishes that the scholarship granting organization has intentionally and substantially failed**  
37 **to comply with the requirements of this article or an agreement entered into under this article.**

38       **Sec. 9. If the department suspends or terminates the certification of an organization as a**  
39 **scholarship granting organization, the department shall notify affected eligible students and**  
40 **their parents of the decision as quickly as possible. An eligible student affected by a suspension**  
41 **or termination of a scholarship granting organization's certification remains an eligible student**  
42 **under this article until the end of the school year after the school year in which the scholarship**  
43 **granting organization's certification is suspended or terminated, regardless of whether the**  
44 **scholarship student currently meets the definition of an eligible student.**

45       **Sec. 10. The department may conduct either a financial review or an audit of a scholarship**  
46 **granting organization certified under this chapter if the department of state revenue has**  
47 **evidence of fraud.**

48       **Sec. 11. The department shall adopt rules under IC 4-22-2 to implement this article.**

49       **SECTION 365. IC 21-29-3-3, AS ADDED BY P.L.2-2007, SECTION 270, IS AMENDED TO**

1 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Subject to subsections (b) through  
2 (d), any state educational institution may enter into and modify, amend, or terminate one (1) or more  
3 swap agreements that the state educational institution determines to be necessary or desirable in  
4 connection with or incidental to the issuance, carrying, or securing of obligations. Swap agreements  
5 entered into by a state educational institution must:

6 (1) contain the provisions (including payment, term, security, default, and remedy provisions);  
7 and

8 (2) be with the parties;

9 that the state educational institution determines are necessary or desirable after due consideration is  
10 given to the creditworthiness of the parties.

11 (b) A state educational institution may not:

12 **(1) enter into, modify, amend, or terminate any swap agreement without the specific**  
13 **approval of the public finance director appointed under IC 4-4-11-9;**

14 ~~(2)~~ (2) enter into any swap agreement under this section other than for the purpose of managing  
15 an interest rate or similar risk that arises in connection with or incidental to the issuance,  
16 carrying, or securing of obligations by the state educational institution; or

17 ~~(3)~~ (3) carry on a business of acting as a dealer in swap agreements.

18 (c) A swap agreement is considered as being entered into in connection with or incidental to the  
19 issuance, carrying, or securing of obligations if:

20 (1) the swap agreement is entered into not more than one hundred eighty (180) days after the  
21 issuance of the obligations and specifically indicates the agreement's relationship to the  
22 obligations;

23 (2) the board of trustees of the state educational institution specifically designates the swap  
24 agreement as having a relationship to the particular obligations;

25 (3) the swap agreement amends, modifies, or reverses a swap agreement described in subdivision  
26 (1) or (2); or

27 (4) the terms of the swap agreement bear a reasonable relationship to the terms of the obligations.

28 (d) Payments to be made by a state educational institution to any other party under a swap  
29 agreement are payable only from the same source or sources of funds from which the related  
30 obligations are payable.

31 SECTION 366. IC 21-34-10-7, AS ADDED BY P.L.2-2007, SECTION 275, IS AMENDED TO  
32 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. Bonds may be issued by the board of  
33 trustees of a state educational institution without the approval of the general assembly to finance a  
34 qualified energy savings project if annual operating savings to the state educational institution arising  
35 from the implementation of a qualified energy savings project are reasonably expected to be at least  
36 equal to annual debt service requirements on bonds issued for this purpose in each fiscal year.  
37 However, the amount of bonds outstanding for the state educational institution **other than Ivy Tech**  
38 **Community College** at any time for qualified energy savings projects, other than refunding bonds and  
39 exclusive of costs described in sections 3 and 4 of this chapter, may not exceed ~~ten~~ **fifteen** million  
40 dollars ~~(\$10,000,000)~~ **(\$15,000,000) for each campus of the state educational institution. Any**  
41 **annual operating savings realized by Purdue University and Indiana University in excess of the**  
42 **annual debt service requirements on bonds issued shall be used to fund basic research for the**  
43 **Indiana Innovation Alliance. The amount of bonds outstanding for Ivy Tech Community College**  
44 **at any time for qualified energy savings projects, other than refunding bonds and exclusive of**  
45 **costs described in sections 3 and 4 of this chapter, may not exceed forty-five million dollars**  
46 **(\$45,000,000). Bonds issued under this section are not eligible for fee replacement.**

47 SECTION 367. IC 22-4-19-6, AS AMENDED BY P.L.175-2009, SECTION 33, IS AMENDED  
48 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Each employing unit shall keep

1 true and accurate records containing information the department considers necessary. These records  
2 are:

3 (1) open to inspection; and

4 (2) subject to being copied;

5 by an authorized representative of the department at any reasonable time and as often as may be  
6 necessary. The department, the review board, or an administrative law judge may require from any  
7 employing unit any verified or unverified report, with respect to persons employed by it, which is  
8 considered necessary for the effective administration of this article.

9 (b) Except as provided in subsections (d) and (f), information obtained or obtained from any person  
10 in the administration of this article and the records of the department relating to the unemployment tax  
11 or the payment of benefits is confidential and may not be published or be open to public inspection  
12 in any manner revealing the individual's or the employing unit's identity, except in obedience to an  
13 order of a court or as provided in this section.

14 (c) A claimant or an employer at a hearing before an administrative law judge or the review board  
15 shall be supplied with information from the records referred to in this section to the extent necessary  
16 for the proper presentation of the subject matter of the appearance. The department may make the  
17 information necessary for a proper presentation of a subject matter before an administrative law judge  
18 or the review board available to an agency of the United States or an Indiana state agency.

19 (d) The department may release the following information:

20 (1) Summary statistical data may be released to the public.

21 (2) Employer specific information known as ES 202 data and data resulting from enhancements  
22 made through the business establishment list improvement project may be released to the Indiana  
23 economic development corporation only for the following purposes:

24 (A) The purpose of conducting a survey.

25 (B) The purpose of aiding the officers or employees of the Indiana economic development  
26 corporation in providing economic development assistance through program development,  
27 research, or other methods.

28 (C) Other purposes consistent with the goals of the Indiana economic development corporation  
29 and not inconsistent with those of the department.

30 (3) Employer specific information known as ES 202 data and data resulting from enhancements  
31 made through the business establishment list improvement project may be released to the budget  
32 agency **and the legislative services agency** only for aiding the employees of the budget agency  
33 **or the legislative services agency** in forecasting tax revenues.

34 (4) Information obtained from any person in the administration of this article and the records of  
35 the department relating to the unemployment tax or the payment of benefits for use by the  
36 following governmental entities:

37 (A) department of state revenue; or

38 (B) state or local law enforcement agencies;

39 only if there is an agreement that the information will be kept confidential and used for legitimate  
40 governmental purposes.

41 (e) The department may make information available under subsection (d)(1), (d)(2), or (d)(3) only:

42 (1) if:

43 (A) data provided in summary form cannot be used to identify information relating to a  
44 specific employer or specific employee; or

45 (B) there is an agreement that the employer specific information released to the Indiana  
46 economic development corporation, ~~or~~ the budget agency, **or the legislative services agency**  
47 will be treated as confidential and will be released only in summary form that cannot be used  
48 to identify information relating to a specific employer or a specific employee; and

49 (2) after the cost of making the information available to the person requesting the information is

1 paid under IC 5-14-3.

2 (f) In addition to the confidentiality provisions of subsection (b), the fact that a claim has been made  
3 under IC 22-4-15-1(c)(8) and any information furnished by the claimant or an agent to the department  
4 to verify a claim of domestic or family violence are confidential. Information concerning the claimant's  
5 current address or physical location shall not be disclosed to the employer or any other person.  
6 Disclosure is subject to the following additional restrictions:

7 (1) The claimant must be notified before any release of information.

8 (2) Any disclosure is subject to redaction of unnecessary identifying information, including the  
9 claimant's address.

10 (g) An employee:

11 (1) of the department who recklessly violates subsection (a), (c), (d), (e), or (f); or

12 (2) of any governmental entity listed in subsection (d)(4) who recklessly violates subsection  
13 (d)(4);

14 commits a Class B misdemeanor.

15 (h) An employee of the Indiana economic development corporation, ~~or~~ the budget agency, **or the**  
16 **legislative services agency** who violates subsection (d) or (e) commits a Class B misdemeanor.

17 (i) An employer or agent of an employer that becomes aware that a claim has been made under  
18 IC 22-4-15-1(c)(8) shall maintain that information as confidential.

19 (j) The department may charge a reasonable processing fee not to exceed two dollars (\$2) for each  
20 record that provides information about an individual's last known employer released in compliance  
21 with a court order under subsection (b).

22 SECTION 368. IC 22-4-25-1, AS AMENDED BY P.L.175-2009, SECTION 36, IS AMENDED  
23 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) There is created in the state  
24 treasury a special fund to be known as the special employment and training services fund. All interest  
25 on delinquent contributions and penalties collected under this article, together with any voluntary  
26 contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not  
27 be expended or available for expenditure in any manner which would permit their substitution for (or  
28 a corresponding reduction in) federal funds which would in the absence of said money be available  
29 to finance expenditures for the administration of this article, but nothing in this section shall prevent  
30 said money from being used as a revolving fund to cover expenditures necessary and proper under the  
31 law for which federal funds have been duly requested but not yet received, subject to the charging of  
32 such expenditures against such funds when received. The money in this fund shall be used by the  
33 board for the payment of refunds of interest on delinquent contributions and penalties so collected, for  
34 the payment of costs of administration which are found not to have been properly and validly  
35 chargeable against federal grants or other funds received for or in the employment and training  
36 services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy  
37 the obligations incurred by the board directly, or by transfer by the board of the required amount from  
38 the special employment and training services fund to the employment and training services  
39 administration fund. The board shall order the transfer of such funds or the payment of any such  
40 obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn  
41 by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant  
42 shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner.  
43 The money in this fund is hereby specifically made available to replace within a reasonable time any  
44 money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or  
45 contingency, has been lost or has been expended for purposes other than or in amounts in excess of  
46 those approved by the bureau of employment security. The money in this fund shall be continuously  
47 available to the board for expenditures in accordance with the provisions of this section and shall not  
48 lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this  
49 section shall be construed to limit, alter, or amend the liability of the state assumed and created by

1 IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability,  
2 except to the extent that such liability may be satisfied by and out of the funds of such special  
3 employment and training services fund created by this section.

4 (b) Whenever the balance in the special employment and training services fund exceeds eight  
5 million five hundred thousand dollars (\$8,500,000), the board shall order payment of the amount that  
6 exceeds eight million five hundred thousand dollars (\$8,500,000) into the unemployment insurance  
7 benefit fund.

8 (c) Subject to the approval of the board and the availability of funds, on July 1, 2008, and each  
9 subsequent July 1, the commissioner shall release:

10 (1) one million dollars (\$1,000,000) to the state educational institution established under  
11 IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the  
12 United States Department of Labor, Bureau of Apprenticeship and Training;

13 (2) four million dollars (\$4,000,000) to the state educational institution instituted and  
14 incorporated under IC 21-22-2-1 for training provided to participants in joint labor and  
15 management apprenticeship programs approved by the United States Department of Labor,  
16 Bureau of Apprenticeship and Training; and

17 (3) two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the  
18 state educational institutions described in subdivisions (1) and (2);

19 **(4) four hundred thousand dollars (\$400,000) annually for training and counseling  
20 assistance:**

21 **(A) provided by Hometown Plans under 41 CFR 60-4.5; and**

22 **(B) approved by the United States Department of Labor, Bureau of Apprenticeship and  
23 Training;**

24 **to individuals who have been unemployed for at least four (4) weeks or whose annual  
25 income is less than twenty thousand dollars (\$20,000); and**

26 **(5) three hundred thousand dollars (\$300,000) annually for training and counseling  
27 assistance provided by the state institution established under IC 21-25-2-1 to individuals  
28 who have been unemployed for at least four (4) weeks or whose annual income is less than  
29 twenty thousand dollars (\$20,000) for the purpose of enabling those individuals to apply for  
30 admission to apprenticeship programs offered by providers approved by the United States  
31 Department of Labor, Bureau of Apprenticeship and Training.**

32 **(d) The funds released under subsection (c)(4) through (c)(5):**

33 **(1) shall be considered part of the amount allocated under section 2.5 of this chapter; and**

34 **(2) do not limit the amount that an entity may receive under section 2.5 of this chapter.**

35 (e) Each state educational institution described in this subsection (c) is entitled to keep ten percent  
36 (10%) of the funds released under this subsection (c) for the payment of costs of administering the  
37 funds. On each June 30 following the release of the funds, any funds released under this subsection  
38 (c) not used by the state educational institutions under this subsection (c) shall be returned to the  
39 special employment and training services fund.

40 SECTION 369. IC 24-4.4-1-101, AS ADDED BY P.L.145-2008, SECTION 20, IS AMENDED TO  
41 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 101. (a) This article shall be known and  
42 may be cited as the First Lien Mortgage Lending Act.

43 **(b) Notwithstanding any other provision of this article or IC 24-4.5, the department may  
44 adopt emergency rules under IC 4-22-2-37.1, to remain effective until codified in the Indiana  
45 Code, in order to provide for a system of licensing creditors and mortgage loan originators that  
46 meets the requirements of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008  
47 (H.R. 3221 Title V) and the interpretations of that Act issued by the Secretary of Housing and  
48 Urban Development.**

49 SECTION 370. IC 24-4.5-1-102, AS AMENDED BY P.L.90-2008, SECTION 4, IS AMENDED

1 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 102. Purposes; Rules of  
2 Construction—(1) This article shall be liberally construed and applied to promote its underlying  
3 purposes and policies.

4 (2) The underlying purposes and policies of this article are:

5 (a) to simplify, clarify, and modernize the law governing retail installment sales, consumer credit,  
6 small loans, and usury;

7 (b) to provide rate ceilings to assure an adequate supply of credit to consumers;

8 (c) to further consumer understanding of the terms of credit transactions and to foster competition  
9 among suppliers of consumer credit so that consumers may obtain credit at reasonable cost;

10 (d) to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers  
11 of consumer credit, having due regard for the interests of legitimate and scrupulous creditors;

12 (e) to permit and encourage the development of fair and economically sound consumer credit  
13 practices;

14 (f) to conform the regulation of consumer credit transactions to the policies of the Federal  
15 Consumer Credit Protection Act; and

16 (g) to make uniform the law including administrative rules among the various jurisdictions.

17 (3) A reference to a requirement imposed by this article includes reference to a related rule of the  
18 department adopted pursuant to this article.

19 (4) A reference to a federal law in IC 24-4.5 is a reference to the law in effect December 31, ~~2007~~.  
20 **2008.**

21 (5) This article applies to a transaction if the director determines that the transaction:

22 (a) is in substance a disguised consumer credit transaction; or

23 (b) involves the application of subterfuge for the purpose of avoiding this article.

24 A determination by the director under this paragraph must be in writing and shall be delivered to all  
25 parties to the transaction. IC 4-21.5-3 applies to a determination made under this paragraph.

26 SECTION 371. IC 25-26-13-4, AS AMENDED BY P.L.204-2005, SECTION 15, IS AMENDED  
27 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board may:

28 (1) promulgate rules and regulations under IC 4-22-2 for implementing and enforcing this  
29 chapter;

30 (2) establish requirements and tests to determine the moral, physical, intellectual, educational,  
31 scientific, technical, and professional qualifications for applicants for pharmacists' licenses;

32 (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any  
33 licensee or permittee under this chapter;

34 (4) regulate the sale of drugs and devices in the state of Indiana;

35 (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines,  
36 chemicals, poisons, or devices which by inspection are deemed unfit for use or would be  
37 dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow  
38 those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not  
39 refuse to permit or otherwise prevent members of the board or their representatives from entering  
40 such places and making such inspections;

41 (6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may  
42 be necessary to the maintenance of professional surroundings and to the protection of the safety  
43 and welfare of the public;

44 (7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct  
45 hearings on behalf of the public interest on any matter under the jurisdiction of the board;

46 (8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations  
47 which shall be given at least twice annually; and

48 (9) perform such other duties and functions and exercise such other powers as may be necessary  
49 to implement and enforce this chapter.

1 (b) The board shall adopt rules under IC 4-22-2 for the following:

2 (1) Establishing standards for the competent practice of pharmacy.

3 (2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use  
4 of drugs.

5 (3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

6 (A) has entered into a contract that accepts the return of expired drugs with; or

7 (B) is subject to a policy that accepts the return of expired drugs of;

8 a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by  
9 the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or  
10 controlled drugs. In determining the standards and procedures, the board may not interfere with  
11 negotiated terms related to cost, expenses, or reimbursement charges contained in contracts  
12 between parties, but may consider what is a reasonable quantity of a drug to be purchased by a  
13 pharmacy. The standards and procedures do not apply to vaccines that prevent influenza,  
14 medicine used for the treatment of malignant hyperthermia, and other drugs determined by the  
15 board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be  
16 appointed in writing and have policies, personnel, and facilities to handle properly returns of  
17 expired legend drugs and controlled substances.

18 (c) The board may grant or deny a temporary variance to a rule it has adopted if:

19 (1) the board has adopted rules which set forth the procedures and standards governing the grant  
20 or denial of a temporary variance; and

21 (2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

22 (d) The board shall adopt rules and procedures, in consultation with the medical licensing board,  
23 concerning the electronic transmission of prescriptions. The rules adopted under this subsection must  
24 address the following:

25 (1) Privacy protection for the practitioner and the practitioner's patient.

26 (2) Security of the electronic transmission.

27 (3) A process for approving electronic data intermediaries for the electronic transmission of  
28 prescriptions.

29 (4) Use of a practitioner's United States Drug Enforcement Agency registration number.

30 (5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's  
31 prescribing authority.

32 (e) **The governor may direct the board to develop:**

33 **(1) a prescription drug program that includes the establishment of criteria to eliminate or**  
34 **significantly reduce prescription fraud; and**

35 **(2) a standard format for an official tamper resistant prescription drug form for**  
36 **prescriptions (as defined in IC 16-42-19-7(1)).**

37 **The board may adopt rules under IC 4-22-2 necessary to implement this subsection.**

38 **(f) The standard format for a prescription drug form described in subsection (e)(2) must**  
39 **include the following:**

40 **(1) A counterfeit protection bar code with human readable representation of the data in the**  
41 **bar code.**

42 **(2) A thermochromic mark on the front and the back of the prescription that:**

43 **(A) is at least one-fourth (1/4) of one (1) inch in height and width; and**

44 **(B) changes from blue to clear when exposed to heat.**

45 **(g) The board may contract with a supplier to implement and manage the prescription drug**  
46 **program described in subsection (e). The supplier must:**

47 **(1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit**  
48 **for at least the three (3) previous years; and**

49 **(2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit**

1           **throughout the duration of the contract;**  
2 **in order to be considered to implement and manage the program.**

3           SECTION 372. IC 28-10-1-1, AS AMENDED BY P.L.90-2008, SECTION 66, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. A reference to a federal law or federal  
5 regulation in IC 28 is a reference to the law or regulation in effect December 31, ~~2007~~ **2008**.

6           SECTION 373. IC 31-25-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
7 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

8           **Chapter 5. Cooperation With Department of Child Services Ombudsman**

9           **Sec. 1. As used in this chapter, "ombudsman" refers to the office of the department of child**  
10 **services ombudsman established within the Indiana department of administration by**  
11 **IC 4-13-19-3. The term includes an employee of the office of the department of child services**  
12 **ombudsman or an individual approved by the office of the department of child services**  
13 **ombudsman to receive, investigate, and resolve complaints that allege the department, by an**  
14 **action or omission, failed to protect the physical or mental health or safety of any child or failed**  
15 **to follow specific laws, rules, or written policies.**

16           **Sec. 2. The department and the juvenile court with jurisdiction over a child shall provide the**  
17 **ombudsman with:**

18           **(1) appropriate access to all records of the department concerning the child, excluding**  
19 **adoption records, but including all records of the department related to vendors and**  
20 **contractors; and**

21           **(2) immediate access, without prior notice, to any facility in which the child is placed or is**  
22 **receiving services funded by the department.**

23           SECTION 374. IC 31-27-3-18, AS AMENDED BY P.L.138-2007, SECTION 49, IS AMENDED  
24 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A licensee shall keep records  
25 regarding each child in the control and care of the licensee as the department requires and shall report  
26 to the department upon request the facts the department requires with reference to children.

27           (b) The department shall keep records regarding children and facts learned about children and the  
28 children's parents or relatives confidential.

29           (c) The following have access to records regarding children and facts learned about children:

30           (1) A state agency involved in the licensing of the child caring institution.

31           (2) A legally mandated child protection agency.

32           (3) A law enforcement agency.

33           (4) An agency having the legal responsibility to care for a child placed at the child caring  
34 institution.

35           (5) The parent, guardian, or custodian of the child at the child caring institution.

36           (6) A citizen review panel established under IC 31-25-2-20.4.

37           **(7) The department of child services ombudsman established by IC 4-13-19-3.**

38           SECTION 375. IC 31-27-4-21, AS AMENDED BY P.L.138-2007, SECTION 54, IS AMENDED  
39 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A licensee shall keep records  
40 required by the department regarding each child in the control and care of the licensee and shall report  
41 to the department upon request the facts the department requires with reference to children.

42           (b) The department shall keep records regarding children and facts learned about children and the  
43 children's parents or relatives confidential.

44           (c) The following have access to records regarding children and facts learned about children:

45           (1) A state agency involved in the licensing of the foster family home.

46           (2) A legally mandated child protection agency.

47           (3) A law enforcement agency.

48           (4) An agency having the legal responsibility to care for a child placed at the foster family home.

49           (5) The parent, guardian, or custodian of the child at the foster family home.

1 (6) A citizen review panel established under IC 31-25-2-20.4.

2 **(7) The department of child services ombudsman established by IC 4-13-19-3.**

3 SECTION 376. IC 31-27-5-18, AS AMENDED BY P.L.138-2007, SECTION 58, IS AMENDED  
4 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A licensee shall keep records  
5 required by the department regarding each child in the control and care of the licensee and shall report  
6 to the department, upon request, the facts the department requires with reference to children.

7 (b) The department shall keep records regarding children and facts learned about children and the  
8 children's parents or relatives confidential.

9 (c) The following have access to records regarding children and facts learned about children:

10 (1) A state agency involved in the licensing of the group home.

11 (2) A legally mandated child protection agency.

12 (3) A law enforcement agency.

13 (4) An agency having the legal responsibility to care for a child placed at the group home.

14 (5) The parent, guardian, or custodian of the child at the group home.

15 (6) A citizen review panel established under IC 31-25-2-20.4.

16 **(7) The department of child services ombudsman established by IC 4-13-19-3.**

17 SECTION 377. IC 31-27-6-15, AS AMENDED BY P.L.138-2007, SECTION 62, IS AMENDED  
18 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A licensee shall keep records  
19 required by the department regarding each child in the control and care of the licensee and shall report  
20 to the department upon request the facts the department requires with reference to children.

21 (b) The department shall keep records regarding children and facts learned about children and the  
22 children's parents or relatives confidential.

23 (c) The following have access to records regarding children and facts learned about children:

24 (1) A state agency involved in the licensing of the child placing agency.

25 (2) A legally mandated child protection agency.

26 (3) A law enforcement agency.

27 (4) A citizen review panel established under IC 31-25-2-20.4.

28 **(5) The department of child services ombudsman established by IC 4-13-19-3.**

29 SECTION 378. IC 31-33-18-1, AS AMENDED BY P.L.145-2006, SECTION 283, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in section 1.5  
31 of this chapter, the following are confidential:

32 (1) Reports made under this article (or IC 31-6-11 before its repeal).

33 (2) Any other information obtained, reports written, or photographs taken concerning the reports  
34 in the possession of:

35 (A) the division of family resources;

36 (B) the county office; **or**

37 (C) the department; **or**

38 **(D) the department of child services ombudsman established by IC 4-13-19-3.**

39 (b) Except as provided in section 1.5 of this chapter, all records held by:

40 (1) the division of family resources;

41 (2) a county office;

42 (3) the department;

43 (4) a local child fatality review team established under IC 31-33-24; **or**

44 (5) the statewide child fatality review committee established under IC 31-33-25; **or**

45 **(6) the department of child services ombudsman established by IC 4-13-19-3;**

46 regarding the death of a child determined to be a result of abuse, abandonment, or neglect are  
47 confidential and may not be disclosed.

48 SECTION 379. IC 31-33-18-1.5, AS AMENDED BY P.L.131-2009, SECTION 52, IS AMENDED  
49 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to records

1 held by:  
2 (1) the division of family resources;  
3 (2) a county office;  
4 (3) the department;  
5 (4) a local child fatality review team established under IC 31-33-24; ~~or~~  
6 (5) the statewide child fatality review committee established under IC 31-33-25; **or**  
7 **(6) the department of child services ombudsman established by IC 4-13-19-3;**  
8 regarding a child whose death or near fatality may have been the result of abuse, abandonment, or  
9 neglect.

10 (b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse,  
11 abandonment, or neglect if:

12 (1) an entity described in subsection (a) determines that the child's death or near fatality is the  
13 result of abuse, abandonment, or neglect; or

14 (2) a prosecuting attorney files:

15 (A) an indictment or information; or

16 (B) a complaint alleging the commission of a delinquent act;

17 that, if proven, would cause a reasonable person to believe that the child's death or near fatality  
18 may have been the result of abuse, abandonment, or neglect.

19 Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in  
20 the county in which the child's death or near fatality occurred shall determine whether the allegations  
21 contained in the indictment, information, or complaint described in subdivision (2), if proven, would  
22 cause a reasonable person to believe that the child's death or near fatality may have been the result of  
23 abuse, abandonment, or neglect.

24 (c) As used in this section:

25 (1) "identifying information" means information that identifies an individual, including an  
26 individual's:

27 (A) name, address, date of birth, occupation, place of employment, and telephone number;

28 (B) employer identification number, mother's maiden name, Social Security number, or any  
29 identification number issued by a governmental entity;

30 (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris  
31 image;

32 (D) unique electronic identification number, address, or routing code;

33 (E) telecommunication identifying information; or

34 (F) telecommunication access device, including a card, a plate, a code, an account number, a  
35 personal identification number, an electronic serial number, a mobile identification number,  
36 or another telecommunications service or device or means of account access; and

37 (2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

38 (d) Unless information in a record is otherwise confidential under state or federal law, a record  
39 described in subsection (a) that has been redacted in accordance with this section is not confidential  
40 and may be disclosed to any person who requests the record. The person requesting the record may  
41 be required to pay the reasonable expenses of copying the record.

42 (e) When a person requests a record described in subsection (a), the entity having control of the  
43 record shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in  
44 the county in which the death or near fatality of the child occurred. However, if the court requests that  
45 the entity having control of a record transmit the original record, the entity shall transmit the original  
46 record.

47 (f) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days,  
48 redact the record to exclude:

49 (1) identifying information described in subsection (c)(1)(B) through (c)(1)(F) of a person; and

- 1 (2) all identifying information of a child less than eighteen (18) years of age.
- 2 (g) The court shall disclose the record redacted in accordance with subsection (f) to any person who  
3 requests the record, if the person has paid:
- 4 (1) to the entity having control of the record, the reasonable expenses of copying under  
5 IC 5-14-3-8; and
- 6 (2) to the court, the reasonable expenses of copying the record.
- 7 (h) The data and information in a record disclosed under this section must include the following:
- 8 (1) A summary of the report of abuse or neglect and a factual description of the contents of the  
9 report.
- 10 (2) The date of birth and gender of the child.
- 11 (3) The cause of the fatality or near fatality, if the cause has been determined.
- 12 (4) Whether the department or the office of the secretary of family and social services had any  
13 contact with the child or a member of the child's family or household before the fatality or near  
14 fatality, and, if the department or the office of the secretary of family and social services had  
15 contact, the following:
- 16 (A) The frequency of the contact or communication with the child or a member of the child's  
17 family or household before the fatality or near fatality and the date on which the last contact  
18 or communication occurred before the fatality or near fatality.
- 19 (B) A summary of the status of the child's case at the time of the fatality or near fatality,  
20 including:
- 21 (i) whether the child's case was closed by the department or the office of the secretary of  
22 family and social services before the fatality or near fatality; and
- 23 (ii) if the child's case was closed as described under item (i), the reasons that the case was  
24 closed.
- 25 (i) The court's determination under subsection (f) that certain identifying information or other  
26 information is not relevant to establishing the facts and circumstances leading to the death or near  
27 fatality of a child is not admissible in a criminal proceeding or civil action.
- 28 SECTION 380. IC 31-33-18-2, AS AMENDED BY P.L.138-2007, SECTION 66, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reports and other material  
30 described in section 1(a) of this chapter and the unredacted reports and other material described in  
31 section 1(b) of this chapter shall be made available only to the following:
- 32 (1) Persons authorized by this article.
- 33 (2) A legally mandated public or private child protective agency investigating a report of child  
34 abuse or neglect or treating a child or family that is the subject of a report or record.
- 35 (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the  
36 death of a child who is investigating a report of a child who may be a victim of child abuse or  
37 neglect.
- 38 (4) A physician who has before the physician a child whom the physician reasonably suspects  
39 may be a victim of child abuse or neglect.
- 40 (5) An individual legally authorized to place a child in protective custody if:
- 41 (A) the individual has before the individual a child whom the individual reasonably suspects  
42 may be a victim of abuse or neglect; and
- 43 (B) the individual requires the information in the report or record to determine whether to  
44 place the child in protective custody.
- 45 (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a  
46 child who is the subject of a report or record or a parent, guardian, custodian, or other person who  
47 is responsible for the child's welfare.
- 48 (7) An individual named in the report or record who is alleged to be abused or neglected or, if  
49 the individual named in the report is a child or is otherwise incompetent, the individual's guardian

1 ad litem or the individual's court appointed special advocate, or both.

2 (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named  
3 in a report or record and an attorney of the person described under this subdivision, with  
4 protection for the identity of reporters and other appropriate individuals.

5 (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the  
6 court's finding that access to the records may be necessary for determination of an issue before  
7 the court. However, except for disclosure of a redacted record in accordance with section 1.5 of  
8 this chapter, access is limited to in camera inspection unless the court determines that public  
9 disclosure of the information contained in the records is necessary for the resolution of an issue  
10 then pending before the court.

11 (10) A grand jury upon the grand jury's determination that access to the records is necessary in  
12 the conduct of the grand jury's official business.

13 (11) An appropriate state or local official responsible for child protection services or legislation  
14 carrying out the official's official functions.

15 (12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or  
16 IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is  
17 necessary to enable the foster care review board to carry out the board's purpose under  
18 IC 31-34-21.

19 (13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before  
20 its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

21 (14) A person about whom a report has been made, with protection for the identity of:

22 (A) any person reporting known or suspected child abuse or neglect; and

23 (B) any other person if the person or agency making the information available finds that  
24 disclosure of the information would be likely to endanger the life or safety of the person.

25 (15) An employee of the department, a caseworker, or a juvenile probation officer conducting a  
26 criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness  
27 of an out-of-home placement for a:

28 (A) child at imminent risk of placement;

29 (B) child in need of services; or

30 (C) delinquent child.

31 The results of a criminal history check conducted under this subdivision must be disclosed to a  
32 court determining the placement of a child described in clauses (A) through (C).

33 (16) A local child fatality review team established under IC 31-33-24-6.

34 (17) The statewide child fatality review committee established by IC 31-33-25-6.

35 (18) The department.

36 (19) The division of family resources, if the investigation report:

37 (A) is classified as substantiated; and

38 (B) concerns:

39 (i) an applicant for a license to operate;

40 (ii) a person licensed to operate;

41 (iii) an employee of; or

42 (iv) a volunteer providing services at;

43 a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

44 (20) A citizen review panel established under IC 31-25-2-20.4.

45 **(21) The department of child services ombudsman established by IC 4-13-19-3.**

46 SECTION 381. IC 31-33-25-6, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO  
47 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The statewide child fatality review  
48 committee is established to review a child's death that is:

49 (1) sudden;

1 (2) unexpected; or  
2 (3) unexplained;  
3 if the county where the child died does not have a local child fatality review team or if the local child  
4 fatality review team requests a review of the child's death by the statewide committee.

5 (b) The statewide child fatality review committee may also review the death of a child upon request  
6 by an individual **or the department of child services ombudsman established by IC 4-13-19-3.**

7 (c) A request submitted under subsection (b) must set forth:

- 8 (1) the name of the child;  
9 (2) the age of the child;  
10 (3) the county where the child died;  
11 (4) whether a local child fatality review team reviewed the death; and  
12 (5) the cause of death of the deceased child.

13 SECTION 382. IC 31-33-25-8, AS AMENDED BY P.L.225-2007, SECTION 8, IS AMENDED  
14 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The statewide child fatality review  
15 committee consists of the following members appointed by the governor:

- 16 (1) a coroner or deputy coroner;  
17 (2) a representative from:  
18 (A) the state department of health established by IC 16-19-1-1;  
19 (B) a local health department established under IC 16-20-2; or  
20 (C) a multiple county health department established under IC 16-20-3;  
21 (3) a pediatrician;  
22 (4) a representative of law enforcement;  
23 (5) a representative from an emergency medical services provider;  
24 (6) the director or a representative of the department;  
25 (7) a representative of a prosecuting attorney;  
26 (8) a pathologist who is:  
27 (A) certified by the American Board of Pathology in forensic pathology; and  
28 (B) licensed to practice medicine in Indiana;  
29 (9) a mental health provider;  
30 (10) a representative of a child abuse prevention program; ~~and~~  
31 (11) a representative of the department of education; **and**  
32 **(12) at the discretion of the department of child services ombudsman, a representative of**  
33 **the department of child services ombudsman established by IC 4-13-19-3.**

34 SECTION 383. IC 31-33-26-5, AS ADDED BY P.L.138-2007, SECTION 67, IS AMENDED TO  
35 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Subject to the accessibility to files  
36 provided in subsection (b), at least ten (10) levels of security for confidentiality in the index must be  
37 maintained.

38 (b) The index must have a comprehensive system of limited access to information as follows:

- 39 (1) The index must be accessed only by the entry of an operator identification number and a  
40 password.  
41 (2) A child welfare caseworker must be allowed to access only:  
42 (A) cases that are assigned to the caseworker; and  
43 (B) other cases or investigations that involve:  
44 (i) a family member of a child; or  
45 (ii) a child;  
46 who is the subject of a case described in clause (A).  
47 (3) A child welfare supervisor may access only the following:  
48 (A) Cases assigned to the supervisor.  
49 (B) Cases assigned to a caseworker who reports to the supervisor.

- 1 (C) Other cases or investigations that involve:  
2 (i) a family member of a child; or  
3 (ii) a child;  
4 who is the subject of a case described in clause (A) or (B).  
5 (D) Cases that are unassigned.  
6 (4) To preserve confidentiality in the workplace, child welfare managers, as designated by the  
7 department, may access any case, except restricted cases involving:  
8 (A) a state employee; or  
9 (B) the immediate family member of a state employee;  
10 who has access to the index. Access to restricted information under this subdivision may be  
11 obtained only if an additional level of security is implemented.  
12 (5) Access to records of authorized users, including passwords, is restricted to:  
13 (A) users designated by the department as administrators; and  
14 (B) the administrator's level of access as determined by the department.  
15 (6) Ancillary programs that may be designed for the index may not be executed in a manner that  
16 would circumvent the index's log-on security measures.  
17 (7) Certain index functions must be accessible only to index operators with specified levels of  
18 authorization as determined by the department.  
19 (8) Files containing passwords must be encrypted.  
20 (9) There must be two (2) additional levels of security for confidentiality as determined by the  
21 department.

22 **(10) The department of child services ombudsman established by IC 4-13-19-3 shall have**  
23 **read only access to the index concerning:**

- 24 **(A) children who are the subject of complaints filed with; or**  
25 **(B) cases being investigated by;**  
26 **the department of child services ombudsman. The office of the department of child services**  
27 **ombudsman shall not have access to any information related to cases or information that**  
28 **involves the ombudsman or any member of the ombudsman's immediate family.**

29 SECTION 384. IC 31-39-2-6, AS AMENDED BY P.L.145-2006, SECTION 359, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The records of the juvenile court are  
31 available without a court order to:

- 32 (1) the attorney for the department of child services; or  
33 (2) any authorized staff member of:  
34 (A) the county office;  
35 (B) the department of child services; ~~or~~  
36 (C) the department of correction; ~~or~~  
37 **(D) the department of child services ombudsman established by IC 4-13-19-3.**

38 SECTION 385. IC 31-39-4-7, AS AMENDED BY P.L.145-2006, SECTION 361, IS AMENDED  
39 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. The records of a law enforcement  
40 agency are available, without specific permission from the head of the agency, to: ~~the:~~

- 41 **(1) the attorney for the department of child services or any authorized staff member; or**  
42 **(2) any authorized staff member of the department of child services ombudsman**  
43 **established by IC 4-13-19-3.**

44 SECTION 386. IC 31-39-9-1, AS ADDED BY P.L.67-2007, SECTION 6, IS AMENDED TO  
45 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The following entities and agencies may  
46 exchange records of a child who is a child in need of services or has been determined to be a  
47 delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or  
48 federal law:

- 49 (1) A court.

- 1 (2) A law enforcement agency.
- 2 (3) The department of correction.
- 3 (4) The department of child services.
- 4 (5) The office of the secretary of family and social services.
- 5 (6) A primary or secondary school, including a public or nonpublic school.
- 6 **(7) The department of child services ombudsman established by IC 4-13-19-3.**

7 SECTION 387. IC 31-40-1-2, AS AMENDED BY P.L.146-2008, SECTION 665, IS AMENDED  
 8 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as otherwise provided in  
 9 this section and subject to:

- 10 (1) this chapter; and
- 11 (2) any other provisions of IC 31-34, IC 31-37, or other applicable law relating to the particular  
 12 program, activity, or service for which payment is made by or through the department;  
 13 the department shall pay the cost of any child services provided by or through the department for any  
 14 child or the child's parent, guardian, or custodian.

15 (b) The department shall pay the cost of returning a child under IC 31-37-23.

16 (c) Except as provided under section 2.5 of this chapter, the department is not responsible for  
 17 payment of any costs of secure detention.

18 (d) The department is not responsible for payment of any costs or expenses for child services for  
 19 a child if:

- 20 (1) the juvenile court has not entered the required findings and conclusions in accordance with  
 21 IC 31-34-5-3, IC 31-34-20-1, IC 31-37-6-6, IC 31-37-19-1, or IC 31-37-19-6 (whichever is  
 22 applicable); and
- 23 (2) the department has determined that the child otherwise meets the eligibility requirements for  
 24 assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.).

25 (e) In all cases under this title, if the juvenile court orders services, programs, or placements that:

- 26 (1) are not eligible for federal assistance under either Title IV-B of the federal Social Security  
 27 Act (42 U.S.C. 620 et seq.) or Title IV-E of the federal Social Security Act (42 U.S.C. 670 et  
 28 seq.); and
- 29 (2) have not been recommended or approved by the department;

30 the department is not responsible for payment of the costs of those services, programs, or placements.

31 (f) The department is not responsible for payment of any costs or expenses for housing or services  
 32 provided to or for the benefit of a child placed by a juvenile court in a home or facility located outside  
 33 Indiana, if the placement ~~does not comply with the conditions stated in IC 31-34-20-1(b) or~~  
 34 ~~IC 31-37-19-3(b).~~ **is not recommended or approved by the director of the department or the**  
 35 **director's designee.**

36 (g) The department is not responsible for payment of any costs or expenses of child services for a  
 37 delinquent child under a dispositional decree entered under IC 31-37-19, if the probation officer who  
 38 prepared the predispositional report did not submit to the department the information relating to  
 39 determination of eligibility of the child for assistance under Title IV-E of the Social Security Act (42  
 40 U.S.C. 670 et seq.), as required by IC 31-37-17-1(a)(3).

41 (h) If:

- 42 (1) the department is not responsible for payment of costs or expenses of services, programs, or  
 43 placements ordered by a court for a child or the child's parent, guardian, or custodian, as provided  
 44 in this section; and
- 45 (2) another source of payment for those costs or expenses is not specified in this section or other  
 46 applicable law;

47 the county in which the child in need of services case or delinquency case was filed is responsible for  
 48 payment of those costs and expenses.

49 SECTION 388. IC 31-40-1-3, AS AMENDED BY P.L.146-2008, SECTION 667, IS AMENDED

1 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A parent or guardian of the estate  
2 of:

- 3 (1) a child adjudicated a delinquent child or a child in need of services; or
- 4 (2) a participant in a program of informal adjustment approved by a juvenile court under  
5 IC 31-34-8 or IC 31-37-9;

6 is financially responsible as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any  
7 services provided by or through the department.

8 (b) Each person described in subsection (a) shall, before a hearing under subsection (c) concerning  
9 payment or reimbursement of costs, furnish the court and the department with an accurately completed  
10 and current child support obligation worksheet on the same form that is prescribed by the Indiana  
11 supreme court for child support orders.

12 (c) At:

- 13 (1) a detention hearing;
- 14 (2) a hearing that is held after the payment of costs by the department under section 2 of this  
15 chapter (or IC 31-6-4-18(b) before its repeal);
- 16 (3) the dispositional hearing; or
- 17 (4) any other hearing to consider modification of a dispositional decree;

18 the juvenile court shall order the child's parents or the guardian of the child's estate to pay for, or  
19 reimburse the department for the cost of services provided to the child or the parent or guardian unless  
20 the court makes a specific finding that the parent or guardian is unable to pay or that justice would not  
21 be served by ordering payment from the parent or guardian.

22 **(d) Any parental reimbursement obligation under this section shall be paid directly to the**  
23 **department and not to the local court clerk so long as the child in need of services case, juvenile**  
24 **delinquency case, or juvenile status offense case is open. The department shall keep track of all**  
25 **payments made by each parent and shall provide a receipt for each payment received. At the end**  
26 **of the child in need of services, juvenile delinquency, or juvenile status action, the department**  
27 **shall provide an accounting of payments received, and the court may consider additional**  
28 **evidence of payment activity and determine the amount of parental reimbursement obligation**  
29 **that remains unpaid. The court shall reduce the unpaid balance to a final judgment that may**  
30 **be enforced in any court having jurisdiction over such matters.**

31 **(e) After a judgment for unpaid parental reimbursement obligation is rendered, payments**  
32 **made toward satisfaction of the judgment shall be made to the clerk of the court in the county**  
33 **where the enforcement action is filed and shall be promptly forwarded to the department in the**  
34 **same manner as any other judgment payment.**

35 SECTION 389. IC 31-40-1-6, AS AMENDED BY P.L.146-2008, SECTION 670, IS AMENDED  
36 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The department may contract  
37 with any of the following, on terms and conditions with respect to compensation and payment or  
38 reimbursement of expenses as the department may determine, for the enforcement and collection of  
39 any parental reimbursement obligation established by order entered by the court under section 3 or  
40 5(g) of this chapter:

41 (1) The prosecuting attorney of the county in which the juvenile court that ordered or approved  
42 the services is located or in which the obligor resides.

43 (2) An attorney licensed to practice law in Indiana, if the attorney is not an employee of the  
44 department.

45 **(3) A private collection agency licensed under IC 25-11.**

46 (b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

47 (c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be  
48 deposited in the county general fund and credited to a separate account identified as the prosecuting  
49 attorney's child services collections account. The prosecuting attorney may expend funds credited to

1 the prosecuting attorney's child services collections account, without appropriation, only for the  
2 purpose of supporting and enhancing the functions of the prosecuting attorney in enforcement and  
3 collection of parental obligations to reimburse the department.

4 **(d) Contracts between a prosecuting attorney, a private attorney, or a collection agency**  
5 **licensed under IC 25-11 and the department:**

6 **(1) must:**

7 **(A) be in writing;**

8 **(B) include:**

9 **(i) all fees, charges, and costs, including administrative and application fees; and**

10 **(ii) the right of the department to cancel the contract at any time;**

11 **(C) require the prosecuting attorney, private attorney, or collection agency, upon the**  
12 **request of the department, to provide the:**

13 **(i) source of each payment received for a parental reimbursement order;**

14 **(ii) form of each payment received for a parental reimbursement order; and**

15 **(iii) amount and percentage that is deducted as a fee or a charge from each payment**  
16 **on the parental reimbursement order; and**

17 **(D) have a term of not more than four (4) years; and**

18 **(2) may be negotiable contingency contracts in which a prosecuting attorney, private**  
19 **attorney, or collection agency may not collect a fee that exceeds fifteen percent (15%) of the**  
20 **parental reimbursement collected per case.**

21 **(e) A prosecuting attorney, private attorney, or collection agency that contracts with the**  
22 **department under this section may, in addition to the collection of the parental reimbursement**  
23 **order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided**  
24 **under the terms of the contract described in subsection (d).**

25 SECTION 390. IC 32-30-10-14, AS AMENDED BY P.L.88-2009, SECTION 3, IS AMENDED  
26 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The proceeds of a sale described  
27 in IC 32-29-7 or section 8 or 12(b) of this chapter must be applied in the following order:

28 (1) Expenses of the offer and sale, including expenses incurred under IC 32-29-7-4 or section 9  
29 of this chapter (or IC 34-1-53-6.5 or IC 32-15-6-6.5 before their repeal).

30 **(2) The amount of any property taxes on the property sold:**

31 **(A) that are due and owing; and**

32 **(B) for which the due date has passed as of the date of the sheriff's sale.**

33 **The sheriff shall transfer the amounts collected under this subdivision to the county**  
34 **treasurer not more than ten (10) days after the date of the sheriff's sale.**

35 **(3) Any amount of redemption where a certificate of sale is outstanding.**

36 ~~(2)~~ **(4) The payment of the principal due, interest, and costs not described in subdivision (1).**

37 ~~(3)~~ **(5) The residue secured by the mortgage and not due.**

38 ~~(4)~~ **(6) If the residue referred to in subdivision ~~(3)~~ (5) does not bear interest, a deduction must be**  
39 **made by discounting the legal interest.**

40 In all cases in which the proceeds of sale exceed the amounts described in subdivisions (1) through  
41 ~~(4)~~, **(6)**, the surplus must be paid to the clerk of the court to be transferred, as the court directs, to the  
42 mortgage debtor, mortgage debtor's heirs, or other persons assigned by the mortgage debtor.

43 SECTION 391. IC 33-34-8-3, AS AMENDED BY P.L.122-2008, SECTION 2, IS AMENDED TO  
44 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Payment for all costs made as a result  
45 of proceedings in a small claims court shall be to the \_\_\_\_\_ Township of Marion County Small  
46 Claims Court (with the name of the township inserted). The court shall issue a receipt for all money  
47 received on a form numbered serially in duplicate. All township docket fees and late fees received by  
48 the court shall be paid to the township trustee at the close of each month.

49 (b) The court shall:

- 1 (1) semiannually distribute to the auditor of state:  
2 (A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the  
3 **homeowner protection unit account established by IC 4-6-12-9 and the** state user fee fund  
4 established under IC 33-37-9;  
5 (B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for  
6 deposit in the state general fund;  
7 (C) sixty percent (60%) of all court administration fees collected by the court under  
8 IC 33-37-5-27 for deposit in the state general fund;  
9 (D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for  
10 deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and  
11 (E) seventy-five percent (75%) of all judicial salaries fees collected by the court under  
12 IC 33-37-5-26 for deposit in the state general fund; and

13 (2) distribute monthly to the county auditor all document storage fees received by the court.  
14 The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E)  
15 shall be deposited monthly in the township general fund of the township in which the court is located.  
16 The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record  
17 perpetuation fund under IC 33-37-5-2.

18 (c) The court semiannually shall pay to the township trustee of the township in which the court is  
19 located the remaining forty percent (40%) of the court administration fees described under subsection  
20 (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

21 SECTION 392. IC 33-37-4-1, AS AMENDED BY P.L.176-2005, SECTION 4, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) For each action that results in a  
23 felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall  
24 collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

25 (b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the  
26 defendant the following fees if they are required under IC 33-37-5:

- 27 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).  
28 (2) A marijuana eradication program fee (IC 33-37-5-7).  
29 (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).  
30 (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).  
31 (5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).  
32 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).  
33 (7) A child abuse prevention fee (IC 33-37-5-12).  
34 (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).  
35 (9) A highway work zone fee (IC 33-37-5-14).  
36 (10) A deferred prosecution fee (IC 33-37-5-17).  
37 (11) A document storage fee (IC 33-37-5-20).  
38 (12) An automated record keeping fee (IC 33-37-5-21).  
39 (13) A late payment fee (IC 33-37-5-22).  
40 (14) A sexual assault victims assistance fee (IC 33-37-5-23).  
41 (15) A public defense administration fee (IC 33-37-5-21.2).  
42 (16) A judicial insurance adjustment fee (IC 33-37-5-25).  
43 (17) A judicial salaries fee (IC 33-37-5-26).  
44 (18) A court administration fee (IC 33-37-5-27).  
45 (19) A DNA sample processing fee (IC 33-37-5-26.2).

46 (c) Instead of the criminal costs fee prescribed by this section, **except for the automated record**  
47 **keeping fee (IC 33-37-5-21)**, the clerk shall collect a pretrial diversion program fee if an agreement  
48 between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires  
49 payment of those fees by the accused person. The pretrial diversion program fee is:

- 1 (1) an initial user's fee of fifty dollars (\$50); and
- 2 (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial
- 3 diversion program.

4 (d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees,  
5 not later than thirty (30) days after the fees are collected:

- 6 (1) The pretrial diversion fee.
- 7 (2) The marijuana eradication program fee.
- 8 (3) The alcohol and drug services program user fee.
- 9 (4) The law enforcement continuing education program fee.

10 The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user  
11 fee fund established under IC 33-37-8.

12 (e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from  
13 a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee  
14 as follows:

- 15 (1) The clerk shall apply the partial payment to general court costs.
- 16 (2) If there is money remaining after the partial payment is applied to general court costs under  
17 subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the  
18 appropriate county user fee fund.
- 19 (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute  
20 the remainder of the partial payment for deposit in the state user fee fund.
- 21 (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute  
22 the remainder of the partial payment to any other applicable user fee fund.
- 23 (5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the  
24 remainder of the partial payment to any outstanding fines owed by the defendant.

25 SECTION 393. IC 33-37-4-2, AS AMENDED BY P.L.176-2005, SECTION 5, IS AMENDED TO  
26 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in subsections  
27 (d) and (e), for each action that results in a judgment:

- 28 (1) for a violation constituting an infraction; or
  - 29 (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);
- 30 the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy  
31 dollars (\$70).

32 (b) In addition to the infraction or ordinance violation costs fee collected under this section, the  
33 clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

- 34 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- 35 (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- 36 (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- 37 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 38 (5) A highway work zone fee (IC 33-37-5-14).
- 39 (6) A deferred prosecution fee (IC 33-37-5-17).
- 40 (7) A jury fee (IC 33-37-5-19).
- 41 (8) A document storage fee (IC 33-37-5-20).
- 42 (9) An automated record keeping fee (IC 33-37-5-21).
- 43 (10) A late payment fee (IC 33-37-5-22).
- 44 (11) A public defense administration fee (IC 33-37-5-21.2).
- 45 (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- 46 (13) A judicial salaries fee (IC 33-37-5-26).
- 47 (14) A court administration fee (IC 33-37-5-27).
- 48 (15) A DNA sample processing fee (IC 33-37-5-26.2).

49 (c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the

1 following fees, not later than thirty (30) days after the fees are collected:

- 2 (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- 3 (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- 4 (3) The deferral program fee (subsection (e)).

5 The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

6 (d) The defendant is not liable for any ordinance violation costs fee in an action if all the following  
7 apply:

- 8 (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- 9 (2) The defendant denied the violation under IC 33-36-3.
- 10 (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32  
11 before its repeal).
- 12 (4) The defendant was tried and the court entered judgment for the defendant for the violation.

13 (e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), **except**  
14 **for the automated record keeping fee (IC 33-37-5-21)**, the clerk shall collect a deferral program fee  
15 if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the  
16 person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)  
17 requires payment of those fees by the person charged with the violation. The deferral program fee is:

- 18 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 19 (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the  
20 deferral program.

21 (f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected  
22 from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

23 SECTION 394. IC 33-37-5-21, AS AMENDED BY P.L.234-2007, SECTION 69, IS AMENDED  
24 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) This section applies to all civil,  
25 criminal, infraction, and ordinance violation actions.

26 (b) The clerk shall collect a ~~seven dollar (\$7)~~ **an automated record keeping fee as follows:**

- 27 (1) Seven dollars (\$7) after June 30, 2003, and before July 1, 2011.
- 28 (2) Four dollars (\$4) after June 30, 2011.

29 SECTION 395. IC 33-37-7-2, AS AMENDED BY P.L.105-2009, SECTION 24, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The clerk of a circuit court shall  
31 distribute semiannually to the auditor of state as the state share for deposit in the **homeowner**  
32 **protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the**  
33 **automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting**  
34 **in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8**  
35 **or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund**  
36 **seventy percent (70%) of the amount of fees collected under the following:**

- 37 (1) IC 33-37-4-1(a) (criminal costs fees).
- 38 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 39 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 40 (4) IC 33-37-4-4(a) (civil costs fees).
- 41 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 42 (6) IC 33-37-4-7(a) (probate costs fees).
- 43 (7) IC 33-37-5-17 (deferred prosecution fees).

44 (b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the  
45 state user fee fund established in IC 33-37-9-2 the following:

- 46 (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees  
47 collected under IC 33-37-4-1(b)(5).
- 48 (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under

1 IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
2 (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).  
3 (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected  
4 under IC 33-37-4-1(b)(8).  
5 (5) One hundred percent (100%) of the highway work zone fees collected under  
6 IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).  
7 (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.  
8 (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) **not**  
9 **distributed under subsection (a).**  
10 (c) The clerk of a circuit court shall distribute monthly to the county auditor the following:  
11 (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees  
12 collected under IC 33-37-4-1(b)(5).  
13 (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under  
14 IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
15 The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug  
16 free community fund established under IC 5-2-11.  
17 (d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%)  
18 of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit  
19 fees distributed by a clerk under this subsection into the county child advocacy fund established under  
20 IC 12-17-17.  
21 (e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent  
22 (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees  
23 distributed by a clerk under this subsection as follows:  
24 (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor  
25 shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established  
26 under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.  
27 (2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county  
28 auditor shall deposit all the fees in the county general fund.  
29 (f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in  
30 the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent  
31 (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.  
32 (g) The clerk of a circuit court shall distribute monthly to the county auditor the following:  
33 (1) One hundred percent (100%) of the support and maintenance fees for cases designated as  
34 non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS)  
35 collected under IC 33-37-5-6.  
36 (2) The percentage share of the support and maintenance fees for cases designated as IV-D child  
37 support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the  
38 federal financial participation rate.  
39 The county clerk shall distribute monthly to the office of the secretary of family and social services  
40 the percentage share of the support and maintenance fees for cases designated as Title IV-D child  
41 support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the  
42 applicable federal financial participation rate.  
43 (h) The clerk of a circuit court shall distribute monthly to the county auditor the following:  
44 (1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or  
45 IC 33-37-4-6(a)(2) for deposit in the county general fund.  
46 (2) One hundred percent (100%) of the small claims garnishee service fee under  
47 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.  
48 (i) This subsection does not apply to court administration fees collected in small claims actions  
49 filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the

1 auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

2 (1) The public defense administration fee collected under IC 33-37-5-21.2.

3 (2) The judicial salaries fees collected under IC 33-37-5-26.

4 (3) The DNA sample processing fees collected under IC 33-37-5-26.2.

5 (4) The court administration fees collected under IC 33-37-5-27.

6 (j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the  
7 judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent  
8 (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

9 (k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall  
10 be distributed as follows:

11 (1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a  
12 circuit, superior, county, or probate court to the county auditor for deposit in the county general  
13 fund.

14 (2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city  
15 or town court to the city or town fiscal officer for deposit in the city or town general fund.

16 (l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or  
17 IC 33-37-5-28(b)(4) shall be distributed as follows:

18 (1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected  
19 in a circuit, superior, county, or probate court to the county auditor for deposit in the county  
20 general fund.

21 (2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected  
22 in a city or town court to the city or town fiscal officer for deposit in the city or town general  
23 fund.

24 (m) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in  
25 the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of  
26 the mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its  
27 expiration on January 1, 2013).

28 SECTION 396. IC 33-37-7-8, AS AMENDED BY P.L.224-2007, SECTION 120, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The clerk of a city or town court  
30 shall distribute semiannually to the auditor of state as the state share for deposit in the **homeowner**  
31 **protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the**  
32 **automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting**  
33 **in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8**  
34 **or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund**  
35 **fifty-five percent (55%) of the amount of fees collected under the following:**

36 (1) IC 33-37-4-1(a) (criminal costs fees).

37 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

38 (3) IC 33-37-4-4(a) (civil costs fees).

39 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

40 (5) IC 33-37-5-17 (deferred prosecution fees).

41 (b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share  
42 twenty percent (20%) of the amount of fees collected under the following:

43 (1) IC 33-37-4-1(a) (criminal costs fees).

44 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

45 (3) IC 33-37-4-4(a) (civil costs fees).

46 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

47 (5) IC 33-37-5-17 (deferred prosecution fees).

48 (c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share  
49 of the fees collected under the following:

- 1 (1) IC 33-37-4-1(a) (criminal costs fees).
- 2 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 3 (3) IC 33-37-4-4(a) (civil costs fees).
- 4 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 5 (5) IC 33-37-5-17 (deferred prosecution fees).

6 (d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit  
7 in the state user fee fund established in IC 33-37-9 the following:

- 8 (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees  
9 collected under IC 33-37-4-1(b)(5).
- 10 (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under  
11 IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 12 (3) One hundred percent (100%) of the highway work zone fees collected under  
13 IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 14 (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- 15 (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) **not**  
16 **distributed under subsection (a).**

17 (e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

- 18 (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees  
19 collected under IC 33-37-4-1(b)(5).
- 20 (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under  
21 IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

22 The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug  
23 free community fund established under IC 5-2-11.

24 (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as  
25 defined in IC 36-1-2-7) one hundred percent (100%) of the following:

- 26 (1) The late payment fees collected under IC 33-37-5-22.
- 27 (2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 28 (3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or  
29 IC 33-37-4-6(a)(3).

30 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk  
31 under this subsection in the city or town general fund.

32 (g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit  
33 in the state general fund one hundred percent (100%) of the following:

- 34 (1) The public defense administration fee collected under IC 33-37-5-21.2.
- 35 (2) The DNA sample processing fees collected under IC 33-37-5-26.2.
- 36 (3) The court administration fees collected under IC 33-37-5-27.

37 (h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit  
38 in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent  
39 (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

40 (i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit  
41 in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under  
42 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial  
43 salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized  
44 to fund city or town court operations.

45 SECTION 397. IC 34-30-2-39.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
46 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 39.6. IC 4-13-19-6 (Concerning a**  
47 **person who releases information to the department of child services ombudsman).**

48 SECTION 398. IC 34-30-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION

1 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 39.7. IC 4-13-19-9 (Concerning the**  
2 **department of child services ombudsman for the good faith performance of official duties).**

3 SECTION 399. IC 35-48-7-8.1, AS ADDED BY P.L.65-2006, SECTION 9, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.1. (a) This section applies after June 30,  
5 2007.

6 (b) The advisory committee shall provide for a controlled substance prescription monitoring  
7 program that includes the following components:

8 (1) Each time a controlled substance designated by the advisory committee under IC 35-48-2-5  
9 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the  
10 following information:

11 (A) The controlled substance recipient's name.

12 (B) The controlled substance recipient's or the recipient representative's identification number  
13 or the identification number or phrase designated by the INSPECT program.

14 (C) The controlled substance recipient's date of birth.

15 (D) The national drug code number of the controlled substance dispensed.

16 (E) The date the controlled substance is dispensed.

17 (F) The quantity of the controlled substance dispensed.

18 (G) The number of days of supply dispensed.

19 (H) The dispenser's United States Drug Enforcement Agency registration number.

20 (I) The prescriber's United States Drug Enforcement Agency registration number.

21 (J) An indication as to whether the prescription was transmitted to the pharmacist orally or in  
22 writing.

23 (K) Other data required by the advisory committee.

24 (2) The information required to be transmitted under this section must be transmitted not more  
25 than seven (7) days after the date on which a controlled substance is dispensed.

26 (3) A dispenser shall transmit the information required under this section by:

27 (A) uploading to the INSPECT web site;

28 (B) a computer diskette; or

29 (C) a CD-ROM disk;

30 that meets specifications prescribed by the advisory committee.

31 (4) The advisory committee may require that prescriptions for controlled substances be written  
32 on a one (1) part form that cannot be duplicated. However, the advisory committee may not apply  
33 such a requirement to prescriptions filled at a pharmacy with a Type II permit (as described in  
34 IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for  
35 and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The committee  
36 may not require multiple copy prescription forms ~~and serially numbered prescription forms~~ for  
37 any prescriptions written. The advisory committee may not require different prescription forms  
38 for any individual drug or group of drugs. Prescription forms required under this subdivision must  
39 be jointly approved by the committee and by the Indiana board of pharmacy established by  
40 IC 25-26-13-3.

41 (5) The costs of the program.

42 SECTION 400. IC 36-3-1-5.1, AS AMENDED BY P.L.216-2007, SECTION 54, IS AMENDED  
43 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) Except for those duties that are  
44 reserved by law to the county sheriff in this section, the city-county legislative body may by majority  
45 vote adopt an ordinance, approved by the mayor, to consolidate the police department of the  
46 consolidated city and the county sheriff's department.

47 (b) The city-county legislative body may not adopt an ordinance under this section unless it first:

48 (1) holds a public hearing on the proposed consolidation; and

49 (2) determines that:

- 1 (A) reasonable and adequate police protection can be provided through the consolidation; and
- 2 (B) the consolidation is in the public interest.

3 (c) If an ordinance is adopted under this section, the consolidation shall take effect on the date  
4 specified in the ordinance.

5 (d) Notwithstanding any other law, an ordinance adopted under this section must provide that the  
6 county sheriff's department shall be responsible for all the following for the consolidated city and the  
7 county under the direction and control of the sheriff:

- 8 (1) County jail operations and facilities.
- 9 (2) Emergency communications.
- 10 (3) Security for buildings and property owned by:
  - 11 (A) the consolidated city;
  - 12 (B) the county; or
  - 13 (C) both the consolidated city and county.
- 14 (4) Service of civil process and collection of taxes under tax warrants.
- 15 (5) Sex and violent offender registration.

16 (e) The following apply if an ordinance is adopted under this section:

17 (1) The department of local government finance ~~on recommendation from the local government~~  
18 ~~tax control board~~; shall adjust the maximum permissible ad valorem property tax levy of the  
19 consolidated city and the county for property taxes first due and payable in the year a  
20 consolidation takes effect under this section. When added together, the adjustments under this  
21 subdivision must total zero (0).

22 (2) The ordinance must specify which law enforcement officers of the police department and  
23 which law enforcement officers of the county sheriff's department shall be law enforcement  
24 officers of the consolidated law enforcement department.

25 (3) The ordinance may not prohibit the providing of law enforcement services for an excluded  
26 city under an interlocal agreement under IC 36-1-7.

27 (4) A member of the county police force who:

28 (A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the  
29 law enforcement departments; and

30 (B) after the consolidation becomes a law enforcement officer of the consolidated law  
31 enforcement department;

32 remains an employee beneficiary of the sheriff's pension trust. The member retains, after the  
33 consolidation, credit in the sheriff's pension trust for service earned while a member of the county  
34 police force and continues to earn service credit in the sheriff's pension trust as a member of the  
35 consolidated law enforcement department for purposes of determining the member's benefits  
36 from the sheriff's pension trust.

37 (5) A member of the police department of the consolidated city who:

38 (A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law  
39 enforcement departments; and

40 (B) after the consolidation becomes a law enforcement officer of the consolidated law  
41 enforcement department;

42 remains a member of the 1953 fund or the 1977 fund. The member retains, after the  
43 consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the  
44 police department of the consolidated city and continues to earn service credit in the 1953 fund  
45 or the 1977 fund as a member of the consolidated law enforcement department for purposes of  
46 determining the member's benefits from the 1953 fund or the 1977 fund.

47 (6) The ordinance must designate the merit system that shall apply to the law enforcement  
48 officers of the consolidated law enforcement department.

49 (7) The ordinance must designate who shall serve as a coapplicant for a warrant or an extension

1 of a warrant under IC 35-33.5-2.

2 (8) The consolidated city may levy property taxes within the consolidated city's maximum  
3 permissible ad valorem property tax levy limit to provide for the payment of the expenses for the  
4 operation of the consolidated law enforcement department. The police special service district  
5 established under section 6 of this chapter may levy property taxes to provide for the payment  
6 of expenses for the operation of the consolidated law enforcement department within the territory  
7 of the police special service district. Property taxes to fund the pension obligation under  
8 IC 36-8-7.5 may be levied only by the police special service district within the police special  
9 service district. The consolidated city may not levy property taxes to fund the pension obligation  
10 under IC 36-8-7.5. Property taxes to fund the pension obligation under IC 36-8-8 for members  
11 of the 1977 police officers' and firefighters' pension and disability fund who were members of  
12 the police department of the consolidated city on the effective date of the consolidation may be  
13 levied only by the police special service district within the police special service district. Property  
14 taxes to fund the pension obligation under IC 36-8-10 for members of the sheriff's pension trust  
15 and under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and  
16 disability fund who were not members of the police department of the consolidated city on the  
17 effective date of the consolidation may be levied by the consolidated city within the consolidated  
18 city's maximum permissible ad valorem property tax levy. The assets of the consolidated city's  
19 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date  
20 of the consolidation as collateral for any loan.

21 (9) The executive of the consolidated city shall provide for an independent evaluation and  
22 performance audit, due before March 1 of the year following the adoption of the consolidation  
23 ordinance and for the following two (2) years, to determine:

24 (A) the amount of any cost savings, operational efficiencies, or improved service levels; and

25 (B) any tax shifts among taxpayers;

26 that result from the consolidation. The independent evaluation and performance audit must be  
27 provided to the legislative council in an electronic format under IC 5-14-6 and to the budget  
28 committee.

29 SECTION 401. IC 36-3-6-9, AS AMENDED BY P.L.146-2008, SECTION 705, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) **Except as provided in**  
31 **subsection (d)**, the city-county legislative body shall review the proposed operating and maintenance  
32 budgets and tax levies and adopt final operating and maintenance budgets and tax levies for each of  
33 the following entities in the county:

34 (1) An airport authority operating under IC 8-22-3.

35 (2) A public library operating under IC 36-12.

36 (3) A capital improvement board of managers operating under IC 36-10.

37 (4) A public transportation corporation operating under IC 36-9-4.

38 (5) A health and hospital corporation established under IC 16-22-8.

39 (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is located in the county and has a  
40 governing body that is not comprised of a majority of officials who are elected to serve on the  
41 governing body.

42 Except as provided in subsection (c), the city-county legislative body may reduce or modify but not  
43 increase a proposed operating and maintenance budget or tax levy under this section.

44 (b) The board of each entity listed in subsection (a) shall, after adoption of its proposed budget and  
45 tax levies, submit them, along with detailed accounts, to the city clerk before the first day of  
46 September of each year.

47 (c) The city-county legislative body **or, when subsection (d) applies, the fiscal body of an**  
48 **excluded city or town** shall review the issuance of bonds of an entity listed in subsection (a).

1 Approval of the city-county legislative body **or, when subsection (d) applies, the fiscal body of an**  
2 **excluded city or town** is required for the issuance of bonds. The city-county legislative body **or the**  
3 **fiscal body of an excluded city or town** may not reduce or modify a budget or tax levy of an entity  
4 listed in subsection (a) in a manner that would:

5 (1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with  
6 the holders of the entity's bonds; or

7 (2) in any way impair the rights or remedies of the holders of the entity's bonds.

8 (d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town  
9 (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body  
10 of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city  
11 or town fiscal body for approval **and not the city-county legislative body. Except as provided in**  
12 **subsection (c), the fiscal body of the excluded city or town may reduce or modify but not increase**  
13 **a proposed operating and maintenance budget or tax levy under this section.**

14 SECTION 402. IC 36-4-3-4, AS AMENDED BY P.L.111-2005, SECTION 3, IS AMENDED TO  
15 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The legislative body of a  
16 municipality may, by ordinance, annex any of the following:

17 (1) Territory that is contiguous to the municipality.

18 (2) Territory that is not contiguous to the municipality and is occupied by a municipally owned  
19 or operated airport or landing field.

20 (3) Territory that is not contiguous to the municipality but is found by the legislative body to be  
21 occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However,  
22 if territory annexed under this subsection ceases to be used as a municipally owned or regulated  
23 sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the  
24 jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction  
25 over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction  
26 of the unit that would currently have jurisdiction over the territory if the annexation had not  
27 occurred. The clerk of the municipality shall notify the offices required to receive notice of a  
28 disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the  
29 unit having jurisdiction before the annexation.

30 (b) This subsection applies to municipalities in a county having a population of:

31 (1) more than seventy-three thousand (73,000) but less than seventy-four thousand (74,000);

32 (2) more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand  
33 (73,000);

34 (3) more than seventy thousand (70,000) but less than seventy-one thousand (71,000);

35 (4) more than forty-five thousand (45,000) but less than forty-five thousand nine hundred  
36 (45,900);

37 (5) more than forty thousand nine hundred (40,900) but less than forty-one thousand (41,000);

38 (6) more than thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000);

39 (7) more than thirty thousand (30,000) but less than thirty thousand seven hundred (30,700);

40 (8) more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand  
41 (24,000); ~~or~~

42 (9) more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than  
43 three hundred thousand (300,000); **or**

44 **(10) more than thirty-four thousand nine hundred fifty (34,950) but less than thirty-six**  
45 **thousand (36,000).**

46 Except as provided in subsection (c), the legislative body of a municipality to which this subsection  
47 applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area  
48 not more than two (2) miles from the municipality's boundary, is to be used for an industrial park

1 containing one (1) or more businesses, and is either owned by the municipality or by a property owner  
2 who consents to the annexation. However, if territory annexed under this subsection is not used as an  
3 industrial park within five (5) years after the date of passage of the annexation ordinance, or if the  
4 territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the  
5 jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over  
6 the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit  
7 that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk  
8 of the municipality shall notify the offices entitled to receive notice of a disannexation under section  
9 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before  
10 the annexation.

11 (c) A city in a county with a population of more than two hundred thousand (200,000) but less than  
12 three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the  
13 territory is zoned by the county for industrial purposes.

14 (d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not  
15 considered a part of the municipality for the purposes of:

16 (1) annexing additional territory:

17 (A) in a county that is not described by clause (B); or

18 (B) in a county having a population of more than two hundred thousand (200,000) but less  
19 than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory  
20 become contiguous to the city, as allowed by Indiana law;

21 (2) expanding the municipality's extraterritorial jurisdictional area; or

22 (3) changing an assigned service area under IC 8-1-2.3-6(1).

23 (e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

24 (f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

25 (g) An ordinance adopted under this section must assign the territory annexed by the ordinance to  
26 at least one (1) municipal legislative body district.

27 (h) This subsection applies to a city having a population of more than thirty-one thousand (31,000)  
28 but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex  
29 territory that:

30 (1) is not contiguous to the city;

31 (2) has its entire area not more than eight (8) miles from the city's boundary;

32 (3) does not extend more than:

33 (A) one and one-half (1 1/2) miles to the west;

34 (B) three-fourths (3/4) mile to the east;

35 (C) one-half (1/2) mile to the north; or

36 (D) one-half (1/2) mile to the south;

37 of an interchange of an interstate highway (as designated by the federal highway authorities) and  
38 a state highway (as designated by the state highway authorities); and

39 (4) is owned by the city or by a property owner that consents to the annexation.

40 SECTION 403. IC 36-4-8-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
41 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) This section applies to:**

42 **(1) a city or county in which a riverboat (as defined in IC 4-33-2-17) is docked or located**  
43 **or gambling games (as defined in IC 4-35-2-5) are located; and**

44 **(2) a school corporation that is located in any part in a county described in subdivision (1)**  
45 **or in a county in which a city described in subdivision (1) is located.**

46 **(b) A city or county may do any of the following:**

47 **(1) Enter into one (1) or more agreements or leases with the school corporation or another**  
48 **public or private entity to provide for the construction or renovation of a school building**  
49 **that will be used by the school corporation. The agreements and leases may provide for the**

1 **financing of the construction or renovation of the school building.**

2 **(2) A school building constructed or renovated as provided in subdivision (1) may be**  
3 **donated, sold, or leased to the school corporation under the conditions determined by the**  
4 **school corporation and the city or county.**

5 **(3) The city or county may use any revenues (including any gaming revenues) to pay for the**  
6 **construction or renovation of the school building or to finance the construction or**  
7 **renovation of the school building.**

8 SECTION 404. IC 36-7-14-39, AS AMENDED BY P.L.88-2009, SECTION 13, IS AMENDED  
9 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 39. (a) As used in this section:

10 "Allocation area" means that part of a redevelopment project area to which an allocation provision  
11 of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution  
12 and allocation of property taxes.

13 "Base assessed value" means the following:

14 (1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an  
15 amendment to a declaratory resolution establishing an economic development area:

16 (A) the net assessed value of all the property as finally determined for the assessment date  
17 immediately preceding the effective date of the allocation provision of the declaratory  
18 resolution, as adjusted under subsection (h); plus

19 (B) to the extent that it is not included in clause (A), the net assessed value of property that  
20 is assessed as residential property under the rules of the department of local government  
21 finance, as finally determined for any assessment date after the effective date of the allocation  
22 provision.

23 (2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an  
24 amendment to a declaratory resolution establishing a redevelopment project area:

25 (A) the net assessed value of all the property as finally determined for the assessment date  
26 immediately preceding the effective date of the allocation provision of the declaratory  
27 resolution, as adjusted under subsection (h); plus

28 (B) to the extent that it is not included in clause (A), the net assessed value of property that  
29 is assessed as residential property under the rules of the department of local government  
30 finance, as finally determined for any assessment date after the effective date of the allocation  
31 provision.

32 (3) If:

33 (A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an  
34 amendment to a declaratory resolution establishing a redevelopment project area expires after  
35 June 30, 1997; and

36 (B) after June 30, 1997, a new allocation provision is included in an amendment to the  
37 declaratory resolution;

38 the net assessed value of all the property as finally determined for the assessment date  
39 immediately preceding the effective date of the allocation provision adopted after June 30, 1997,  
40 as adjusted under subsection (h).

41 (4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of  
42 all the property as finally determined for the assessment date immediately preceding the effective  
43 date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

44 (5) If an allocation area established in an economic development area before July 1, 1995, is  
45 expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of  
46 the area added after June 30, 1995.

47 (6) If an allocation area established in a redevelopment project area before July 1, 1997, is  
48 expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of  
49 the area added after June 30, 1997.

1 Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under  
2 IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission  
3 adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on  
4 depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a  
5 resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on  
6 depreciable personal property that has a useful life in excess of eight (8) years, the commission may  
7 by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal  
8 property that will be included within the definition of property taxes. However, the percentage  
9 included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all  
10 depreciable personal property.

11 (b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation  
12 deadline determined under subsection (i) may include a provision with respect to the allocation and  
13 distribution of property taxes for the purposes and in the manner provided in this section. A  
14 declaratory resolution previously adopted may include an allocation provision by the amendment of  
15 that declaratory resolution on or before the allocation deadline determined under subsection (i) in  
16 accordance with the procedures required for its original adoption. A declaratory resolution or an  
17 amendment that establishes an allocation provision after June 30, 1995, must specify an expiration  
18 date for the allocation provision. For an allocation area established before July 1, 2008, the expiration  
19 date may not be more than thirty (30) years after the date on which the allocation provision is  
20 established. For an allocation area established after June 30, 2008, the expiration date may not be more  
21 than twenty-five (25) years after the date on which the ~~allocation provision is established~~. **first**  
22 **obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable**  
23 **from tax increment revenues.** However, with respect to bonds or other obligations that were issued  
24 before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature  
25 before the specified expiration date and that are payable only from allocated tax proceeds with respect  
26 to the allocation area remain outstanding as of the expiration date, the allocation provision does not  
27 expire until all of the bonds or other obligations are no longer outstanding. The allocation provision  
28 may apply to all or part of the redevelopment project area. The allocation provision must require that  
29 any property taxes subsequently levied by or for the benefit of any public body entitled to a  
30 distribution of property taxes on taxable property in the allocation area be allocated and distributed  
31 as follows:

32 (1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the  
33 lesser of:

34 (A) the assessed value of the property for the assessment date with respect to which the  
35 allocation and distribution is made; or

36 (B) the base assessed value;

37 shall be allocated to and, when collected, paid into the funds of the respective taxing units.

38 (2) Except as otherwise provided in this section, property tax proceeds in excess of those  
39 described in subdivision (1) shall be allocated to the redevelopment district and, when collected,  
40 paid into an allocation fund for that allocation area that may be used by the redevelopment district  
41 only to do one (1) or more of the following:

42 (A) Pay the principal of and interest on any obligations payable solely from allocated tax  
43 proceeds which are incurred by the redevelopment district for the purpose of financing or  
44 refinancing the redevelopment of that allocation area.

45 (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part  
46 from allocated tax proceeds in that allocation area.

47 (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that  
48 allocation area and from the special tax levied under section 27 of this chapter.

49 (D) Pay the principal of and interest on bonds issued by the unit to pay for local public

1 improvements that are physically located in or physically connected to that allocation area.  
2 (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from  
3 allocated tax proceeds in that allocation area.

4 (F) Make payments on leases payable from allocated tax proceeds in that allocation area under  
5 section 25.2 of this chapter.

6 (G) Reimburse the unit for expenditures made by it for local public improvements (which  
7 include buildings, parking facilities, and other items described in section 25.1(a) of this  
8 chapter) that are physically located in or physically connected to that allocation area.

9 (H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically  
10 located in or physically connected to that allocation area under any lease entered into under  
11 IC 36-1-10.

12 (I) For property taxes first due and payable before January 1, 2009, pay all or a part of a  
13 property tax replacement credit to taxpayers in an allocation area as determined by the  
14 redevelopment commission. This credit equals the amount determined under the following  
15 STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or  
16 part of the allocation area:

17 STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A),  
18 IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is  
19 attributable to the taxing district.

20 STEP TWO: Divide:

21 (i) that part of each county's eligible property tax replacement amount (as defined in  
22 IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the  
23 taxing district; by

24 (ii) the STEP ONE sum.

25 STEP THREE: Multiply:

26 (i) the STEP TWO quotient; times

27 (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing  
28 district that have been allocated during that year to an allocation fund under this section.

29 If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the  
30 allocation area is entitled to receive the same proportion of the credit. A taxpayer may not  
31 receive a credit under this section and a credit under section 39.5 of this chapter (before its  
32 repeal) in the same year.

33 (J) Pay expenses incurred by the redevelopment commission for local public improvements  
34 that are in the allocation area or serving the allocation area. Public improvements include  
35 buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

36 (K) Reimburse public and private entities for expenses incurred in training employees of  
37 industrial facilities that are located:

38 (i) in the allocation area; and

39 (ii) on a parcel of real property that has been classified as industrial property under the rules  
40 of the department of local government finance.

41 However, the total amount of money spent for this purpose in any year may not exceed the  
42 total amount of money in the allocation fund that is attributable to property taxes paid by the  
43 industrial facilities described in this clause. The reimbursements under this clause must be  
44 made within three (3) years after the date on which the investments that are the basis for the  
45 increment financing are made.

46 (L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5)  
47 within the unit that established the redevelopment commission. However, property tax  
48 proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency  
49 project only if those property tax proceeds exceed the amount necessary to do the following:

- 1 (i) Make, when due, any payments required under clauses (A) through (K), including any
- 2 payments of principal and interest on bonds and other obligations payable under this
- 3 subdivision, any payments of premiums under this subdivision on the redemption before
- 4 maturity of bonds, and any payments on leases payable under this subdivision.
- 5 (ii) Make any reimbursements required under this subdivision.
- 6 (iii) Pay any expenses required under this subdivision.
- 7 (iv) Establish, augment, or restore any debt service reserve under this subdivision.

8 The allocation fund may not be used for operating expenses of the commission.

9 (3) Except as provided in subsection (g), before July 15 of each year the commission shall do the  
10 following:

11 (A) Determine the amount, if any, by which the assessed value of the taxable property in the  
12 allocation area for the most recent assessment date minus the base assessed value, when  
13 multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed  
14 value needed to produce the property taxes necessary to make, when due, principal and  
15 interest payments on bonds described in subdivision (2) plus the amount necessary for other  
16 purposes described in subdivision (2).

17 (B) Provide a written notice to the county auditor, the fiscal body of the county or  
18 municipality that established the department of redevelopment, and the officers who are  
19 authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other  
20 taxing units that is wholly or partly located within the allocation area. The notice must:

21 (i) state the amount, if any, of excess assessed value that the commission has determined  
22 may be allocated to the respective taxing units in the manner prescribed in subdivision (1);  
23 or

24 (ii) state that the commission has determined that there is no excess assessed value that may  
25 be allocated to the respective taxing units in the manner prescribed in subdivision (1).

26 The county auditor shall allocate to the respective taxing units the amount, if any, of excess  
27 assessed value determined by the commission. The commission may not authorize an  
28 allocation of assessed value to the respective taxing units under this subdivision if to do so  
29 would endanger the interests of the holders of bonds described in subdivision (2) or lessors  
30 under section 25.3 of this chapter.

31 (c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value  
32 of taxable property in a territory in the allocation area that is annexed by any taxing unit after the  
33 effective date of the allocation provision of the declaratory resolution is the lesser of:

34 (1) the assessed value of the property for the assessment date with respect to which the allocation  
35 and distribution is made; or

36 (2) the base assessed value.

37 (d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may,  
38 subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set  
39 forth in subsection (b)(2).

40 (e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment  
41 commission, reassess the taxable property situated upon or in, or added to, the allocation area,  
42 effective on the next assessment date after the petition.

43 (f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area,  
44 for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and  
45 tax levy for each political subdivision in which the property is located is the lesser of:

46 (1) the assessed value of the property as valued without regard to this section; or

47 (2) the base assessed value.

48 (g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the  
49 unit that designated the allocation area shall create funds as specified in this subsection. A unit that

1 has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall  
2 establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund.  
3 Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special  
4 zone fund any amount in the allocation fund derived from property tax proceeds in excess of those  
5 described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount  
6 sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for  
7 purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata portion  
8 of such current property tax proceeds from the part of the enterprise zone that is within the allocation  
9 area as compared to all such current property tax proceeds derived from the allocation area. A unit that  
10 has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall  
11 establish a special zone fund and deposit all the property tax proceeds in excess of those described in  
12 subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in  
13 subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone  
14 fund shall use the fund (based on the recommendations of the urban enterprise association) for  
15 programs in job training, job enrichment, and basic skill development that are designed to benefit  
16 residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except  
17 that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of  
18 payments from the special zone fund only to that part of the allocation area that is also located in the  
19 enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session  
20 for residents of the enterprise zone.

21 (h) The state board of accounts and department of local government finance shall make the rules  
22 and prescribe the forms and procedures that they consider expedient for the implementation of this  
23 chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance  
24 shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment  
25 on the property tax proceeds allocated to the redevelopment district under this section. After each  
26 annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the  
27 base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax  
28 proceeds allocated to the redevelopment district under this section. However, the adjustments under  
29 this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these  
30 adjustments may not produce less property tax proceeds allocable to the redevelopment district under  
31 subsection (b)(2) than would otherwise have been received if the general reassessment or annual  
32 adjustment had not occurred. The department of local government finance may prescribe procedures  
33 for county and township officials to follow to assist the department in making the adjustments.

34 (i) The allocation deadline referred to in subsection (b) is determined in the following manner:

35 (1) The initial allocation deadline is December 31, 2011.

36 (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines  
37 are automatically extended in increments of five (5) years, so that allocation deadlines subsequent  
38 to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year  
39 thereafter.

40 (3) At least one (1) year before the date of an allocation deadline determined under subdivision  
41 (2), the general assembly may enact a law that:

42 (A) terminates the automatic extension of allocation deadlines under subdivision (2); and

43 (B) specifically designates a particular date as the final allocation deadline.

44 SECTION 405. IC 36-7-14.5-12.5, AS AMENDED BY P.L.146-2008, SECTION 742, IS  
45 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12.5. (a) This section  
46 applies only to an authority in a county having a United States government military base that is  
47 scheduled for closing or is completely or partially inactive or closed.

48 (b) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may  
49 create an economic development area:

1 (1) by following the procedures set forth in IC 36-7-14-41 for the establishment of an economic  
2 development area by a redevelopment commission; and

3 (2) with the same effect as if the economic development area was created by a redevelopment  
4 commission.

5 The area established under this section shall be established only in the area where a United States  
6 government military base that is scheduled for closing or is completely or partially inactive or closed  
7 is or was located.

8 (c) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may do  
9 the following in a manner that serves an economic development area created under this section:

10 (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of  
11 methods, any personal property or interest in real property needed for the redevelopment of  
12 economic development areas located within the corporate boundaries of the unit.

13 (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange,  
14 lease, rent, or otherwise dispose of property acquired for use in the redevelopment of economic  
15 development areas on the terms and conditions that the authority considers best for the unit and  
16 the unit's inhabitants.

17 (3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment  
18 purposes to any other department of the unit or to any other governmental agency for public  
19 ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that  
20 may be agreed on.

21 (4) Clear real property acquired for redevelopment purposes.

22 (5) Repair and maintain structures acquired for redevelopment purposes.

23 (6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for  
24 redevelopment purposes.

25 (7) Survey or examine any land to determine whether the land should be included within an  
26 economic development area to be acquired for redevelopment purposes and to determine the  
27 value of that land.

28 (8) Appear before any other department or agency of the unit, or before any other governmental  
29 agency in respect to any matter affecting:

30 (A) real property acquired or being acquired for redevelopment purposes; or

31 (B) any economic development area within the jurisdiction of the authority.

32 (9) Institute or defend in the name of the unit any civil action, but all actions against the authority  
33 must be brought in the circuit or superior court of the county where the authority is located.

34 (10) Use any legal or equitable remedy that is necessary or considered proper to protect and  
35 enforce the rights of and perform the duties of the authority.

36 (11) Exercise the power of eminent domain in the name of and within the corporate boundaries  
37 of the unit subject to the same conditions and procedures that apply to the exercise of the power  
38 of eminent domain by a redevelopment commission under IC 36-7-14.

39 (12) Appoint an executive director, appraisers, real estate experts, engineers, architects,  
40 surveyors, and attorneys.

41 (13) Appoint clerks, guards, laborers, and other employees the authority considers advisable,  
42 except that those appointments must be made in accordance with the merit system of the unit if  
43 such a system exists.

44 (14) Prescribe the duties and regulate the compensation of employees of the authority.

45 (15) Provide a pension and retirement system for employees of the authority by using the public  
46 employees' retirement fund or a retirement plan approved by the United States Department of  
47 Housing and Urban Development.

48 (16) Discharge and appoint successors to employees of the authority subject to subdivision (13).

49 (17) Rent offices for use of the department or authority, or accept the use of offices furnished by

- 1 the unit.
- 2 (18) Equip the offices of the authority with the necessary furniture, furnishings, equipment,  
3 records, and supplies.
- 4 (19) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:  
5 (A) Any local public improvement or structure that is necessary for redevelopment purposes  
6 or economic development within the corporate boundaries of the unit.  
7 (B) Any structure that enhances development or economic development.
- 8 (20) Contract for the construction, extension, or improvement of pedestrian skyways (as defined  
9 in IC 36-7-14-12.2(c)).
- 10 (21) Accept loans, grants, and other forms of financial assistance from, or contract with, the  
11 federal government, the state government, a municipal corporation, a special taxing district, a  
12 foundation, or any other source.
- 13 (22) Make and enter into all contracts and agreements necessary or incidental to the performance  
14 of the duties of the authority and the execution of the powers of the authority under this chapter.
- 15 (23) Take any action necessary to implement the purpose of the authority.
- 16 (24) Provide financial assistance, in the manner that best serves the purposes set forth in section  
17 11 of this chapter, including grants and loans, to enable private enterprise to develop, redevelop,  
18 and reuse military base property or otherwise enable private enterprise to provide social and  
19 economic benefits to the citizens of the unit.
- 20 (d) An authority may designate all or a portion of an economic development area created under this  
21 section as an allocation area by following the procedures set forth in IC 36-7-14-39 for the  
22 establishment of an allocation area by a redevelopment commission. The allocation provision may  
23 modify the definition of "property taxes" under IC 36-7-14-39(a) to include taxes imposed under  
24 IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of  
25 designated taxpayers in accordance with the procedures applicable to a commission under  
26 IC 36-7-14-39.3. IC 36-7-14-39.3 applies to such a modification. An allocation area established by an  
27 authority under this section is a special taxing district authorized by the general assembly to enable  
28 the unit to provide special benefits to taxpayers in the allocation area by promoting economic  
29 development that is of public use and benefit. For allocation areas established for an economic  
30 development area created under this section after June 30, 1997, and to the expanded portion of an  
31 allocation area for an economic development area that was established before June 30, 1997, and that  
32 is expanded under this section after June 30, 1997, the net assessed value of property that is assessed  
33 as residential property under the rules of the department of local government finance, as finally  
34 determined for any assessment date, must be allocated. All of the provisions of IC 36-7-14-39 apply  
35 to an allocation area created under this section, except that the authority shall be vested with the rights  
36 and duties of a commission as referenced in those sections, and except that, notwithstanding  
37 IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation fund may be used by the authority  
38 only to do one (1) or more of the following:
- 39 (1) Pay the principal of and interest and redemption premium on any obligations incurred by the  
40 special taxing district or any other entity for the purpose of financing or refinancing military base  
41 reuse activities in or serving or benefiting that allocation area.
- 42 (2) Establish, augment, or restore the debt service reserve for obligations payable solely or in part  
43 from allocated tax proceeds in that allocation area or from other revenues of the authority  
44 (including lease rental revenues).
- 45 (3) Make payments on leases payable solely or in part from allocated tax proceeds in that  
46 allocation area.
- 47 (4) Reimburse any other governmental body for expenditures made by it for local public  
48 improvements or structures in or serving or benefiting that allocation area.
- 49 (5) For property taxes first due and payable before 2009, pay all or a portion of a property tax

1 replacement credit to taxpayers in an allocation area as determined by the authority. This credit  
2 equals the amount determined under the following STEPS for each taxpayer in a taxing district  
3 (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

4 STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A),  
5 IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is  
6 attributable to the taxing district.

7 STEP TWO: Divide:

8 (A) that part of each county's eligible property tax replacement amount (as defined in  
9 IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the  
10 taxing district; by

11 (B) the STEP ONE sum.

12 STEP THREE: Multiply:

13 (A) the STEP TWO quotient; by

14 (B) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing  
15 district that have been allocated during that year to an allocation fund under this section.

16 If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the  
17 allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive  
18 a credit under this section and a credit under IC 36-7-14-39.5 (before its repeal) in the same year.

19 (6) Pay expenses incurred by the authority for local public improvements or structures that are  
20 in the allocation area or serving or benefiting the allocation area.

21 (7) Reimburse public and private entities for expenses incurred in training employees of  
22 industrial facilities that are located:

23 (A) in the allocation area; and

24 (B) on a parcel of real property that has been classified as industrial property under the rules  
25 of the department of local government finance.

26 However, the total amount of money spent for this purpose in any year may not exceed the total  
27 amount of money in the allocation fund that is attributable to property taxes paid by the industrial  
28 facilities described in clause (B). The reimbursements under this subdivision must be made  
29 within three (3) years after the date on which the investments that are the basis for the increment  
30 financing are made. The allocation fund may not be used for operating expenses of the authority.

31 (e) In addition to other methods of raising money for property acquisition, redevelopment, or  
32 economic development activities in or directly serving or benefitting an economic development area  
33 created by an authority under this section, and in anticipation of the taxes allocated under subsection  
34 (d), other revenues of the authority, or any combination of these sources, the authority may, by  
35 resolution, issue the bonds of the special taxing district in the name of the unit. Bonds issued under  
36 this section may be issued in any amount without limitation. The following apply if such a resolution  
37 is adopted:

38 (1) The authority shall certify a copy of the resolution authorizing the bonds to the municipal or  
39 county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed  
40 on the bonds, or a facsimile of the seal must be printed on the bonds.

41 (2) The bonds must be executed by the appropriate officer of the unit and attested by the unit's  
42 fiscal officer.

43 (3) The bonds are exempt from taxation for all purposes.

44 (4) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or  
45 at a negotiated sale.

46 (5) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing  
47 district. The bonds and interest are payable, as set forth in the bond resolution of the authority:

48 (A) from the tax proceeds allocated under subsection (d);

49 (B) from other revenues available to the authority; or

1 (C) from a combination of the methods stated in clauses (A) and (B).  
2 (6) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a  
3 period not to exceed five (5) years from the date of issuance.

4 (7) Laws relating to the filing of petitions requesting the issuance of bonds and the right of  
5 taxpayers and voters to remonstrate against the issuance of bonds do not apply to bonds issued  
6 under this section.

7 (8) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may  
8 be used to pay principal and interest on the bonds as provided in the bond resolution.

9 (9) If bonds are issued under this chapter that are payable solely or in part from revenues to the  
10 authority from a project or projects, the authority may adopt a resolution or trust indenture or  
11 enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust  
12 indenture may pledge or assign the revenues from the project or projects. The resolution or trust  
13 indenture may also contain any provisions for protecting and enforcing the rights and remedies  
14 of the bond owners as may be reasonable and proper and not in violation of law, including  
15 covenants setting forth the duties of the authority. The authority may establish fees and charges  
16 for the use of any project and covenant with the owners of any bonds to set those fees and  
17 charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds  
18 issued by the authority that are payable solely from revenues of the authority shall contain a  
19 statement to that effect in the form of bond.

20 (f) Notwithstanding section 8(a) of this chapter, an ordinance adopted under section 11 of this  
21 chapter may provide, or be amended to provide, that the board of directors of the authority shall be  
22 composed of not fewer than three (3) nor more than eleven (11) members, who must be residents of  
23 **or be employed at a place of employment located within the unit. The members shall be** appointed  
24 by the executive of the unit.

25 (g) The acquisition of real and personal property by an authority under this section is not subject  
26 to the provisions of IC 5-22, IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the purchase  
27 of property by public bodies or their agencies.

28 (h) An authority may negotiate for the sale, lease, or other disposition of real and personal property  
29 without complying with the provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other statute  
30 governing the disposition of public property.

31 (i) Notwithstanding any other law, utility services provided within an economic development area  
32 established under this section are subject to regulation by the appropriate regulatory agencies unless  
33 the utility service is provided by a utility that provides utility service solely within the geographic  
34 boundaries of an existing or a closed military installation, in which case the utility service is not  
35 subject to regulation for purposes of rate making, regulation, service delivery, or issuance of bonds  
36 or other forms of indebtedness. However, this exemption from regulation does not apply to utility  
37 service if the service is generated, treated, or produced outside the boundaries of the existing or closed  
38 military installation.

39 SECTION 406. IC 36-7-15.1-26, AS AMENDED BY P.L.88-2009, SECTION 14, IS AMENDED  
40 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 26. (a) As used in this section:

41 "Allocation area" means that part of a redevelopment project area to which an allocation provision  
42 of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation  
43 of property taxes.

44 "Base assessed value" means the following:

45 (1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an  
46 amendment to a declaratory resolution establishing an economic development area:

47 (A) the net assessed value of all the property as finally determined for the assessment date  
48 immediately preceding the effective date of the allocation provision of the declaratory  
49 resolution, as adjusted under subsection (h); plus

1 (B) to the extent that it is not included in clause (A), the net assessed value of property that  
2 is assessed as residential property under the rules of the department of local government  
3 finance, as finally determined for any assessment date after the effective date of the allocation  
4 provision.

5 (2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an  
6 amendment to a declaratory resolution establishing a redevelopment project area:

7 (A) the net assessed value of all the property as finally determined for the assessment date  
8 immediately preceding the effective date of the allocation provision of the declaratory  
9 resolution, as adjusted under subsection (h); plus

10 (B) to the extent that it is not included in clause (A), the net assessed value of property that  
11 is assessed as residential property under the rules of the department of local government  
12 finance, as finally determined for any assessment date after the effective date of the allocation  
13 provision.

14 (3) If:

15 (A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an  
16 amendment to a declaratory resolution establishing a redevelopment project area expires after  
17 June 30, 1997; and

18 (B) after June 30, 1997, a new allocation provision is included in an amendment to the  
19 declaratory resolution;

20 the net assessed value of all the property as finally determined for the assessment date  
21 immediately preceding the effective date of the allocation provision adopted after June 30, 1997,  
22 as adjusted under subsection (h).

23 (4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of  
24 all the property as finally determined for the assessment date immediately preceding the effective  
25 date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

26 (5) If an allocation area established in an economic development area before July 1, 1995, is  
27 expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of  
28 the area added after June 30, 1995.

29 (6) If an allocation area established in a redevelopment project area before July 1, 1997, is  
30 expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of  
31 the area added after June 30, 1997.

32 Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under  
33 IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission  
34 adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on  
35 depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a  
36 resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on  
37 depreciable personal property that has a useful life in excess of eight (8) years, the commission may  
38 by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal  
39 property that will be included within the definition of property taxes. However, the percentage  
40 included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all  
41 depreciable personal property.

42 (b) A resolution adopted under section 8 of this chapter on or before the allocation deadline  
43 determined under subsection (i) may include a provision with respect to the allocation and distribution  
44 of property taxes for the purposes and in the manner provided in this section. A resolution previously  
45 adopted may include an allocation provision by the amendment of that resolution on or before the  
46 allocation deadline determined under subsection (i) in accordance with the procedures required for its  
47 original adoption. A declaratory resolution or an amendment that establishes an allocation provision  
48 after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area  
49 established before July 1, 2008, the expiration date may not be more than thirty (30) years after the

1 date on which the allocation provision is established. For an allocation area established after June 30,  
2 2008, the expiration date may not be more than twenty-five (25) years after the date on which the  
3 ~~allocation provision is established~~. **first obligation was incurred to pay principal and interest on**  
4 **bonds or lease rentals on leases payable from tax increment revenues.** However, with respect to  
5 bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations  
6 that were scheduled when issued to mature before the specified expiration date and that are payable  
7 only from allocated tax proceeds with respect to the allocation area remain outstanding as of the  
8 expiration date, the allocation provision does not expire until all of the bonds or other obligations are  
9 no longer outstanding. The allocation provision may apply to all or part of the redevelopment project  
10 area. The allocation provision must require that any property taxes subsequently levied by or for the  
11 benefit of any public body entitled to a distribution of property taxes on taxable property in the  
12 allocation area be allocated and distributed as follows:

13 (1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the  
14 lesser of:

15 (A) the assessed value of the property for the assessment date with respect to which the  
16 allocation and distribution is made; or

17 (B) the base assessed value;

18 shall be allocated to and, when collected, paid into the funds of the respective taxing units.

19 (2) Except as otherwise provided in this section, property tax proceeds in excess of those  
20 described in subdivision (1) shall be allocated to the redevelopment district and, when collected,  
21 paid into a special fund for that allocation area that may be used by the redevelopment district  
22 only to do one (1) or more of the following:

23 (A) Pay the principal of and interest on any obligations payable solely from allocated tax  
24 proceeds that are incurred by the redevelopment district for the purpose of financing or  
25 refinancing the redevelopment of that allocation area.

26 (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part  
27 from allocated tax proceeds in that allocation area.

28 (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that  
29 allocation area and from the special tax levied under section 19 of this chapter.

30 (D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local  
31 public improvements that are physically located in or physically connected to that allocation  
32 area.

33 (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from  
34 allocated tax proceeds in that allocation area.

35 (F) Make payments on leases payable from allocated tax proceeds in that allocation area under  
36 section 17.1 of this chapter.

37 (G) Reimburse the consolidated city for expenditures for local public improvements (which  
38 include buildings, parking facilities, and other items set forth in section 17 of this chapter) that  
39 are physically located in or physically connected to that allocation area.

40 (H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically  
41 located in or physically connected to that allocation area under any lease entered into under  
42 IC 36-1-10.

43 (I) Reimburse public and private entities for expenses incurred in training employees of  
44 industrial facilities that are located:

45 (i) in the allocation area; and

46 (ii) on a parcel of real property that has been classified as industrial property under the rules  
47 of the department of local government finance.

48 However, the total amount of money spent for this purpose in any year may not exceed the  
49 total amount of money in the allocation fund that is attributable to property taxes paid by the

1 industrial facilities described in this clause. The reimbursements under this clause must be  
2 made within three (3) years after the date on which the investments that are the basis for the  
3 increment financing are made.

4 (J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5)  
5 within the unit that established the redevelopment commission. However, property tax  
6 proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency  
7 project only if those property tax proceeds exceed the amount necessary to do the following:

8 (i) Make, when due, any payments required under clauses (A) through (I), including any  
9 payments of principal and interest on bonds and other obligations payable under this  
10 subdivision, any payments of premiums under this subdivision on the redemption before  
11 maturity of bonds, and any payments on leases payable under this subdivision.

12 (ii) Make any reimbursements required under this subdivision.

13 (iii) Pay any expenses required under this subdivision.

14 (iv) Establish, augment, or restore any debt service reserve under this subdivision.

15 The special fund may not be used for operating expenses of the commission.

16 (3) Before July 15 of each year, the commission shall do the following:

17 (A) Determine the amount, if any, by which the assessed value of the taxable property in the  
18 allocation area for the most recent assessment date minus the base assessed value, when  
19 multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed  
20 value needed to provide the property taxes necessary to make, when due, principal and interest  
21 payments on bonds described in subdivision (2) plus the amount necessary for other purposes  
22 described in subdivision (2) and subsection (g).

23 (B) Provide a written notice to the county auditor, the legislative body of the consolidated city,  
24 and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5  
25 for each of the other taxing units that is wholly or partly located within the allocation area.

26 The notice must:

27 (i) state the amount, if any, of excess assessed value that the commission has determined  
28 may be allocated to the respective taxing units in the manner prescribed in subdivision (1);

29 or

30 (ii) state that the commission has determined that there is no excess assessed value that may  
31 be allocated to the respective taxing units in the manner prescribed in subdivision (1).

32 The county auditor shall allocate to the respective taxing units the amount, if any, of excess  
33 assessed value determined by the commission. The commission may not authorize an  
34 allocation to the respective taxing units under this subdivision if to do so would endanger the  
35 interests of the holders of bonds described in subdivision (2).

36 (c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value  
37 of taxable property in a territory in the allocation area that is annexed by any taxing unit after the  
38 effective date of the allocation provision of the resolution is the lesser of:

39 (1) the assessed value of the property for the assessment date with respect to which the allocation  
40 and distribution is made; or

41 (2) the base assessed value.

42 (d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may,  
43 subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set  
44 forth in subsection (b)(2).

45 (e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess  
46 the taxable property situated upon or in, or added to, the allocation area, effective on the next  
47 assessment date after the petition.

48 (f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area,  
49 for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and

1 tax levy for each political subdivision in which the property is located is the lesser of:

2 (1) the assessed value of the property as valued without regard to this section; or

3 (2) the base assessed value.

4 (g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the  
5 unit that designated the allocation area shall create funds as specified in this subsection. A unit that  
6 has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall  
7 establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund.  
8 Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special  
9 zone fund the amount in the allocation fund derived from property tax proceeds in excess of those  
10 described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount  
11 sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations,  
12 bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special  
13 zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1)  
14 in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from  
15 property located in the enterprise zone. The unit that creates the special zone fund shall use the fund,  
16 based on the recommendations of the urban enterprise association, for one (1) or more of the following  
17 purposes:

18 (1) To pay for programs in job training, job enrichment, and basic skill development designed  
19 to benefit residents and employers in the enterprise zone. The programs must reserve at least  
20 one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

21 (2) To make loans and grants for the purpose of stimulating business activity in the enterprise  
22 zone or providing employment for enterprise zone residents in the enterprise zone. These loans  
23 and grants may be made to the following:

24 (A) Businesses operating in the enterprise zone.

25 (B) Businesses that will move their operations to the enterprise zone if such a loan or grant  
26 is made.

27 (3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where  
28 reference is made in subsection (b)(2) to the allocation area, the reference refers for purposes of  
29 payments from the special zone fund only to that part of the allocation area that is also located  
30 in the enterprise zone.

31 (h) The state board of accounts and department of local government finance shall make the rules  
32 and prescribe the forms and procedures that they consider expedient for the implementation of this  
33 chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance  
34 shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment  
35 on the property tax proceeds allocated to the redevelopment district under this section. After each  
36 annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the  
37 base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds  
38 allocated to the redevelopment district under this section. However, the adjustments under this  
39 subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these  
40 adjustments may not produce less property tax proceeds allocable to the redevelopment district under  
41 subsection (b)(2) than would otherwise have been received if the general reassessment or annual  
42 adjustment had not occurred. The department of local government finance may prescribe procedures  
43 for county and township officials to follow to assist the department in making the adjustments.

44 (i) The allocation deadline referred to in subsection (b) is determined in the following manner:

45 (1) The initial allocation deadline is December 31, 2011.

46 (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines  
47 are automatically extended in increments of five (5) years, so that allocation deadlines subsequent  
48 to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year  
49 thereafter.

1 (3) At least one (1) year before the date of an allocation deadline determined under subdivision  
2 (2), the general assembly may enact a law that:

3 (A) terminates the automatic extension of allocation deadlines under subdivision (2); and

4 (B) specifically designates a particular date as the final allocation deadline.

5 SECTION 407. IC 36-7-15.1-53, AS AMENDED BY P.L.146-2008, SECTION 765, IS  
6 AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 53. (a) As used in  
7 this section:

8 "Allocation area" means that part of a redevelopment project area to which an allocation provision  
9 of a resolution adopted under section 40 of this chapter refers for purposes of distribution and  
10 allocation of property taxes.

11 "Base assessed value" means:

12 (1) the net assessed value of all the property as finally determined for the assessment date  
13 immediately preceding the effective date of the allocation provision of the declaratory resolution,  
14 as adjusted under subsection (h); plus

15 (2) to the extent that it is not included in subdivision (1), the net assessed value of property that  
16 is assessed as residential property under the rules of the department of local government finance,  
17 as finally determined for any assessment date after the effective date of the allocation provision.

18 Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1  
19 on real property.

20 (b) A resolution adopted under section 40 of this chapter on or before the allocation deadline  
21 determined under subsection (i) may include a provision with respect to the allocation and distribution  
22 of property taxes for the purposes and in the manner provided in this section. A resolution previously  
23 adopted may include an allocation provision by the amendment of that resolution on or before the  
24 allocation deadline determined under subsection (i) in accordance with the procedures required for its  
25 original adoption. A declaratory resolution or an amendment that establishes an allocation provision  
26 must be approved by resolution of the legislative body of the excluded city and must specify an  
27 expiration date for the allocation provision. For an allocation area established before July 1, 2008, the  
28 expiration date may not be more than thirty (30) years after the date on which the allocation provision  
29 is established. For an allocation area established after June 30, 2008, the expiration date may not be  
30 more than twenty-five (25) years after the date on which the ~~allocation provision is established.~~ **first**  
31 **obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable**  
32 **from tax increment revenues.** However, with respect to bonds or other obligations that were issued  
33 before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature  
34 before the specified expiration date and that are payable only from allocated tax proceeds with respect  
35 to the allocation area remain outstanding as of the expiration date, the allocation provision does not  
36 expire until all of the bonds or other obligations are no longer outstanding. The allocation provision  
37 may apply to all or part of the redevelopment project area. The allocation provision must require that  
38 any property taxes subsequently levied by or for the benefit of any public body entitled to a  
39 distribution of property taxes on taxable property in the allocation area be allocated and distributed  
40 as follows:

41 (1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the  
42 lesser of:

43 (A) the assessed value of the property for the assessment date with respect to which the  
44 allocation and distribution is made; or

45 (B) the base assessed value;

46 shall be allocated to and, when collected, paid into the funds of the respective taxing units.

47 (2) Except as otherwise provided in this section, property tax proceeds in excess of those  
48 described in subdivision (1) shall be allocated to the redevelopment district and, when collected,  
49 paid into a special fund for that allocation area that may be used by the redevelopment district

1 only to do one (1) or more of the following:

2 (A) Pay the principal of and interest on any obligations payable solely from allocated tax  
3 proceeds that are incurred by the redevelopment district for the purpose of financing or  
4 refinancing the redevelopment of that allocation area.

5 (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part  
6 from allocated tax proceeds in that allocation area.

7 (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that  
8 allocation area and from the special tax levied under section 50 of this chapter.

9 (D) Pay the principal of and interest on bonds issued by the excluded city to pay for local  
10 public improvements that are physically located in or physically connected to that allocation  
11 area.

12 (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from  
13 allocated tax proceeds in that allocation area.

14 (F) Make payments on leases payable from allocated tax proceeds in that allocation area under  
15 section 46 of this chapter.

16 (G) Reimburse the excluded city for expenditures for local public improvements (which  
17 include buildings, park facilities, and other items set forth in section 45 of this chapter) that  
18 are physically located in or physically connected to that allocation area.

19 (H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically  
20 located in or physically connected to that allocation area under any lease entered into under  
21 IC 36-1-10.

22 (I) Reimburse public and private entities for expenses incurred in training employees of  
23 industrial facilities that are located:

24 (i) in the allocation area; and

25 (ii) on a parcel of real property that has been classified as industrial property under the rules  
26 of the department of local government finance.

27 However, the total amount of money spent for this purpose in any year may not exceed the  
28 total amount of money in the allocation fund that is attributable to property taxes paid by the  
29 industrial facilities described in this clause. The reimbursements under this clause must be  
30 made within three (3) years after the date on which the investments that are the basis for the  
31 increment financing are made.

32 The special fund may not be used for operating expenses of the commission.

33 (3) Before July 15 of each year, the commission shall do the following:

34 (A) Determine the amount, if any, by which the assessed value of the taxable property in the  
35 allocation area for the most recent assessment date minus the base assessed value, when  
36 multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed  
37 value needed to provide the property taxes necessary to make, when due, principal and interest  
38 payments on bonds described in subdivision (2) plus the amount necessary for other purposes  
39 described in subdivision (2) and subsection (g).

40 (B) Provide a written notice to the county auditor, the fiscal body of the county or  
41 municipality that established the department of redevelopment, and the officers who are  
42 authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other  
43 taxing units that is wholly or partly located within the allocation area. The notice must:

44 (i) state the amount, if any, of excess assessed value that the commission has determined  
45 may be allocated to the respective taxing units in the manner prescribed in subdivision (1);

46 or

47 (ii) state that the commission has determined that there is no excess assessed value that may  
48 be allocated to the respective taxing units in the manner prescribed in subdivision (1).

49 The county auditor shall allocate to the respective taxing units the amount, if any, of excess

1            assessed value determined by the commission. The commission may not authorize an  
2            allocation to the respective taxing units under this subdivision if to do so would endanger the  
3            interests of the holders of bonds described in subdivision (2).

4            (c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value  
5            of taxable property in a territory in the allocation area that is annexed by any taxing unit after the  
6            effective date of the allocation provision of the resolution is the lesser of:

- 7            (1) the assessed value of the property for the assessment date with respect to which the allocation  
8            and distribution is made; or
- 9            (2) the base assessed value.

10           (d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may,  
11           subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set  
12           forth in subsection (b)(2).

13           (e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess  
14           the taxable property situated upon or in, or added to, the allocation area, effective on the next  
15           assessment date after the petition.

16           (f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area,  
17           for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and  
18           tax levy for each political subdivision in which the property is located, is the lesser of:

- 19           (1) the assessed value of the property as valued without regard to this section; or
- 20           (2) the base assessed value.

21           (g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the  
22           unit that designated the allocation area shall create funds as specified in this subsection. A unit that  
23           has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall  
24           establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund.  
25           Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special  
26           zone fund the amount in the allocation fund derived from property tax proceeds in excess of those  
27           described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount  
28           sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations,  
29           bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special  
30           zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1)  
31           in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from  
32           property located in the enterprise zone. The unit that creates the special zone fund shall use the fund,  
33           based on the recommendations of the urban enterprise association, for one (1) or more of the following  
34           purposes:

35           (1) To pay for programs in job training, job enrichment, and basic skill development designed  
36           to benefit residents and employers in the enterprise zone. The programs must reserve at least  
37           one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

38           (2) To make loans and grants for the purpose of stimulating business activity in the enterprise  
39           zone or providing employment for enterprise zone residents in an enterprise zone. These loans  
40           and grants may be made to the following:

41           (A) Businesses operating in the enterprise zone.

42           (B) Businesses that will move their operations to the enterprise zone if such a loan or grant  
43           is made.

44           (3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where  
45           reference is made in subsection (b)(2) to the allocation area, the reference refers, for purposes of  
46           payments from the special zone fund, only to that part of the allocation area that is also located  
47           in the enterprise zone.

48           (h) The state board of accounts and department of local government finance shall make the rules  
49           and prescribe the forms and procedures that they consider expedient for the implementation of this

1 chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance  
2 shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment  
3 on the property tax proceeds allocated to the redevelopment district under this section. After each  
4 annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the  
5 base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds  
6 allocated to the redevelopment district under this section. However, the adjustments under this  
7 subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these  
8 adjustments may not produce less property tax proceeds allocable to the redevelopment district under  
9 subsection (b)(2) than would otherwise have been received if the general reassessment or annual  
10 adjustment had not occurred. The department of local government finance may prescribe procedures  
11 for county and township officials to follow to assist the department in making the adjustments.

12 (i) The allocation deadline referred to in subsection (b) is determined in the following manner:

13 (1) The initial allocation deadline is December 31, 2011.

14 (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines  
15 are automatically extended in increments of five (5) years, so that allocation deadlines subsequent  
16 to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year  
17 thereafter.

18 (3) At least one (1) year before the date of an allocation deadline determined under subdivision  
19 (2), the general assembly may enact a law that:

20 (A) terminates the automatic extension of allocation deadlines under subdivision (2); and

21 (B) specifically designates a particular date as the final allocation deadline.

22 SECTION 408. IC 36-7-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
23 2009]: Sec. 6. As used in this chapter, "covered taxes" means the following:

24 **(1) With respect to the professional sports development area as it existed on December 31,**  
25 **2008:**

26 ~~(A)~~ **(A)** The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under  
27 IC 6-2.5-3-2.

28 ~~(B)~~ **(B)** An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.

29 ~~(C)~~ **(C)** A county option income tax imposed under IC 6-3.5-6.

30 ~~(D)~~ **(D)** A food and beverage tax imposed under IC 6-9.

31 **(2) With respect to an addition to the professional sports development area after December**  
32 **31, 2008:**

33 **(A) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under**  
34 **IC 6-2.5-3-2.**

35 **(B) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.**

36 **(C) A county option income tax imposed under IC 6-3.5-6.**

37 SECTION 409. IC 36-7-31-10, AS AMENDED BY P.L.214-2005, SECTION 66, IS AMENDED  
38 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. **(a)** A commission may establish  
39 as part of a professional sports development area any facility **or complex of facilities:**

40 (1) that is used in the training of a team engaged in professional sporting events; **or**

41 (2) that is:

42 (A) financed in whole or in part by:

43 (i) notes or bonds issued by a political subdivision or issued under IC 36-10-9 or  
44 IC 36-10-9.1; or

45 (ii) a lease or other agreement under IC 5-1-17; and

46 (B) used to hold a professional sporting event; **or**

47 **(3) that consists of a hotel, motel, or a multibrand complex of hotels and motels, with**  
48 **significant meeting space:**

1 (A) located in an area in Indianapolis, Indiana, bounded on the east by Illinois Street,  
2 on the south by Maryland Street, and on the west and north by Washington Street, as  
3 those streets were located on June 1, 2009;

4 (B) that provides:

5 (i) convenient accommodations for consideration to the general public for periods of  
6 less than thirty (30) days, especially for individuals attending professional sporting  
7 events, conventions, or similar events in the capital improvements that are owned,  
8 leased, or operated by the capital improvement board; and

9 (ii) significant meeting and convention space that directly enhances events held in the  
10 capital improvements that are owned, leased, or operated by the capital improvement  
11 board; and

12 (C) that enhances the convention opportunities for the capital improvement board to  
13 hold events that:

14 (i) would not otherwise be possible; and

15 (ii) directly affect the success of both the facilities and capital improvements that are  
16 owned, leased, or operated by the capital improvement board.

17 The tax area may include a facility or complex of facilities described in this section and any parcel  
18 of land on which the facility or complex of facilities is located. An area may contain noncontiguous  
19 tracts of land within the county.

20 (b) With respect to the site or future site of a facility or complex of facilities described in  
21 subsection (a)(3), the general assembly finds the following:

22 (1) That the facility or complex of facilities in the tax area provides both convenient  
23 accommodations for professional sporting events, conventions, or similar events and  
24 significant meeting and convention space that directly enhance events held in the capital  
25 improvements that are owned, leased, or operated by the capital improvement board.

26 (2) That the facility or complex of facilities in the tax area and the capital improvements  
27 that are owned, leased, or operated by the capital improvement board are integrally related  
28 to enhancing the convention opportunities that directly affect the success of both the  
29 facilities and capital improvements.

30 (3) That the facility or complex of facilities in the tax area provides the opportunity for the  
31 capital improvement board to hold events that would not otherwise be possible.

32 (4) That the facility or complex of facilities in the tax area protects or increases state and  
33 local tax bases and tax revenues.

34 SECTION 410. IC 36-7-31-11, AS AMENDED BY P.L.214-2005, SECTION 67, IS AMENDED  
35 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A tax area must be initially  
36 established before July 1, 1999, according to the procedures set forth for the establishment of an  
37 economic development area under IC 36-7-15.1. A tax area may be changed (including to the exclusion  
38 or inclusion of a facility described in this chapter) or the terms governing the tax area may be revised  
39 in the same manner as the establishment of the initial tax area. However, **a tax area may be changed**  
40 **as follows:**

41 (1) After May 14, 2005, ~~(†)~~ a tax area may be changed ~~only~~ to include the site or future site of  
42 a facility that is or will be the subject of a lease or other agreement entered into between the  
43 capital improvement board and the Indiana stadium and convention building authority or any state  
44 agency under IC 5-1-17-26. ~~and~~

45 (2) After June 30, 2009, a tax area may be changed to include the site or future site of a  
46 facility or complex of facilities described in section 10(a)(3) of this chapter.

47 ~~(2)~~ (3) The terms governing a tax area may be revised only with respect to a facility or complex  
48 of facilities described in subdivision (1) or (2).

1 (b) In establishing or changing the tax area or revising the terms governing the tax area, the  
2 commission must ~~make do~~ the following: findings:

3 **(1) With respect to a tax area change described in subsection (a)(1), the commission must**  
4 **make the following findings** instead of the findings required for the establishment of economic  
5 development areas:

6 ~~(1)~~ **(A)** That a project to be undertaken or that has been undertaken in the tax area is for a  
7 facility at which a professional sporting event or a convention or similar event will be held.

8 ~~(2)~~ **(B)** That the project to be undertaken or that has been undertaken in the tax area will  
9 benefit the public health and welfare and will be of public utility and benefit.

10 ~~(3)~~ **(C)** That the project to be undertaken or that has been undertaken in the tax area will  
11 protect or increase state and local tax bases and tax revenues.

12 **(2) With respect to a tax area change described in subsection (a)(2), the commission must**  
13 **make the following findings instead of the findings required for the establishment of an**  
14 **economic development area:**

15 **(A) That the facility or complex of facilities in the tax area provides both convenient**  
16 **accommodations for professional sporting events, conventions, or similar events and**  
17 **significant meeting and convention space that directly enhance events held in the capital**  
18 **improvements that are owned, leased, or operated by the capital improvement board.**

19 **(B) That the facility or complex of facilities in the tax area and the capital improvements**  
20 **that are owned, leased, or operated by the capital improvement board are integrally**  
21 **related to enhancing the convention opportunities that directly affect the success of both**  
22 **the facilities and capital improvements.**

23 **(C) That the facility or complex of facilities in the tax area provides the opportunity for**  
24 **the capital improvement board to hold events that would not otherwise be possible.**

25 **(D) That the facility or complex of facilities in the tax area protects or increases state and**  
26 **local tax bases and tax revenues.**

27 (c) The tax area established by the commission under this chapter is a special taxing district  
28 authorized by the general assembly to enable the county to provide special benefits to taxpayers in the  
29 tax area by promoting economic development that is of public use and benefit.

30 SECTION 411. IC 36-7-31-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
31 2009]: Sec. 13. (a) The budget agency must approve the resolution before covered taxes may be  
32 allocated under section 14 **or 14.2 of this chapter.**

33 (b) When considering a resolution **with respect to a tax area change described in section**  
34 **11(a)(1) of this chapter**, the budget committee and the budget agency must make the following  
35 findings:

36 (1) The cost of the facility and facility site specified under the resolution exceeds one hundred  
37 thousand dollars (\$100,000).

38 (2) The project specified in the resolution is economically sound and will benefit the people of  
39 Indiana by protecting or increasing state and local tax bases and tax revenues for at least the  
40 duration of the tax area established under this chapter.

41 (3) The political subdivisions ~~effected~~ **affected** by the project specified in the resolution have  
42 committed significant resources towards completion of the improvement.

43 **(c) When considering a resolution with respect to a tax area change described in section**  
44 **11(a)(2) of this chapter, the budget committee and the budget agency must make the following**  
45 **findings:**

46 **(1) That the facility or complex of facilities described in section 10(a)(3) of this chapter will**  
47 **provide accommodations and significant meeting and convention space that directly**  
48 **enhance events and that are located in convenient proximity to capital improvements that**

1 are owned, leased, or operated by the capital improvement board.

2 (2) That the facility or complex of facilities in the tax area and the capital improvements  
3 that are owned, leased, or operated by the capital improvement board are integrally related  
4 to enhancing the convention opportunities that directly affect the success of both the  
5 facilities and capital improvements.

6 (3) That the facility or complex of facilities specified in the resolution will benefit the people  
7 of Indiana by providing the opportunity for the capital improvement board to hold events  
8 that would not otherwise be possible.

9 (4) That the facility or complex of facilities specified in the resolution will protect or  
10 increase state and local tax bases and tax revenues.

11 ~~(e)~~ (d) Revenues from the tax area may not be allocated until the budget agency approves the  
12 resolution.

13 SECTION 412. IC 36-7-31-14, AS AMENDED BY P.L.214-2005, SECTION 68, IS AMENDED  
14 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) **This section does not apply**  
15 **to that part of the tax area in which a facility or complex of facilities described in section 10(a)(3)**  
16 **of this chapter is located. A reference to "tax area" in this section does not include the part of**  
17 **the tax area in which a facility or complex of facilities described in section 10(a)(3) of this**  
18 **chapter is located.**

19 ~~(a)~~ (b) A tax area must be established by resolution. A resolution establishing a tax area must  
20 provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in  
21 the tax area to the professional sports development area fund established for the county. The allocation  
22 provision must apply to the **entire part of the tax area covered by this section.** The resolution must  
23 provide that the tax area terminates not later than December 31, 2027.

24 ~~(b)~~ (c) All of the salary, wages, bonuses, and other compensation that are:

- 25 (1) paid during a taxable year to a professional athlete for professional athletic services;
- 26 (2) taxable in Indiana; and
- 27 (3) earned in the tax area;

28 shall be allocated to the tax area if the professional athlete is a member of a team that plays the  
29 majority of the professional athletic events that the team plays in Indiana in the tax area.

30 ~~(e)~~ (d) Except as provided by section 14.1 of this chapter, the total amount of state revenue captured  
31 by the tax area may not exceed five million dollars (\$5,000,000) per year for twenty (20) consecutive  
32 years.

33 ~~(d)~~ (e) The resolution establishing the tax area must designate the facility and the facility site for  
34 which the tax area is established and covered taxes will be used.

35 ~~(e)~~ (f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of  
36 covered taxes to a tax area.

37 SECTION 413. IC 36-7-31-14.1, AS AMENDED BY P.L.120-2006, SECTION 6, IS AMENDED  
38 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14.1. (a) The budget director appointed  
39 under IC 4-12-1-3 may determine that, commencing July 1, 2007, there may be captured in the tax area  
40 up to eleven million dollars (\$11,000,000) per year in addition to the up to five million dollars  
41 (\$5,000,000) of state revenue to be captured by the tax area under section 14 of this chapter **for the**  
42 **professional sports development area fund and in addition to the state revenue to be captured**  
43 **by the part of the tax area covered by section 14.2 of this chapter for the sports and convention**  
44 **facilities operating fund,** for up to thirty-four (34) consecutive years. The budget director's  
45 determination must specify that the termination date of the tax area for purposes of the collection of  
46 the additional eleven million dollars (\$11,000,000) per year **for the professional sports development**  
47 **area fund** is extended to not later than:

- 48 (1) January 1, 2041; or

1 (2) January 1, 2010, if on that date there are no obligations owed by the capital improvement  
2 board of managers to the Indiana stadium and convention building authority or to any state  
3 agency under IC 5-1-17-26.

4 Following the budget director's determination, and commencing July 1, 2007, the maximum total  
5 amount of revenue captured by the tax area for years ending before January 1, 2041, ~~shall be~~ **is** sixteen  
6 million dollars (\$16,000,000) per year **for the professional sports development area fund.**

7 (b) The additional revenue captured pursuant to a determination under subsection (a) shall be  
8 distributed to the capital improvement board or its designee. So long as there are any current or future  
9 obligations owed by the capital improvement board to the Indiana stadium and convention building  
10 authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into  
11 between the capital improvement board and the Indiana stadium and convention building authority or  
12 any state agency under IC 5-1-17-26, the capital improvement board or its designee shall deposit the  
13 additional revenue received under this subsection in a special fund, which may be used only for the  
14 payment of the obligations described in this subsection.

15 (c) Notwithstanding the budget director's determination under subsection (a), after January 1, 2010,  
16 the capture of the additional eleven million dollars (\$11,000,000) per year described in subsection (a)  
17 terminates on January 1 of the year following the first year in which no obligations of the capital  
18 improvement board described in subsection (b) remain outstanding.

19 SECTION 414. IC 36-7-31-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
20 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14.2. (a) This section applies to the**  
21 **part of the tax area in which a facility or complex of facilities described in section 10(a)(3) of this**  
22 **chapter is located. A reference to "tax area addition" in this section includes only the part of the**  
23 **tax area in which a facility or complex of facilities described in section 10(a)(3) of this chapter**  
24 **is located.**

25 (b) **A tax area change described in section 11(a)(2) of this chapter must be established by**  
26 **resolution. A resolution changing the tax area must provide for a request for the allocation of:**

27 (1) **covered taxes attributable to a taxable event in the tax area addition; or**

28 (2) **covered taxes from income earned in the tax area addition;**

29 **to the sports and convention facilities operating fund established by section 16(b) of this chapter.**  
30 **However, to the extent a covered tax has been pledged before January 1, 2009, and allocated**  
31 **under IC 36-10-9-11 to the capital improvement bond fund, that amount shall not be allocated**  
32 **to the sports and convention facilities operating fund.**

33 (c) **The allocation provision must apply only to the tax area addition.**

34 (d) **The resolution changing the tax area must designate each facility and each facility site for**  
35 **which the money to be distributed from the sports and convention facilities operating fund will**  
36 **be used.**

37 (e) **The budget director shall make an annual determination of whether at least one (1) of the**  
38 **following conditions is satisfied:**

39 (1) **The maximum additional tax rate for the innkeeper's tax under IC 6-9-8 was adopted**  
40 **after June 30, 2009, and before September 1, 2009, and was in effect on January 1 of the**  
41 **determination year.**

42 (2) **As of January 1 of the determination year:**

43 (A) **at least four million dollars (\$4,000,000) per year is being raised from the**  
44 **innkeeper's tax rate increase that was adopted under IC 6-9-8 after June 30, 2009, and**  
45 **before September 1, 2009; and**

46 (B) **the treasurer of state has invested in obligations issued by the capital improvement**  
47 **board under IC 5-13-10.5-18.**

48 **If the budget director determines that either of the conditions under subdivision (1) or (2) is**  
49 **satisfied, covered taxes attributable to the part of the tax area in which a facility or complex of**

1 facilities described in section 10(a)(3) of this chapter is located shall then be deposited in the  
2 sports and convention facilities operating fund established by section 16(b) of this chapter. For  
3 2009, the budget director may use September 1, 2009, instead of January 1, 2009, to make a  
4 determination of whether to make deposits in the sports and convention facilities operating fund  
5 in 2009. However, the maximum total amount of covered taxes that may be deposited in the  
6 sports and convention facilities operating fund is eight million dollars (\$8,000,000) during each  
7 year. To the extent a covered tax has been pledged before January 1, 2009, and allocated under  
8 IC 36-10-9-11 to the capital improvement bond fund, that amount shall not be allocated to or  
9 deposited in the sports and convention facilities operating fund.

10 (f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation  
11 of covered taxes from the tax area addition.

12 SECTION 415. IC 36-7-31-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
13 2009]: Sec. 16. (a) A professional sports development area fund for the county is established. The fund  
14 shall be administered by the department. Money in the fund does not revert to the state general fund  
15 at the end of a state fiscal year.

16 (b) A sports and convention facilities operating fund for the county is established. The fund  
17 shall be administered by the department. Money in the fund does not revert to the state general  
18 fund at the end of a state fiscal year.

19 SECTION 416. IC 36-7-31-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
20 2009]: Sec. 17. Covered taxes attributable to a taxing area established under section 14 of this chapter  
21 shall be deposited in the professional sports development area fund established by section 16(a) of  
22 this chapter for the county.

23 SECTION 417. IC 36-7-31-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
24 2009]: Sec. 18. On or before the twentieth day of each month, all amounts held in the professional  
25 sports development area fund and in the sports and convention facilities operating fund for the  
26 county are appropriated for and shall be distributed to the capital improvement board.

27 SECTION 418. IC 36-7-31-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
28 2009]: Sec. 20. All distributions from the professional sports development area fund or the sports and  
29 convention facilities operating fund for the county shall be made by warrants issued by the auditor  
30 of state to the treasurer of state ordering those payments to the capital improvement board.

31 SECTION 419. IC 36-7-31-21, AS AMENDED BY P.L.214-2005, SECTION 70, IS AMENDED  
32 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) Except as provided in section  
33 14.1 of this chapter, the capital improvement board may use money distributed from the professional  
34 sports development area fund established by section 16(a) of this chapter only to construct and  
35 equip a capital improvement that is used for a professional sporting event, including the financing or  
36 refinancing of a capital improvement or the payment of lease payments for a capital improvement.

37 (b) The capital improvement board or its designee shall deposit the revenue received from  
38 the sports and convention facilities operating fund established by section 16(b) of this chapter  
39 in a special fund, which may be used only for paying usual and customary operating expenses  
40 with respect to the capital improvements that are owned, leased, or operated by the capital  
41 improvement board. The special fund may not be used for the payment of any current or future  
42 obligations owed by the capital improvement board:

43 (1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any  
44 state agency under a lease or another agreement entered into between the capital  
45 improvement board and the Indiana stadium and convention building authority or any  
46 state agency under IC 5-1-17-26; or

47 (2) for the construction or equipping of a capital improvement that is used for a  
48 professional sporting event or convention, including the financing or refinancing of a

1           **capital improvement or the payment of lease payments for a capital improvement.**

2           SECTION 420. IC 36-7-31-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2009]: Sec. 22. The capital improvement board shall repay to the professional sports development area  
4 fund **or the sports and convention facilities operating fund** any amount that is distributed to the  
5 capital improvement board and used for:

- 6           (1) a purpose that is not described in section 21 of this chapter; or  
7           (2) a facility or facility site other than the facility and facility site to which covered taxes are  
8           designated under the resolution described in section 14 **or 14.2** of this chapter.

9           The department shall distribute the covered taxes repaid to the professional sports development area  
10 fund **or the sports and convention facilities operating fund** under this section proportionately to the  
11 funds and the political subdivisions that would have received the covered taxes if the covered taxes  
12 had not been allocated to the tax area under this chapter.

13           SECTION 421. IC 36-7.5-1-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
14 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11.3. "Eligible municipality" refers**  
15 **to a municipality that has become a member of the development authority under**  
16 **IC 36-7.5-2-3(i).**

17           SECTION 422. IC 36-7.5-2-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO  
18 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The development authority may carry  
19 out its powers and duties under this article in **the following:**

20           (1) An eligible county.

21           (2) **An eligible municipality.**

22           SECTION 423. IC 36-7.5-2-3, AS AMENDED BY P.L.1-2007, SECTION 241, IS AMENDED TO  
23 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The development authority is  
24 governed by the development board appointed under this section.

25           (b) Except as provided in subsections (e), ~~and~~ (f), **and (h)**, the development board is composed of  
26 the following seven (7) members:

27           (1) Two (2) members appointed by the governor. One (1) of the members appointed by the  
28 governor under this subdivision must be an individual nominated under subsection (d). The  
29 members appointed by the governor under this subdivision serve at the pleasure of the governor.

30           (2) The following members from a county having a population of more than four hundred  
31 thousand (400,000) but less than seven hundred thousand (700,000):

32           (A) One (1) member appointed by the mayor of the largest city in the county in which a  
33 riverboat is located.

34           (B) One (1) member appointed by the mayor of the second largest city in the county in which  
35 a riverboat is located.

36           (C) One (1) member appointed by the mayor of the third largest city in the county in which  
37 a riverboat is located.

38           (D) One (1) member appointed jointly by the county executive and the county fiscal body. A  
39 member appointed under this clause may not reside in a city described in clause (A), (B), or  
40 (C).

41           (3) One (1) member appointed jointly by the county executive and county fiscal body of a county  
42 having a population of more than one hundred forty-five thousand (145,000) but less than one  
43 hundred forty-eight thousand (148,000).

44           (c) A member appointed to the development board must have knowledge and at least five (5) years  
45 professional work experience in at least one (1) of the following:

46           (1) Rail transportation or air transportation.

47           (2) Regional economic development.

48           (3) Business or finance.

1 (d) The mayor of the largest city in a county having a population of more than one hundred  
2 forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) shall nominate  
3 three (3) residents of the county for appointment to the development board. One (1) of the governor's  
4 initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the  
5 expiration of the member's term, the mayor of the second largest city in the county shall nominate three  
6 (3) residents of the county for appointment to the development board. One (1) of the governor's  
7 appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the  
8 authority to nominate the three (3) individuals from among whom the governor shall make an  
9 appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second  
10 largest city in the county at the expiration of a member's term.

11 (e) A county having a population of more than one hundred ten thousand (110,000) but less than  
12 one hundred fifteen thousand (115,000) shall be an eligible county participating in the development  
13 authority if the fiscal body of the county adopts an ordinance before September 15, 2006, providing  
14 that the county is joining the development authority, and the fiscal body of a city that is located in the  
15 county and that has a population of more than thirty-two thousand eight hundred (32,800) but less than  
16 thirty-three thousand (33,000) adopts an ordinance before September 15, 2006, providing that the city  
17 is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under  
18 this subsection and the county becomes an eligible county participating in the development authority:

19 (1) the development board shall be composed of nine (9) members rather than seven (7) members;  
20 and

21 (2) the additional two (2) members shall be appointed in the following manner:

22 (A) One (1) additional member shall be appointed by the governor and shall serve at the  
23 pleasure of the governor. The member appointed under this clause must be an individual  
24 nominated under subsection (f).

25 (B) One (1) additional member shall be appointed jointly by the county executive and county  
26 fiscal body.

27 (f) This subsection applies only if the county described in subsection (e) is an eligible county  
28 participating in the development authority. The mayor of the largest city in the county described in  
29 subsection (e) shall nominate three (3) residents of the county for appointment to the development  
30 board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated  
31 by the mayor. At the expiration of the member's term, the mayor of the second largest city in the  
32 county described in subsection (e) shall nominate three (3) residents of the county for appointment to  
33 the development board. The governor's second appointment under subsection (e)(2)(A) must be an  
34 individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from  
35 among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate  
36 between the mayors of the largest and the second largest city in the county at the expiration of a  
37 member's term.

38 (g) An individual or entity required to make an appointment under subsection (b) or nominations  
39 under subsection (d) must make the initial appointment before September 1, 2005, or the initial  
40 nomination before August 15, 2005. If an individual or entity does not make an initial appointment  
41 under subsection (b) before September 1, 2005, or the initial nominations required under subsection  
42 (d) before September 1, 2005, the governor shall instead make the initial appointment.

43 **(h) Subsection (i) applies only to municipalities located in a county that:**

44 **(1) has a population of more than one hundred forty-five thousand (145,000) but less than**  
45 **one hundred forty-eight thousand (148,000); and**

46 **(2) was a member of the development authority on January 1, 2009, and subsequently**  
47 **ceases to be a member of the development authority.**

48 **(i) If the fiscal bodies of at least two (2) municipalities subject to this subsection adopt**  
49 **ordinances to become members of the development authority, those municipalities shall become**

1 **members of the development authority. If two (2) or more municipalities become members of**  
2 **the development authority under this subsection, the fiscal bodies of the municipalities that**  
3 **become members of the development authority shall jointly appoint one (1) member of the**  
4 **development board who shall serve in place of the member described in subsection (b)(3). A**  
5 **municipality that becomes a member of the development authority under this subsection is**  
6 **considered an eligible municipality for purposes of this article.**

7 SECTION 424. IC 36-7.5-3-2, AS AMENDED BY P.L.47-2006, SECTION 60, IS AMENDED TO  
8 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The development authority may do  
9 any of the following:

10 (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land  
11 and projects located in an eligible county **or eligible municipality.**

12 (2) Lease land or a project to an eligible political subdivision.

13 (3) Finance and construct additional improvements to projects or other capital improvements  
14 owned by the development authority and lease them to or for the benefit of an eligible political  
15 subdivision.

16 (4) Acquire land or all or a portion of one (1) or more projects from an eligible political  
17 subdivision by purchase or lease and lease the land or projects back to the eligible political  
18 subdivision, with any additional improvements that may be made to the land or projects.

19 (5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by  
20 purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the  
21 eligible political subdivision to make a savings in debt service obligations or lease rental  
22 obligations or to obtain relief from covenants that the eligible political subdivision considers to  
23 be unduly burdensome.

24 (6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf  
25 of the following:

26 (A) A commuter transportation district.

27 (B) An airport authority or airport development authority.

28 (C) A shoreline development commission.

29 (D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under  
30 this clause may be used by a regional bus authority for acquiring, improving, operating,  
31 maintaining, financing, and supporting the following:

32 (i) Bus services (including fixed route services and flexible or demand-responsive services)  
33 that are a component of a public transportation system.

34 (ii) Bus terminals, stations, or facilities or other regional bus authority projects.

35 (E) A regional transportation authority.

36 (7) Provide funding to assist a railroad that is providing commuter transportation services in an  
37 eligible county **or eligible municipality.**

38 (8) Provide funding to assist an airport authority located in an eligible county **or eligible**  
39 **municipality** in the construction, reconstruction, renovation, purchase, lease, acquisition, and  
40 equipping of an airport facility or airport project.

41 (9) Provide funding to assist in the development of an intermodal facility to facilitate the  
42 interchange and movement of freight.

43 (10) Provide funding to assist a shoreline development commission in carrying out the purposes  
44 of IC 36-7-13.5.

45 (11) Provide funding for economic development projects in an eligible county **or eligible**  
46 **municipality.**

47 (12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest,  
48 grant, condemnation, lease, or sublease, on the terms and conditions determined by the

1 development authority, any real or personal property located in an eligible county **or eligible**  
2 **municipality.**

3 (13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining  
4 them to determine the location of a project.

5 (14) Make or enter into all contracts and agreements necessary or incidental to the performance  
6 of its duties and the execution of its powers under this article.

7 (15) Sue, be sued, plead, and be impleaded.

8 (16) Design, order, contract for, and construct, reconstruct, and renovate a project or  
9 improvements to a project.

10 (17) Appoint an executive director and employ appraisers, real estate experts, engineers,  
11 architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any  
12 consultants or employees that are necessary or desired by the development authority in exercising  
13 its powers or carrying out its duties under this article.

14 (18) Accept loans, grants, and other forms of financial assistance from the federal government,  
15 the state government, a political subdivision, or any other public or private source.

16 (19) Use the development authority's funds to match federal grants or make loans, loan  
17 guarantees, or grants to carry out the development authority's powers and duties under this article.

18 (20) Except as prohibited by law, take any action necessary to carry out this article.

19 (b) If the development authority is unable to agree with the owners, lessees, or occupants of any  
20 real property selected for the purposes of this article, the development authority may proceed under  
21 IC 32-24-1 to procure the condemnation of the property. The development authority may not institute  
22 a proceeding until it has adopted a resolution that:

23 (1) describes the real property sought to be acquired and the purpose for which the real property  
24 is to be used;

25 (2) declares that the public interest and necessity require the acquisition by the development  
26 authority of the property involved; and

27 (3) sets out any other facts that the development authority considers necessary or pertinent.

28 The resolution is conclusive evidence of the public necessity of the proposed acquisition.

29 SECTION 425. IC 36-7.5-4-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO  
30 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The development board shall  
31 establish and administer a development authority fund.

32 (b) The development authority fund consists of the following:

33 (1) Riverboat admissions tax revenue, riverboat wagering tax revenue, or riverboat incentive  
34 payments received by a city or county described in IC 36-7.5-2-3(b) and transferred by the county  
35 or city to the fund.

36 (2) County economic development income tax revenue received under IC 6-3.5-7 by a county or  
37 city and transferred by the county or city to the fund.

38 (3) Amounts distributed under IC 8-15-2-14.7.

39 (4) Food and beverage tax revenue deposited in the fund under IC 6-9-36-8.

40 (5) Funds received from the federal government.

41 (6) Appropriations to the fund by the general assembly.

42 (7) Other local revenue appropriated to the fund by a political subdivision.

43 (8) Gifts, donations, and grants to the fund.

44 (c) ~~On the date the development authority issues bonds for any purpose under this article, which~~  
45 ~~are secured in whole or in part by~~ **The development authority shall establish a** development  
46 ~~authority fund. The development board shall establish and administer two (2) accounts within the~~  
47 ~~development authority fund. The accounts shall be the a general account, and the a lease rental~~  
48 ~~account, After the accounts are established, and such other accounts in the fund as are necessary~~  
49 **or appropriate to carry out the powers and duties of the development authority. Except as**

1 **otherwise provided by law or agreement with holders of any obligations of the development**  
2 **authority**, all money transferred to the development authority fund under ~~subsections~~ **subsection**  
3 (b)(1), (b)(2), and (b)(4) shall be deposited in the lease rental account and used only for the payment  
4 of or to secure the payment of obligations of an eligible political subdivision under a lease entered into  
5 by an eligible political subdivision and the development authority under this chapter. However, any  
6 money deposited in the lease rental account and not used for the purposes of this subsection shall be  
7 returned by the treasurer of the development authority to the respective counties and cities that  
8 contributed the money to the development authority.

9 (d) ~~Notwithstanding subsection (c);~~ If the amount of ~~all~~ money transferred to the development  
10 authority fund under ~~subsections~~ **subsection** (b)(1), (b)(2), and (b)(4) for deposit in the lease rental  
11 account in any one (1) calendar year is greater than an amount equal to:

12 (1) one and twenty-five hundredths (1.25); multiplied by

13 (2) the total of the highest annual debt service on any bonds then outstanding to their final  
14 maturity date, which have been issued under this article and are not secured by a lease, plus the  
15 highest annual lease payments on any leases to their final maturity, which are then in effect under  
16 this article;

17 ~~then~~ all or a portion of the excess may instead be deposited in the general account.

18 (e) **Except as otherwise provided by law or agreement with the holders of obligations of the**  
19 **development authority**, all other money and revenues of the development authority may be deposited  
20 in the general account or the lease rental account at the discretion of the development board. Money  
21 on deposit in the lease rental account may be used only to make rental payments on leases entered into  
22 by the development authority under this article. Money on deposit in the general account may be used  
23 for any purpose authorized by this article.

24 (f) The development authority fund shall be administered by the development authority.

25 (g) Money in the development authority fund shall be used by the development authority to carry  
26 out this article and does not revert to any other fund.

27 SECTION 426. IC 36-7.5-4-2, AS AMENDED BY P.L.47-2006, SECTION 61, IS AMENDED TO  
28 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in subsection (b),  
29 beginning in 2006 the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each  
30 transfer three million five hundred thousand dollars (\$3,500,000) each year to the development  
31 authority for deposit in the development authority fund established under section 1 of this chapter.  
32 **However, if a county having a population of more than one hundred forty-five thousand**  
33 **(145,000) but less than one hundred forty-eight thousand (148,000) ceases to be a member of the**  
34 **development authority and two (2) or more municipalities in the county have become members**  
35 **of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of county economic**  
36 **development income tax transferred under IC 6-3.5-7-13.1(b)(4) is the contribution of the**  
37 **municipalities in the county that have become members of the development authority.**

38 (b) This subsection applies only if:

39 (1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under  
40 IC 36-7.5-2-3(e) providing that the county is joining the development authority;

41 (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under  
42 IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

43 (3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development  
44 authority.

45 Beginning in 2007, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two  
46 million six hundred twenty-five thousand dollars (\$2,625,000) each year to the development authority  
47 for deposit in the development authority fund established under section 1 of this chapter. Beginning  
48 in 2007, the fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred  
49 seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the

1 development authority fund established under section 1 of this chapter.

2 (c) The following apply to the transfers required by subsections (a) and (b):

3 (1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made  
4 without appropriation by the city or county fiscal body or approval by any other entity.

5 (2) Except as provided in subdivision (3), after December 31, 2005, each fiscal officer shall  
6 transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority  
7 fund before the last business day of January, April, July, and October of each year. Food and  
8 beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers  
9 required by this section.

10 (3) After December 31, 2006, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall  
11 transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development  
12 authority fund before the last business day of January, April, July, and October of each year. The  
13 county is not required to make any payments or transfers to the development authority covering  
14 any time before January 1, 2007. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall  
15 transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the  
16 development authority fund before the last business day of January, April, July, and October of  
17 each year. The city is not required to make any payments or transfers to the development  
18 authority covering any time before January 1, 2007.

19 (4) The transfers shall be made from one (1) or more of the following:

20 (A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax  
21 revenue received by the city or county, or riverboat incentive payments received from a  
22 riverboat licensee by the city or county.

23 (B) Any county economic development income tax revenue received under IC 6-3.5-7 by the  
24 city or county.

25 (C) Any other local revenue other than property tax revenue received by the city or county.

26 (D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in  
27 IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the  
28 county or city under IC 8-14-16.

29 SECTION 427. IC 36-8-6-5, AS AMENDED BY P.L.146-2008, SECTION 776, IS AMENDED  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If the local board determines that  
31 the total amount of money available for a year will be insufficient to pay the benefits, pensions, and  
32 retirement allowances the local board is obligated to pay under this chapter, the local board shall,  
33 before the date on which the budget of the municipality is adopted, prepare an itemized estimate in the  
34 form prescribed by the state board of accounts of the amount of money that will be receipted into and  
35 disbursed from the 1925 fund during the next fiscal year. The estimated receipts consist of the items  
36 enumerated in section 4(a) of this chapter. The estimated disbursements consist of an estimate of the  
37 amount of money that will be needed by the local board during the next fiscal year to defray the  
38 expenses and obligations incurred and that will be incurred by the local board in making the payments  
39 prescribed by this chapter to retired members, to members who are eligible to and expect to retire  
40 during the ensuing fiscal year, and to the dependents of deceased members.

41 (b) The local board may provide in its annual budget and pay all necessary expenses of operating  
42 the 1925 fund, including the payment of all costs of litigation and attorney fees arising in connection  
43 with the fund, as well as the payment of benefits and pensions, **including the payments described**  
44 **in section 5.5 of this chapter.** Notwithstanding any other law, neither the municipal legislative body,  
45 the county board of tax adjustment, nor the department of local government finance may reduce an  
46 item of expenditure.

47 (c) At the time when the estimates are prepared and submitted, the local board shall also prepare  
48 and submit a certified statement showing:

49 (1) the name, age, and date of retirement of each retired member and the monthly and yearly

- 1 amount of the payment to which the retired member is entitled;
- 2 (2) the name and age of each member who is eligible to and expects to retire during the next
- 3 fiscal year, the date on which the member expects to retire, and the monthly and yearly amount
- 4 of the payment that the member will be entitled to receive; and
- 5 (3) the name and age of each dependent, the date on which the dependent became a dependent,
- 6 the date on which the dependent will cease to be a dependent by reason of attaining the age at
- 7 which dependents cease to be dependents, and the monthly and yearly amount of the payment to
- 8 which the dependent is entitled.

9 (d) The total receipts shall be deducted from the total expenditures stated in the itemized estimate  
10 and the amount of the excess of the estimated expenditures over the estimated receipts shall be paid  
11 by the municipality in the same manner as other expenses of the municipality are paid. A tax levy shall  
12 be made annually for this purpose, as provided in subsection (e). The estimates submitted shall be  
13 prepared and filed in the same manner and form and at the same time that estimates of other municipal  
14 offices and departments are prepared and filed.

15 (e) The municipal legislative body shall levy an annual tax in the amount and at the rate that are  
16 necessary to produce the revenue to pay that part of the police pensions that the municipality is  
17 obligated to pay. All money derived from the levy is for the exclusive use of the police pensions and  
18 benefits, **including the payments described in section 5.5 of this chapter.** The amounts in the  
19 estimated disbursements, if found to be correct and in conformity with the data submitted in the  
20 certified statement, are a binding obligation upon the municipality. The legislative body shall make  
21 a levy for them that will yield an amount equal to the estimated disbursements, less the amount of the  
22 estimated receipts. Notwithstanding any other law, neither the county board of tax adjustment nor the  
23 department of local government finance may reduce the levy.

24 SECTION 428. IC 36-8-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
25 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.5. (a) This section applies to a balance**  
26 **in the 1925 fund that:**

- 27 (1) **accrued from property taxes;**
- 28 (2) **is not necessary to meet the pension, disability, and survivor benefit payment obligations**
- 29 **of the 1925 fund because of amendments to IC 5-10.3-11-4.7 in 2008; and**
- 30 (3) **is determined under subsection (c).**

31 (b) **A local board may authorize the use of money in the 1925 fund to pay any or all of the**  
32 **following:**

- 33 (1) **The costs of health insurance or other health benefits provided to members, survivors,**
- 34 **and beneficiaries of the 1925 fund.**
- 35 (2) **The municipality's employer contributions under IC 36-8-8-6.**
- 36 (3) **The contributions paid by the municipality for a member under IC 36-8-8-8(a).**

37 (c) **The maximum amount that may be used under subsection (b) is equal to the sum of:**

- 38 (1) **the unencumbered balance of the 1925 fund on December 31, 2008; plus**
- 39 (2) **the amount of property taxes:**
  - 40 (A) **imposed for an assessment date before January 16, 2008, for the benefit of the 1925**
  - 41 **fund; and**
  - 42 (B) **deposited in the 1925 fund after December 31, 2008.**

43 SECTION 429. IC 36-8-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
44 2009]: Sec. 9. The 1937 fund and the appropriations made for the fund shall be used exclusively for  
45 the following:

- 46 (1) Payments to retired members and the dependents of deceased members.
- 47 (2) Death benefits.
- 48 (3) Other incidental expenses that are authorized by and are essential to the proper administration  
49 of this chapter, including the payment of all costs of litigation (including attorney's fees) arising

1 in connection with the 1937 fund.

2 **(4) Payments described in section 9.5 of this chapter.**

3 SECTION 430. IC 36-8-7-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9.5. (a) This section applies to a balance**  
5 **in a 1937 fund that:**

6 **(1) accrued from property taxes;**

7 **(2) is not necessary to meet the pension, disability, and survivor benefit payment obligations**  
8 **of the 1937 fund because of amendments to IC 5-10.3-11-4.7 in 2008; and**

9 **(3) is determined under subsection (c).**

10 **(b) A local board may authorize the use of money in the 1937 fund to pay any or all of the**  
11 **following:**

12 **(1) The costs of health insurance or other health benefits provided to members, survivors,**  
13 **and beneficiaries of the 1937 fund.**

14 **(2) The unit's employer contributions under IC 36-8-8-6.**

15 **(3) The contributions paid by the unit for a member under IC 36-8-8-8(a).**

16 **(c) The maximum amount that may be used under subsection (b) is equal to the sum of the**  
17 **following:**

18 **(1) the unencumbered balance of the 1937 fund on December 31, 2008; plus**

19 **(2) the amount of property taxes:**

20 **(A) imposed for an assessment date before January 16, 2008, for the benefit of the 1937**  
21 **fund; and**

22 **(B) deposited in the 1937 fund after December 31, 2008.**

23 SECTION 431. IC 36-8-7-14, AS AMENDED BY P.L.146-2008, SECTION 777, IS AMENDED  
24 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) The local board shall meet  
25 annually and prepare an itemized estimate, in the form prescribed by the state board of accounts, of  
26 the amount of money that will be receipted into and disbursed from the 1937 fund during the next  
27 fiscal year. The estimated receipts consist of the items enumerated in section 8 of this chapter. The  
28 estimated disbursements must be divided into two (2) parts, designated as part 1 and part 2.

29 (b) Part 1 of the estimated disbursements consists of an estimate of the amount of money that will  
30 be needed by the local board during the next fiscal year to defray the expenses and obligations incurred  
31 and that will be incurred by the local board in making the payments prescribed by this chapter to  
32 retired members, to members who are eligible to and expect to retire during the next fiscal year, and  
33 to the dependents of deceased members. Part 2 of the estimated disbursements consists of an estimate  
34 of the amount of money that will be needed to pay death benefits and other expenditures that are  
35 authorized or required by this chapter.

36 (c) At the time when the estimates are prepared and submitted, the local board shall also prepare  
37 and submit a certified statement showing the following:

38 (1) The name, age, and date of retirement of each retired member and the monthly and yearly  
39 amount of the payment to which the retired member is entitled.

40 (2) The name and age of each member who is eligible to and expects to retire during the next  
41 fiscal year, the date on which the member expects to retire, and the monthly and yearly amount  
42 of the payment that the member will be entitled to receive.

43 (3) The name and the age of each dependent, the date on which the dependent became a  
44 dependent, the date on which the dependent will cease to be a dependent by reason of attaining  
45 the age at which dependents cease to be dependents, and the monthly and yearly amount of the  
46 payment to which the dependent is entitled.

47 (4) The amount that would be required for the next fiscal year to maintain level cost funding  
48 during the active fund members' employment on an actuarial basis.

49 (5) The amount that would be required for the next fiscal year to amortize accrued liability for

1 active members, retired members, and dependents over a period determined by the local board,  
2 but not to exceed forty (40) years.

3 (d) The total receipts shall be deducted from the total expenditures as listed in the itemized  
4 estimate. The amount of the excess of the estimated expenditures over the estimated receipts shall be  
5 paid by the unit in the same manner as other expenses of the unit are paid, and an appropriation shall  
6 be made annually for that purpose. The estimates submitted shall be prepared and filed in the same  
7 manner and form and at the same time that estimates of other offices and departments of the unit are  
8 prepared and filed.

9 (e) The estimates shall be made a part of the annual budget of the unit. When revising the estimates,  
10 the executive, the fiscal officer, and other fiduciary officers may not reduce the items in part 1 of the  
11 estimated disbursements.

12 (f) The unit's fiscal body shall make the appropriations necessary to pay that proportion of the  
13 budget of the 1937 fund that the unit is obligated to pay under subsection (d). In addition, the fiscal  
14 body may make appropriations for purposes of subsection (c)(4), (c)(5), or both. All appropriations  
15 shall be made to the local board for the exclusive use of the 1937 fund, **including the payments**  
16 **described in section 9.5 of this chapter.** The amounts listed in part 1 of the estimated disbursements,  
17 if found to be correct and in conformity with the data submitted in the certified statement, are a  
18 binding obligation upon the unit. Notwithstanding any other law, neither the county board of tax  
19 adjustment nor the department of local government finance may reduce the appropriations made to pay  
20 the amount equal to estimated disbursements minus estimated receipts.

21 SECTION 432. IC 36-8-7.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
22 2009]: Sec. 8. The 1953 fund is derived from the following sources:

23 (1) From money or other property that is given to the local board for the use of the fund. The  
24 local board may take by gift, grant, devise, or bequest any money, chose in action, personal  
25 property, real property, or use the same for the purposes of the 1953 fund or for such purposes  
26 specified by the grantor.

27 (2) From money, fees, and awards of every nature that are given to the police department of the  
28 municipality or to a member of the department because of service or duty performed by the  
29 department or a member. This includes fines imposed by the safety board against a member of  
30 the department, all money from gambling cases and from gambling devices as well as the  
31 proceeds from the sale of lost, stolen, and confiscated property recovered or taken into possession  
32 by members of the police department in the performance of their duties and confiscated by court  
33 order, and sold at a public sale in accordance with law.

34 (3) From an assessment made during the period of his employment or for thirty-two (32) years,  
35 whichever is shorter, on the salary of each member whom the local board has accepted and  
36 designated as a beneficiary of the 1953 fund, an amount equal to six percent (6%) of the salary  
37 of a first class patrolman. However, the employer may pay all or a part of the assessment for the  
38 member.

39 (4) From the income from investments of the 1953 fund.

40 (5) From the proceeds of a tax levied by the police special service district upon taxable property  
41 in the district, which the treasurer shall collect and credit to the 1953 fund, to be used exclusively  
42 by the 1953 fund, **including the payments described in section 10.5 of this chapter.**

43 SECTION 433. IC 36-8-7.5-10, AS AMENDED BY P.L.146-2008, SECTION 779, IS AMENDED  
44 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) If the local board determines  
45 that the total amount of money available for a year will be insufficient to pay the benefits, pensions,  
46 and retirement allowances the local board is obligated to pay under this chapter, the local board shall,  
47 before the date on which the budget of the police special service district is adopted, prepare an  
48 itemized estimate in the form prescribed by the state board of accounts of the amount of money that  
49 will be receipted into and disbursed from the 1953 fund during the next fiscal year. The estimated

1 receipts consist of the items enumerated in section 8 of this chapter. The estimated disbursements  
2 consist of an estimate of the amount of money that will be needed by the local board during the next  
3 fiscal year to defray the expenses and obligations incurred and that will be incurred by the local board  
4 in making the payments prescribed by this chapter to retired members, to members who are eligible  
5 and expect to retire during the ensuing fiscal year, and to the dependents of deceased members.

6 (b) At the time when the estimates are prepared and submitted, the local board shall also prepare  
7 and submit a certified statement showing:

8 (1) the estimated number of beneficiaries from the 1953 fund during the ensuing fiscal year in  
9 each of the various classifications of beneficiaries as prescribed in this chapter, and the names  
10 and amount of benefits being paid to those actively on the list of beneficiaries at that time;

11 (2) the name, age, and length of service of each member of the police department who is eligible  
12 to and expects to retire during the ensuing fiscal year, and the monthly and yearly amounts of the  
13 payment that the member will be entitled to receive; and

14 (3) the name and age of each dependent of a member of the police department who is then  
15 receiving benefits, the date on which the dependent commenced drawing benefits, and the date  
16 on which the dependent will cease to be a dependent by reason of attaining the age limit  
17 prescribed by this chapter, and the monthly and yearly amounts of the payments to which each  
18 of the dependents is entitled.

19 (c) After the amounts of receipts and disbursements shown in the itemized estimate are fixed and  
20 approved by the executive, fiscal officer, legislative body and other bodies, as provided by law for  
21 other municipal funds, the total receipts shall be deducted from the total expenditures stated in the  
22 itemized estimate, and the amount of the excess shall be paid by the police special service district in  
23 the same manner as other expenses of the district are paid. The legislative body shall levy a tax and  
24 the money derived from the levy shall, when collected, be credited exclusively to the 1953 fund,  
25 **including the payments described in section 10.5 of this chapter.** The tax shall be levied in the  
26 amount and at the rate that is necessary to produce sufficient revenue to equal the deficit.  
27 Notwithstanding any other law, neither the county board of tax adjustment nor the department of local  
28 government finance may reduce the tax levy.

29 SECTION 434. IC 36-8-7.5-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10.5. (a) This section applies to a**  
31 **balance in the 1953 fund that:**

32 (1) **accrued from property taxes;**

33 (2) **is not necessary to meet the pension, disability, and survivor benefit payment obligations**  
34 **of the 1953 fund because of amendments to IC 5-10.3-11-4.7 in 2008; and**

35 (3) **is determined under subsection (c).**

36 (b) **A local board may authorize the use of money in the 1953 fund to pay any or all of the**  
37 **following:**

38 (1) **The costs of health insurance or other health benefits provided to members, survivors,**  
39 **and beneficiaries of the 1953 fund.**

40 (2) **The consolidated city's employer contributions under IC 36-8-8-6.**

41 (3) **The contributions paid by the consolidated city for a member under IC 36-8-8-8(a).**

42 (c) **The maximum amount that may be used under subsection (b) is equal to the sum of the**  
43 **following:**

44 (1) **the unencumbered balance of the 1953 fund on December 31, 2008; plus**

45 (2) **the amount of property taxes:**

46 (A) **imposed for an assessment date before January 16, 2008, for the benefit of the 1953**  
47 **fund; and**

48 (B) **deposited in the 1953 fund after December 31, 2008.**

49 SECTION 435. IC 36-8-12-13, AS AMENDED BY P.L.107-2007, SECTION 15, IS AMENDED

1 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) A volunteer fire department may  
2 impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined  
3 in IC 13-11-2-191(d)) that is involved in a hazardous material or fuel spill or chemical or hazardous  
4 material related fire (as defined in IC 13-11-2-96(b)):

5 (1) that is responded to by the volunteer fire department; and

6 (2) that members of that volunteer fire department assisted in extinguishing, containing, or  
7 cleaning up.

8 (b) The volunteer fire department shall bill the owner or responsible party of the vehicle for the  
9 total dollar value of the assistance that was provided, with that value determined by a method that the  
10 state fire marshal shall establish under IC 36-8-12-16. A copy of the fire incident report to the state  
11 fire marshal must accompany the bill. This billing must take place within thirty (30) days after the  
12 assistance was provided. The owner or responsible party shall remit payment directly to the  
13 governmental unit providing the service. Any money that is collected under this section may be:

14 (1) deposited in the township firefighting fund established in IC 36-8-13-4;

15 (2) used to pay principal and interest on a loan made by the department of homeland security  
16 established by IC 10-19-2-1 or a division of the department for the purchase of new or used  
17 firefighting and other emergency equipment or apparatus; or

18 (3) used for the purchase of equipment, buildings, and property for firefighting, fire protection,  
19 and other emergency services.

20 **(c) Any administrative fees charged by a fire department's agent must be paid only from fees**  
21 **that are collected and allowed by Indiana law and the fire marshal's schedule of fees.**

22 **(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and**  
23 **other related materials to both the fire department and the person being billed for services.**

24 **(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized**  
25 **separately from any other charges.**

26 ~~(f)~~ **(f)** The volunteer fire department may maintain a civil action to recover an unpaid charge that  
27 is imposed under subsection (a).

28 SECTION 436. IC 36-8-12-16, AS AMENDED BY P.L.3-2008, SECTION 266, IS AMENDED  
29 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A volunteer fire department that  
30 provides service within a jurisdiction served by the department may establish a schedule of charges  
31 for the services that the department provides not to exceed the state fire marshal's recommended  
32 schedule for services. The volunteer fire department or its agent may collect a service charge according  
33 to this schedule from the owner of property that receives service if the following conditions are met:

34 (1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political  
35 subdivision served by the department of the amount of the service charge for each service that  
36 the department provides:

37 (A) Before the schedule of service charges is initiated.

38 (B) When there is a change in the amount of a service charge.

39 (2) The property owner has not sent written notice to the department to refuse service by the  
40 department to the owner's property.

41 (3) The bill for payment of the service charge:

42 (A) is submitted to the property owner in writing within thirty (30) days after the services are  
43 provided; and

44 (B) includes a copy of a fire incident report in the form prescribed by the state fire marshal,  
45 if the service was provided for an event that requires a fire incident report.

46 **(4) Payment is remitted directly to the governmental unit providing the service.**

47 (b) A volunteer fire department shall use the revenue collected from the fire service charges under  
48 this section:

49 (1) for the purchase of equipment, buildings, and property for firefighting, fire protection, or

- 1 other emergency services;
- 2 (2) for deposit in the township firefighting fund established under IC 36-8-13-4; or
- 3 (3) to pay principal and interest on a loan made by the department of homeland security
- 4 established by IC 10-19-2-1 or a division of the department for the purchase of new or used
- 5 firefighting and other emergency equipment or apparatus.

6 **(c) Any administrative fees charged by a fire department's agent must be paid only from fees**  
7 **that are collected and allowed by Indiana law and the fire marshal's schedule of fees.**

8 **(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and**  
9 **other related materials to both the fire department and the person being billed for services.**

10 **(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized**  
11 **separately from any other charges.**

12 ~~(e)~~ **(f)** If at least twenty-five percent (25%) of the money received by a volunteer fire department  
13 for providing fire protection or emergency services is received under one (1) or more contracts with  
14 one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a  
15 contracting political subdivision must approve the schedule of service charges established under  
16 subsection (a) before the schedule of service charges is initiated in that political subdivision.

17 ~~(d)~~ **(g)** A volunteer fire department that:

- 18 (1) has contracted with a political subdivision to provide fire protection or emergency services;
- 19 and
- 20 (2) charges for services under this section;

21 must submit a report to the legislative body of the political subdivision before April 1 of each year  
22 indicating the amount of service charges collected during the previous calendar year and how those  
23 funds have been expended.

24 ~~(e)~~ **(h)** The state fire marshal shall annually prepare and publish a recommended schedule of service  
25 charges for fire protection services.

26 ~~(f)~~ **(i)** The volunteer fire department or its agent may maintain a civil action to recover an unpaid  
27 service charge under this section.

28 SECTION 437. IC 36-8-12.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
29 2009]: Sec. 6. **(a)** A fire department may impose a charge on a person that is a responsible party with  
30 respect to a hazardous materials emergency that:

- 31 (1) the fire department responded to;
- 32 (2) members of that fire department assisted in containing, controlling, or cleaning up;
- 33 (3) with respect to the release or imminent release of hazardous materials at a facility, involves
- 34 a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that
- 35 must be reported under 327 IAC 2-6.1-5, as in effect on January 1, 2001; and
- 36 (4) with respect to the release or imminent release of hazardous materials from a mode of
- 37 transportation, involves a quantity of hazardous materials that exceeds the spill quantities of
- 38 hazardous materials that must be reported under 327 IAC 2-6.1-6, as in effect on January 1, 2001.

39 **(b) The owner or responsible party shall remit payment directly to the governmental unit**  
40 **providing the service.**

41 **(c) Any administrative fees charged by a fire department's agent must be paid only from fees**  
42 **that are collected and allowed by Indiana law and the fire marshal's schedule of fees.**

43 **(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and**  
44 **other related materials to both the fire department and the person being billed for services.**

45 **(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized**  
46 **separately from any other charges.**

47 SECTION 438. IC 36-8-12.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
48 2009]: Sec. 7. A fire department imposing a charge under this chapter may bill the responsible party

1 for the total value of the assistance provided, as determined from the state fire marshal's schedule of  
2 service charges issued under ~~IC 36-8-12-16(e)~~. **IC 36-8-12-16(h)**.

3 SECTION 439. IC 36-8-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
4 PASSAGE]: Sec. 3. (a) The executive of a township, with the approval of the legislative body, may  
5 do the following:

6 (1) Purchase firefighting and emergency services apparatus and equipment for the township,  
7 provide for the housing, care, maintenance, operation, and use of the apparatus and equipment  
8 to provide services within the township but outside the corporate boundaries of municipalities,  
9 and employ full-time or part-time personnel to operate the apparatus and equipment and to  
10 provide services in that area. Preference in employment under this section shall be given  
11 according to the following priority:

12 (A) A war veteran who has been honorably discharged from the United States armed forces.

13 (B) A person whose mother or father was a:

14 (i) firefighter of a unit;

15 (ii) municipal police officer; or

16 (iii) county police officer;

17 who died in the line of duty (as defined in IC 5-10-10-2).

18 A person described in this subdivision may not receive a preference for employment unless the  
19 person applies for employment and meets all employment requirements prescribed by law,  
20 including physical and age requirements, and all employment requirements prescribed by the fire  
21 department.

22 (2) Contract with a municipality in the township or in a contiguous township that maintains  
23 adequate firefighting or emergency services apparatus and equipment to provide fire protection  
24 or emergency services for the township in accordance with IC 36-1-7.

25 (3) Cooperate with a municipality in the township or in a contiguous township in the purchase,  
26 maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use  
27 in the municipality and township in accordance with IC 36-1-7.

28 (4) Contract with a volunteer fire department that has been organized to fight fires in the  
29 township for the use and operation of firefighting apparatus and equipment that has been  
30 purchased by the township in order to save the private and public property of the township from  
31 destruction by fire, including use of the apparatus and equipment in an adjoining township by the  
32 department if the department has made a contract with the executive of the adjoining township  
33 for the furnishing of firefighting service within the township.

34 (5) Contract with a volunteer fire department that maintains adequate firefighting service in  
35 accordance with IC 36-8-12.

36 (b) This subsection applies only to townships that provide fire protection or emergency services or  
37 both under subsection (a)(1) and to municipalities that have ~~all~~ **some part of the** municipal territory  
38 ~~completely~~ within a township and do not have a full-time paid fire department. A township may  
39 provide fire protection or emergency services or both without contracts inside the corporate boundaries  
40 of the municipalities if before July 1 of a year the following occur:

41 (1) The legislative body of the municipality adopts an ordinance to have the township provide  
42 the services without a contract.

43 (2) The township legislative body passes a resolution approving the township's provision of the  
44 services without contracts to the municipality.

45 In a township providing services to a municipality under this section, the legislative body of either the  
46 township or a municipality in the township may opt out of participation under this subsection by  
47 adopting an ordinance or a resolution, respectively, before July 1 of a year.

48 (c) This subsection applies only to a township that:

49 (1) is located in a county containing a consolidated city;

1 (2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal  
2 territory completely within the township on January 1, 1996; and

3 (3) provides fire protection or emergency services, or both, under subsection (a)(1);  
4 and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory  
5 completely within the township. A township may provide fire protection or emergency services, or  
6 both, without contracts inside the corporate boundaries of the municipalities if before August 1 of the  
7 year preceding the first calendar year to which this subsection applies the township legislative body  
8 passes a resolution approving the township's provision of the services without contracts to the  
9 municipality. The resolution must identify the included towns to which the resolution applies. In a  
10 township providing services to a municipality under this section, the legislative body of the township  
11 may opt out of participation under this subsection by adopting a resolution before July 1 of a year. A  
12 copy of a resolution adopted under this subsection shall be submitted to the executive of each included  
13 town covered by the resolution, the county auditor, and the department of local government finance.

14 SECTION 440. IC 36-8-15-19, AS AMENDED BY P.L.146-2008, SECTION 784, IS AMENDED  
15 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) This subsection applies to a  
16 county that has a population of more than one hundred eighty-two thousand seven hundred ninety  
17 (182,790) but less than two hundred thousand (200,000). For the purpose of raising money to fund the  
18 operation of the district, the county fiscal body may impose, for property taxes first due and payable  
19 during each year after the adoption of an ordinance establishing the district, an ad valorem property  
20 tax levy on property within the district. The property tax rate for that levy may not exceed five cents  
21 (\$0.05) on each one hundred dollars (\$100) of assessed valuation.

22 (b) This subsection applies to a county having a consolidated city. The county fiscal body may elect  
23 to fund the operation of the district from part of the certified distribution, if any, that the county is to  
24 receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county  
25 fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year.  
26 The county fiscal body must specify in the ordinance the amount of the certified distribution that is  
27 to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it  
28 shall immediately send a copy of the ordinance to the county auditor.

29 (c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the  
30 territory covered by the district or the number of public agencies served by the district, the ~~local~~  
31 **government tax control board department of local government finance** shall, for property taxes first  
32 due and payable during the year after the adoption of the ordinance, adjust the maximum permissible  
33 ad valorem property tax levy limits of the district and the units participating in the district.

34 (d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies  
35 served by the district, the ~~local government tax control board~~ **department of local government**  
36 **finance** shall reduce the maximum permissible ad valorem property tax levy of the unit for property  
37 taxes first due and payable during the year after the adoption of the ordinance or resolution. The  
38 reduction shall be based on the amount budgeted by the unit for public safety communication services  
39 in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the  
40 district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the  
41 following year to the ~~board;~~ **department of local government finance**, which shall review and set  
42 the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

43 (e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have  
44 its public safety agencies served by the district, the ~~local government tax control board~~ **department**  
45 **of local government finance** shall reduce the maximum permissible ad valorem property tax levy of  
46 the district for property taxes first due and payable during the year after the adoption of the ordinance  
47 or resolution. The reduction shall be based on the amounts being levied by the district within that unit.  
48 If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem

1 property tax levy, and property tax rate for public safety communication services to the board;  
2 **department of local government finance**, which shall review and set the budget, levy, and rate as  
3 though the unit were covered by IC 6-1.1-18.5-7.

4 (f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit  
5 located in a particular county if the county fiscal body of that county does not impose an ad valorem  
6 property tax levy under subsection (a) to fund the operation of the district.

7 (g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an  
8 ad valorem property tax levy on property within the district to fund the operation or implementation  
9 of the district.

10 SECTION 441. IC 36-8-19-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
11 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. (a) The legislative bodies of all**  
12 **participating units in a territory may agree to change the provider unit of the territory from one**  
13 **(1) participating unit to another participating unit. To change the provider unit, the legislative**  
14 **body of each participating unit must adopt an ordinance (if the unit is a county or municipality)**  
15 **or a resolution (if the unit is a township) that agrees to and specifies the new provider unit. The**  
16 **provider unit may not be changed unless all participating units agree on the participating unit**  
17 **that will become the new provider unit. The participating units may not change the provider**  
18 **unit more than one (1) time in any year.**

19 (b) The following apply to an ordinance or a resolution adopted under this section to change  
20 the provider unit of the territory:

21 (1) The ordinance or resolution must be adopted after January 1 but before April 1 of a  
22 year.

23 (2) The ordinance or resolution takes effect January 1 of the year following the year in  
24 which the ordinance or resolution is adopted.

25 SECTION 442. IC 36-8-19-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
26 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.5. (a) This section applies to:**

27 (1) county adjusted gross income tax, county option income tax, and county economic  
28 development income tax distributions; and

29 (2) excise tax distributions;

30 made after December 31, 2009.

31 (b) For purposes of allocating any county adjusted gross income tax, county option income  
32 tax, and county economic development income tax distributions or excise tax distributions that  
33 are distributed based on the amount of a taxing unit's property tax levies, each participating unit  
34 in a territory is considered to have imposed a part of the property tax levy imposed for the  
35 territory. The part of the property tax levy imposed for the territory for a particular year that  
36 shall be attributed to a participating unit is equal to the amount determined in the following  
37 STEPS:

38 **STEP ONE: Determine the total amount of all property taxes imposed by the participating**  
39 **unit in the year before the year in which a property tax levy was first imposed for the**  
40 **territory.**

41 **STEP TWO: Determine the sum of the STEP ONE amounts for all participating units.**

42 **STEP THREE: Divide the STEP ONE result by the STEP TWO result.**

43 **STEP FOUR: Multiply the STEP THREE result by the property tax levy imposed for the**  
44 **territory for the particular year.**

45 SECTION 443. IC 36-8-19-8, AS AMENDED BY P.L.128-2008, SECTION 7, IS AMENDED TO  
46 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 8. (a) Upon the**  
47 **adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of**  
48 **this chapter, the designated provider unit must establish a fire protection territory fund from which all**

1 expenses of operating and maintaining the fire protection services within the territory, including  
2 repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all  
3 other expenses lawfully incurred within the territory shall be paid. The purposes described in this  
4 subsection are the sole purposes of the fund, and money in the fund may not be used for any other  
5 expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit  
6 is not authorized to transfer money out of the fund at any time.

7 (b) The fund consists of the following:

8 (1) All receipts from the tax imposed under this section.

9 (2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

10 (3) Any receipts from a false alarm fee or service charge imposed by the participating units under  
11 IC 36-8-13-4.

12 (4) Any money transferred to the fund by a participating unit under section 8.6 of this chapter.

13 (c) The provider unit, with the assistance of each of the other participating units, shall annually  
14 budget the necessary money to meet the expenses of operation and maintenance of the fire protection  
15 services within the territory, plus a reasonable operating balance, not to exceed twenty percent (20%)  
16 of the budgeted expenses. **Except as provided in IC 6-1.1-18.5-10.5**, after estimating expenses and  
17 receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget.  
18 The amount budgeted under this subsection shall be considered a part of each of the participating unit's  
19 budget.

20 (d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing  
21 fire protection services within the territory, the provider unit may transfer from available sources to  
22 the fire protection territory fund the money needed to cover those costs. In this case:

23 (1) the levy in the following year shall be increased by the amount required to be transferred; and

24 (2) the provider unit is entitled to transfer the amount described in subdivision (1) from the fund  
25 as reimbursement to the provider unit.

26 (e) If the amount levied in a particular year exceeds the amount necessary to cover the costs  
27 incurred in providing fire protection services within the territory, the levy in the following year shall  
28 be reduced by the amount of surplus money that is not transferred to the equipment replacement fund  
29 established under section 8.5 of this chapter. The amount that may be transferred to the equipment  
30 replacement fund may not exceed five percent (5%) of the levy for that fund for that year. Each  
31 participating unit must agree to the amount to be transferred by adopting an ordinance (if the unit is  
32 a county or municipality) or a resolution (if the unit is a township) that specifies an identical amount  
33 to be transferred.

34 (f) The tax under this section is ~~not~~ subject to the tax levy limitations imposed ~~on civil taxing units~~  
35 ~~under IC 6-1.1-18.5 for any unit that is a participating unit in a fire protection territory that was~~  
36 ~~established before August 1, 2001.~~ **under IC 6-1.1-18.5-10.5.**

37 (g) ~~This subsection applies to a participating unit in a fire protection territory established under~~  
38 ~~IC 36-8-19 after July 31, 2001. For purposes of calculating a participating unit's maximum permissible~~  
39 ~~ad valorem property tax levy for the three (3) calendar years in which the participating unit levies a~~  
40 ~~tax to support the territory, the unit's maximum permissible ad valorem property tax levy for the~~  
41 ~~preceding calendar year under IC 6-1.1-18.5-3(a) STEP ONE or IC 6-1.1-18.5-3(b) STEP ONE is~~  
42 ~~increased each year by an amount equal to the difference between the:~~

43 (1) amount the unit will have to levy for the ensuing calendar year in order to fund the unit's share  
44 of the fire protection territory budget for the operating costs as provided in the ordinance or  
45 resolution making the unit a participating unit in the fire protection territory; and

46 (2) unit's levy for fire protection services for the calendar year that immediately precedes the  
47 ensuing calendar year in which the participating unit levies a tax to support the territory.

48 SECTION 444. IC 36-9-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
49 1, 2010]: Sec. 1. This chapter applies to all units except townships. **However, with respect to a**

1 **public transportation system, this chapter does not apply after December 31, 2009, to a county**  
2 **that is a member of the northern Indiana regional transportation district established under**  
3 **IC 8-24 and that has a population of:**

4 (1) **more than four hundred thousand (400,000) but less than seven hundred thousand**  
5 **(700,000); or**

6 (2) **more than one hundred forty-five thousand (145,000) but less than one hundred**  
7 **forty-eight thousand (148,000);**

8 **or a unit located in such a county.**

9 SECTION 445. IC 36-9-3-2, AS AMENDED BY P.L.214-2005, SECTION 74, IS AMENDED TO  
10 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) **Except as provided in**  
11 **subsection (d),** a fiscal body of a county or municipality may, by ordinance, establish a regional  
12 transportation authority (referred to as "the authority" in this chapter) for the purpose of acquiring,  
13 improving, operating, maintaining, financing, and generally supporting a public transportation system  
14 that operates within the boundaries of an area designated as a transportation planning district by the  
15 Indiana department of transportation. However, only one (1) public transportation authority may be  
16 established within an area designated as a transportation planning district by the Indiana department  
17 of transportation.

18 (b) The ordinance establishing the authority must include an effective date and a name for the  
19 authority. Except as provided in subsection (c), the words "regional transportation authority" must be  
20 included in the name of the authority.

21 (c) **After December 31, 2009, this subsection applies if a county is not a member of the**  
22 **northern Indiana regional transportation district established under IC 8-24.** The words "regional  
23 bus authority" must be included in the name of an authority that includes a county having a population  
24 of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

25 (d) **After December 31, 2009, this subsection applies if a county is a member of the northern**  
26 **Indiana regional transportation district established under IC 8-24 and has a population of:**

27 (1) **more than four hundred thousand (400,000) but less than seven hundred thousand**  
28 **(700,000); or**

29 (2) **more than one hundred forty-five thousand (145,000) but less than one hundred**  
30 **forty-eight thousand (148,000).**

31 **In such a county the regional bus authority or regional transportation authority, whichever**  
32 **applies, is abolished effective January 1, 2010. After December 31, 2009, a regional**  
33 **transportation authority may not be established by a fiscal body of such a county or a**  
34 **municipality in such a county.**

35 SECTION 446. IC 36-9-3-5, AS AMENDED BY P.L.70-2007, SECTION 3, IS AMENDED TO  
36 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 5. (a) An authority is under the  
37 control of a board (referred to as "the board" in this chapter) that, except as provided in subsections  
38 (b) and (c), consists of:

39 (1) two (2) members appointed by the executive of each county in the authority;

40 (2) one (1) member appointed by the executive of the largest municipality in each county in the  
41 authority;

42 (3) one (1) member appointed by the executive of each second class city in a county in the  
43 authority; and

44 (4) one (1) member from any other political subdivision that has public transportation  
45 responsibilities in a county in the authority.

46 (b) An authority that includes a consolidated city is under the control of a board consisting of the  
47 following:

48 (1) Two (2) members appointed by the executive of the county having the consolidated city.

49 (2) One (1) member appointed by the board of commissioners of the county having the

1 consolidated city.

2 (3) One (1) member appointed by the executive of each other county in the authority.

3 (4) Two (2) members appointed by the governor from a list of at least five (5) names provided  
4 by the Indianapolis regional transportation council.

5 (5) One (1) member representing the four (4) largest municipalities in the authority located in a  
6 county other than a county containing a consolidated city. The member shall be appointed by the  
7 executives of the municipalities acting jointly.

8 (6) One (1) member representing the excluded cities located in a county containing a consolidated  
9 city that are members of the authority. The member shall be appointed by the executives of the  
10 excluded cities acting jointly.

11 (7) One (1) member of a labor organization representing employees of the authority who provide  
12 public transportation services within the geographic jurisdiction of the authority. The labor  
13 organization shall appoint the member.

14 **(c) After December 31, 2009, this subsection applies if both a county having a population of**  
15 **more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) and**  
16 **a county having a population of more than one hundred forty-five thousand (145,000) but less**  
17 **than one hundred forty-eight thousand (148,000) are not members of the northern Indiana**  
18 **regional transportation district established under IC 8-24. An authority that includes a county**  
19 **having a population of more than four hundred thousand (400,000) but less than seven hundred**  
20 **thousand (700,000) is under the control of a board consisting of the following twenty-one (21)**  
21 **members:**

22 (1) Three (3) members appointed by the executive of a city with a population of more than ninety  
23 thousand (90,000) but less than one hundred five thousand (105,000).

24 (2) Two (2) members appointed by the executive of a city with a population of more than  
25 seventy-five thousand (75,000) but less than ninety thousand (90,000).

26 (3) One (1) member jointly appointed by the executives of the following municipalities located  
27 within a county having a population of more than four hundred thousand (400,000) but less than  
28 seven hundred thousand (700,000):

29 (A) A city with a population of more than five thousand one hundred thirty-five (5,135) but  
30 less than five thousand two hundred (5,200).

31 (B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two  
32 thousand eight hundred (32,800).

33 (4) One (1) member who is jointly appointed by the fiscal body of the following municipalities  
34 located within a county with a population of more than four hundred thousand (400,000) but less  
35 than seven hundred thousand (700,000):

36 (A) A town with a population of more than fifteen thousand (15,000) but less than twenty  
37 thousand (20,000).

38 (B) A town with a population of more than twenty-three thousand (23,000) but less than  
39 twenty-four thousand (24,000).

40 (C) A town with a population of more than twenty thousand (20,000) but less than  
41 twenty-three thousand (23,000).

42 (5) One (1) member who is jointly appointed by the fiscal body of the following municipalities  
43 located within a county with a population of more than four hundred thousand (400,000) but less  
44 than seven hundred thousand (700,000):

45 (A) A town with a population of more than eight thousand (8,000) but less than nine thousand  
46 (9,000).

47 (B) A town with a population of more than twenty-four thousand (24,000) but less than thirty  
48 thousand (30,000).

49 (C) A town with a population of more than twelve thousand five hundred (12,500) but less

- 1 than fifteen thousand (15,000).
- 2 (6) One (1) member who is jointly appointed by the following authorities of municipalities  
3 located in a county having a population of more than four hundred thousand (400,000) but less  
4 than seven hundred thousand (700,000):
- 5 (A) The executive of a city with a population of more than nineteen thousand eight hundred  
6 (19,800) but less than twenty-one thousand (21,000).
- 7 (B) The fiscal body of a town with a population of more than nine thousand (9,000) but less  
8 than twelve thousand five hundred (12,500).
- 9 (C) The fiscal body of a town with a population of more than five thousand (5,000) but less  
10 than eight thousand (8,000).
- 11 (D) The fiscal body of a town with a population of less than one thousand five hundred  
12 (1,500).
- 13 (E) The fiscal body of a town with a population of more than two thousand two hundred  
14 (2,200) but less than five thousand (5,000).
- 15 (7) One (1) member appointed by the fiscal body of a town with a population of more than thirty  
16 thousand (30,000) located within a county with a population of more than four hundred thousand  
17 (400,000) but less than seven hundred thousand (700,000).
- 18 (8) One (1) member who is jointly appointed by the following authorities of municipalities that  
19 are located within a county with a population of more than four hundred thousand (400,000) but  
20 less than seven hundred thousand (700,000):
- 21 (A) The executive of a city having a population of more than twenty-five thousand (25,000)  
22 but less than twenty-seven thousand (27,000).
- 23 (B) The executive of a city having a population of more than thirteen thousand nine hundred  
24 (13,900) but less than fourteen thousand two hundred (14,200).
- 25 (C) The fiscal body of a town having a population of more than one thousand five hundred  
26 (1,500) but less than two thousand two hundred (2,200).
- 27 (9) Three (3) members appointed by the fiscal body of a county with a population of more than  
28 four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- 29 (10) One (1) member appointed by the county executive of a county with a population of more  
30 than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- 31 (11) One (1) member of a labor organization representing employees of the authority who provide  
32 public transportation services within the geographic jurisdiction of the authority. The labor  
33 organization shall appoint the member. If more than one (1) labor organization represents the  
34 employees of the authority, each organization shall submit one (1) name to the governor, and the  
35 governor shall appoint the member from the list of names submitted by the organizations.
- 36 (12) The executive of a city with a population of more than twenty-seven thousand four hundred  
37 (27,400) but less than twenty-eight thousand (28,000), located within a county with a population  
38 of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight  
39 thousand (148,000), or the executive's designee.
- 40 (13) The executive of a city with a population of more than thirty-three thousand (33,000) but  
41 less than thirty-six thousand (36,000), located within a county with a population of more than one  
42 hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000),  
43 or the executive's designee.
- 44 (14) One (1) member of the board of commissioners of a county with a population of more than  
45 one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand  
46 (148,000), appointed by the board of commissioners, or the member's designee.
- 47 (15) One (1) member appointed jointly by the township executive of the township containing the  
48 following towns:
- 49 (A) Chesterton.

- 1 (B) Porter.
- 2 (C) Burns Harbor.
- 3 (D) Dune Acres.

4 The member appointed under this subdivision must be a resident of a town listed in this  
5 subdivision.

6 (16) One (1) member appointed jointly by the township executives of the following townships  
7 located in Porter County:

- 8 (A) Washington Township.
- 9 (B) Morgan Township.
- 10 (C) Pleasant Township.
- 11 (D) Boone Township.
- 12 (E) Union Township.
- 13 (F) Porter Township.
- 14 (G) Jackson Township.
- 15 (H) Liberty Township.
- 16 (I) Pine Township.

17 The member appointed under this subdivision must be a resident of a township listed in this  
18 subdivision.

19 If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive  
20 of the county or city shall appoint one (1) member to serve on the board.

21 SECTION 447. IC 36-9-3-6, AS AMENDED BY P.L.70-2007, SECTION 4, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. (a) Except as provided in  
23 subsection (d), the appointments required by section 5 of this chapter must be made as soon as is  
24 practical, but not later than sixty (60) days after the adoption of the ordinance establishing the  
25 authority. If any appointing authority fails to make the required appointment within the sixty (60) day  
26 time limit, the circuit court from the jurisdiction of the appointing authority shall make the  
27 appointment without delay.

28 (b) The term of office of a member of the board is

- 29 (1) two (2) years, for a member of a board located in a county with a population of more than four  
30 hundred thousand (400,000) but less than seven hundred thousand (700,000), **if such a board**  
31 **exists under this chapter;** and
- 32 (2) four (4) years for all other boards;

33 and continues until the member's successor has qualified for the office. A member may be reappointed  
34 for successive terms.

35 (c) A member of the board serves at the pleasure of the appointing authority.

36 (d) An appointment to an authority located in a county with a population of more than four hundred  
37 thousand (400,000) but less than seven hundred thousand (700,000), **if such an authority exists**  
38 **under this chapter,** must be made not later than sixty (60) days after the adoption of the ordinance  
39 establishing the authority, or for the purpose of reappointments, sixty (60) days after a scheduled  
40 reappointment. If the appointing authority designated in section 5(c)(3), 5(c)(4), 5(c)(5), 5(c)(6), or  
41 5(c)(8) of this chapter fails to make an appointment, the appointment shall be made by the governor.  
42 If a county or city becomes a member of the authority under section 3.5 of this chapter and the  
43 executive of the county or city fails to make an appointment to the board within sixty (60) days after  
44 the county or city becomes a member of the authority, the appointment shall be made by the governor.  
45 The governor shall select an individual from a list comprised of one (1) name from each appointing  
46 authority for that particular appointment.

47 SECTION 448. IC 36-9-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
48 1, 2010]: Sec. 7. (a) Except as provided in subsection (e), As soon as is practical, but not later than  
49 ninety (90) days after the authority is established, the members shall meet and organize themselves as

1 a board.

2 (b) Except as provided in subsection (f), At its first meeting, and annually after that, the board shall  
3 elect from its members a president, a vice president who shall perform the duties of the president  
4 during the absence or disability of the president, a secretary, and a treasurer. If the authority includes  
5 more than one (1) county, the president and vice president must be from different counties.

6 (c) The regional planning commission staff or the metropolitan planning organization if the  
7 authority includes a consolidated city shall serve as staff to the board secretary for the purpose of  
8 recording the minutes of all board meetings and keeping the records of the authority.

9 (d) The board shall keep its maps, plans, documents, records, and accounts in a suitable office,  
10 subject to public inspection at all reasonable times.

11 (e) **After December 31, 2009, this subsection applies if a county is not a member of the**  
12 **northern Indiana regional transportation district established under IC 8-24.** If the authority  
13 includes a county having a population of more than four hundred thousand (400,000) but less than  
14 seven hundred thousand (700,000), the first meeting of the board shall be at the call of the county  
15 council of the county having a population of more than four hundred thousand (400,000) but less than  
16 seven hundred thousand (700,000). The president of the county council shall preside over the first  
17 meeting until the officers of the board have been elected.

18 (f) **After December 31, 2009, this subsection applies if a county is not a member of the**  
19 **northern Indiana regional transportation district established under IC 8-24.** If the authority  
20 includes a county having a population of more than four hundred thousand (400,000) but less than  
21 seven hundred thousand (700,000), the board shall first meet in January. At the first meeting the board  
22 shall elect from its members a president, a vice president who shall perform the duties of the president  
23 during the absence or disability of the president, a secretary, a treasurer, and any other officers the  
24 board determines are necessary for the board to function.

25 SECTION 449. IC 36-9-3-9, AS AMENDED BY P.L.1-2007, SECTION 246, IS AMENDED TO  
26 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9. (a) A majority of the members  
27 appointed to the board constitutes a quorum for a meeting.

28 (b) Except as provided in subsection (c), The board may act officially by an affirmative vote of a  
29 majority of those present at the meeting at which the action is taken.

30 (c) **After December 31, 2009, this subsection applies if a county is not a member of the**  
31 **northern Indiana regional transportation district established under IC 8-24.** If the authority  
32 includes a county having a population of more than four hundred thousand (400,000) but less than  
33 seven hundred thousand (700,000), then:

- 34 (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and  
35 (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and  
36 perform all duties of the board.

37 SECTION 450. IC 36-9-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
38 1, 2010]: Sec. 10. (a) Except as provided in subsection (b), The members of the board are not entitled  
39 to a salary but are entitled to an allowance for actual expenses and mileage at the same rate as other  
40 county officials.

41 (b) **After December 31, 2009, this subsection applies if a county is not a member of the**  
42 **northern Indiana regional transportation district established under IC 8-24.** If the authority  
43 includes a county having a population of more than four hundred thousand (400,000) but less than  
44 seven hundred thousand (700,000), a member of the board is entitled to reimbursement for traveling  
45 expenses and other expenses actually incurred in connection with the member's duties as provided:

- 46 (1) in the procedures established by the department of administration and approved by the budget  
47 agency for state employee travel; or  
48 (2) by ordinance of the county fiscal body.

1 SECTION 451. IC 36-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY  
2 1, 2010]: Sec. 1. This chapter applies to all municipalities. **However, after December 31, 2009, this**  
3 **chapter does not apply to a municipality if it is located in a county that is a member of the**  
4 **northern Indiana regional transportation district established under IC 8-24 and has a population**  
5 **of:**

6 (1) **more than four hundred thousand (400,000) but less than seven hundred thousand**  
7 **(700,000); or**

8 (2) **more than one hundred forty-five thousand (145,000) but less than one hundred**  
9 **forty-eight thousand (148,000).**

10 SECTION 452. IC 36-9-4-29.4, AS AMENDED BY P.L.99-2007, SECTION 223, IS AMENDED  
11 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.4. (a) This section does not  
12 apply to a public transportation corporation located in a county having a consolidated city.

13 (b) A public transportation corporation may provide regularly scheduled passenger service to  
14 specifically designated locations outside the system's operational boundaries as described in  
15 IC 36-9-1-9 if all of the following conditions are met:

16 (1) The legislative body of the municipality approves any expansion of the service outside the  
17 municipality's corporate boundaries.

18 (2) The expanded service is reasonably required to do any of the following:

19 (A) Enhance employment opportunities in the new service area or the existing service area.

20 (B) Serve persons who are elderly, persons with a disability, or other persons who are in need  
21 of public transportation.

22 ~~(3) The rates or compensation for the expanded service are sufficient, on a fully allocated cost~~  
23 ~~basis, to prevent a property tax increase in the taxing district solely as a result of the expanded~~  
24 ~~service.~~

25 ~~(4) (3)~~ Except as provided in subsection (e), the expanded service does not extend beyond the  
26 boundary of the county in which the corporation is located.

27 ~~(5) The corporation complies with sections 29.5 and 29.6 of this chapter.~~

28 (c) Notwithstanding section 39 of this chapter, a public transportation corporation may provide  
29 demand responsive service outside of the system's operational boundaries as described in IC 36-9-1-9  
30 if the conditions listed in subsection (b) are met.

31 (d) The board may contract with a private operator for the operation of an expanded service under  
32 this section.

33 (e) Subsection ~~(b)(4)~~ **(b)(3)** does not apply to a special purpose bus (as defined in IC 20-27-2-10)  
34 or a school bus (as defined in IC 20-27-2-8) that provides expanded service for a purpose permitted  
35 under IC 20-27-9.

36 SECTION 453. IC 36-9-41-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
37 2009]: Sec. 4. A political subdivision borrowing money under section 3 of this chapter shall execute  
38 and deliver to the financial institution the negotiable note of the political subdivision for the sum  
39 borrowed. The note must bear interest, with both principal and interest payable in equal or  
40 approximately equal installments on January 1 and July 1 each year over a period not exceeding ~~six~~  
41 ~~(6) ten (10)~~ years.

42 SECTION 454. IC 36-10-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
43 2009]: Sec. 4. (a) The board is composed of nine (9) members. Six (6) members shall be appointed by  
44 the executive of the consolidated city, ~~two (2) members~~ **one (1) member** shall be appointed by the  
45 board of commissioners of the county, ~~and one (1) member shall be appointed by the legislative body~~  
46 ~~of the consolidated city from among the members of the legislative body, and one (1) member shall~~  
47 **be appointed jointly by majority vote of a body consisting of one (1) member of the board of**  
48 **county commissioners of each county in which a food and beverage tax is in effect under**

1 **IC 6-9-35 on January 1 of the year of the appointment. The board of county commissioners that**  
2 **has the greatest population of all counties in which a food and beverage tax is in effect under**  
3 **IC 6-9-35 on January 1 of the year of the appointment shall convene the meeting to make the**  
4 **joint appointment. Each county in which a food and beverage tax is in effect under IC 6-9-35 on**  
5 **January 1 of the year of the appointment is entitled to be represented at the meeting by one (1)**  
6 **member of the county's board of county commissioner, who shall be selected by that county's**  
7 **board of county commissioners. One (1) of the members appointed by the executive must be engaged**  
8 **in the hotel or motel business in the county. Not more than four (4) of the members appointed by the**  
9 **executive may be affiliated with the same political party. and not more than one (1) member appointed**  
10 **by the board of commissioners may be affiliated with the same political party.**

11 (b) The terms of members are for two (2) years beginning on January 15 and until a successor is  
12 appointed and qualified. A member may be reappointed after the member's term has expired.

13 (c) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That  
14 member serves for the remainder of the vacated term.

15 (d) A board member may be removed for cause by the appointing authority who appointed the  
16 member.

17 (e) Each member, before entering upon the duties of office, shall take and subscribe an oath of  
18 office in the usual form. The oath shall be endorsed upon the member's certificate of appointment,  
19 which shall be promptly filed with the records of the board.

20 (f) A member does not receive a salary, but is entitled to reimbursement for any expenses  
21 necessarily incurred in the performance of the member's duties.

22 SECTION 455. IC 36-10-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
23 2009]: Sec. 8. (a) The board shall prepare a budget for each calendar year covering the projected  
24 operating expenses, **projected expenditures for capital improvements or land acquisition**, and  
25 estimated income to pay the operating expenses **and capital expenditures**, including amounts, if any,  
26 to be received from excise taxes and ad valorem property taxes. It shall submit the **operating and**  
27 **capital** budget for review, approval, or rejection to the city-county legislative body. The board may  
28 make expenditures only as provided in the budget as approved, unless additional expenditures are  
29 approved by the legislative body. However, payments to users of any capital improvement that  
30 constitute a contractual share of box office receipts are neither an operating expense nor an  
31 expenditure within the meaning of this section.

32 (b) If the board desires to finance a capital improvement in whole or in part by the issuance of  
33 bonds under section 12 or 15 of this chapter, the board shall submit the following information to the  
34 city-county legislative body at least ~~fifteen (15)~~ **thirty (30)** days before the adoption of a resolution  
35 authorizing the issuance of the bonds:

36 (1) A description of the project to be financed through the issuance of bonds.

37 (2) The total amount of the project anticipated to be funded through the issuance of bonds.

38 (3) The total amount of other anticipated revenue sources for the project.

39 (4) Any other terms upon which the bonds will be issued.

40 (c) The city-county legislative body must discuss the information provided in subsection (b) in a  
41 public hearing **held before the resolution may be adopted by the board.**

42 **(d) The board shall post the board's proposed budget and adopted budget on the board's**  
43 **Internet web site.**

44 SECTION 456. IC 36-10-9-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
45 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.1. (a) During 2009, the board shall**  
46 **prepare a long range financial plan covering the period beginning with the year 2010 and ending**  
47 **with the year 2041. The long range financial plan must set forth the following:**

48 **(1) The schedule for the retirement of all debt that is outstanding as of January 1, 2010.**

1           **(2) An estimated operating and capital budget for each calendar year that covers the**  
2           **projected operating expenses, debt obligations, expenditures for capital improvements and**  
3           **land acquisition, and estimated income to pay these items, including the source of each type**  
4           **of income.**

5           **(b) Before January 1, 2010, the board shall deliver a copy of the long range financial plan to**  
6           **each member of the city-county legislative body and to the legislative council in an electronic**  
7           **format under IC 5-14-6.**

8           **(c) The city-county legislative body shall discuss the long range financial plan in a public**  
9           **hearing.**

10          SECTION 457. IC 36-10-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
11          2009]: Sec. 9. (a) The treasurer of the board is the official custodian of all funds and assets of the  
12          board and is responsible for their safeguarding and accounting. ~~He~~ **The treasurer** shall give bond for  
13          the faithful performance and discharge of all duties required of ~~him~~ **the treasurer** by law in the  
14          amount and with surety and other conditions that may be prescribed and approved by the board. All  
15          funds and assets in the capital improvement fund and the capital improvement bond fund created by  
16          this chapter and all other funds, assets, and tax revenues held, collected, or received by the treasurer  
17          of the county for the use of the board shall be promptly remitted and paid over by ~~him~~ **the county**  
18          **treasurer** to the treasurer of the board, who shall issue receipts for them.

19          (b) The treasurer of the board shall deposit all funds coming into ~~his~~ **the treasurer's** hands as  
20          required by this chapter and by IC 6-7-1-30.1, and in accordance with IC 5-13. Money so deposited  
21          may be invested and reinvested by the treasurer in accordance with general statutes relating to the  
22          investment of public funds and in securities that the board specifically directs. All interest and other  
23          income earned on investments becomes a part of the particular fund from which the money was  
24          invested, except as provided in a resolution, ordinance, or trust agreement providing for the issuance  
25          of bonds or notes. All funds invested in deposit accounts as provided in IC 5-13-9 must be insured  
26          under IC 5-13-12.

27          (c) The board shall appoint a controller to act as the auditor and assistant treasurer of the board. ~~He~~  
28          **The controller** shall serve as the official custodian of all books of account and other financial records  
29          of the board and has the same powers and duties as the treasurer of the board or the lesser powers and  
30          duties that the board prescribes. The controller and any other employee or member of the board  
31          authorized to receive, collect, or expend money, shall give bond for the faithful performance and  
32          discharge of all duties required of ~~him~~ **the controller** in the amount and with surety and other  
33          conditions that may be prescribed and approved by the board. ~~He~~ **The controller** shall keep an  
34          accurate account of all money due the board and of all money received, invested, and disbursed in  
35          accordance with generally recognized governmental accounting principles and procedure. All  
36          accounting forms and records shall be prescribed or approved by the state board of accounts.

37          (d) The controller shall issue all warrants for the payment of money from the funds of the board in  
38          accordance with procedures prescribed by the board but a warrant may not be issued for the payment  
39          of a claim until an itemized and verified statement of the claim has been filed with the controller, who  
40          may require evidence that all amounts claimed are justly due. All warrants shall be countersigned by  
41          the treasurer of the board or by the executive manager. Warrants may be executed with facsimile  
42          signatures.

43          (e) If there are bonds or notes outstanding issued under this chapter, the controller shall deposit  
44          with the paying agent or other paying officer within a reasonable period before the date that any  
45          principal or interest becomes due sufficient money for the payment of the principal and interest on the  
46          due dates. The controller shall make the deposit with money from the sources provided in this chapter,  
47          and he shall make the deposit in an amount that, together with other money available for the payment  
48          of the principal and interest, is sufficient to make the payment. In addition, the controller shall make

1 other deposits for the bonds and notes as is required by this chapter or by the resolutions, ordinances,  
2 or trust agreements under which the bonds or notes are issued.

3 (f) The controller shall submit to the board at least annually a report of ~~his~~ **the board's** accounts  
4 exhibiting the revenues, receipts, and disbursements and the sources from which the revenues and  
5 receipts were derived and the purpose and manner in which they were disbursed. The board may  
6 require that the report be prepared by an independent certified public accountant designated by the  
7 board. **The state board of accounts shall audit annually the accounts, books, and records of the**  
8 **board and prepare a financial report and a compliance audit report. The board shall submit to**  
9 **the city-county legislative body financial and compliance reports of the state board of accounts.**  
10 **The board shall post the reports of the state board of accounts on the board's Internet web site.**  
11 **The city-county legislative body shall discuss the financial and compliance reports of the state**  
12 **board of accounts in a public hearing.** The handling and expenditure of funds is subject to ~~audit and~~  
13 supervision by the state board of accounts.

14 SECTION 458. IC 36-10-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
15 2009]: Sec. 12. (a) A capital improvement may be financed in whole or in part by the issuance of  
16 bonds payable, to the extent stated in the resolution or trust agreement providing for the issuance of  
17 the bonds, solely from one (1) or more of the following sources:

- 18 (1) Net income received from the operation of the capital improvement and not required to be  
19 deposited in the capital improvement bond fund under section 11 of this chapter.
- 20 (2) Net income received from the operation of any other capital improvement or improvements  
21 and not required to be deposited in the capital improvement bond fund under section 11 of this  
22 chapter.
- 23 (3) Money in the capital improvement bond fund available for that purpose.
- 24 (4) Money in the capital improvement fund available for that purpose.
- 25 (5) Any other funds made available for that purpose.

26 The resolution or trust agreement may pledge all or part of those amounts to the repayment of the  
27 bonds and may secure the bonds by a lien on the amounts pledged.

28 (b) If the board desires to finance a capital improvement in whole or in part as provided in this  
29 section, it shall adopt a resolution authorizing the issuance of revenue bonds. The resolution must state  
30 the date or dates on which the principal of the bonds will mature (not exceeding forty (40) years from  
31 the date of issuance), the maximum interest rate to be paid, and the other terms upon which the bonds  
32 will be issued.

33 (c) **If the city-county legislative body approves issuance of bonds under IC 36-3-6-9,** the board  
34 shall submit the resolution to the executive of the consolidated city, who shall review it. If the  
35 executive approves the resolution, the board shall take all actions necessary to issue bonds in  
36 accordance with the resolution. The board may, under section 13 of this chapter, enter into a trust  
37 agreement with a trust company as trustee for the bondholders. An action to contest the validity of  
38 bonds to be issued under this section may not be brought after the fifteenth day following:

- 39 (1) the receipt of bids for the bonds, if the bonds are sold at public sale; or
  - 40 (2) the publication one (1) time in a newspaper of general circulation published in the county of  
41 notice of the execution and delivery of the contract of sale for the bonds;
- 42 whichever occurs first.

43 (d) Bonds issued under this section may be sold at public or private sale for the price or prices that  
44 are provided in the resolution authorizing the issuance of bonds. All bonds and interest are exempt  
45 from taxation in Indiana as provided in IC 6-8-5.

46 (e) When issuing revenue bonds, the board may covenant with the purchasers of the bonds that any  
47 funds in the capital improvement fund may be used to pay the principal on, or interest of, the bonds  
48 that cannot be paid from any other funds.

1 (f) The revenue bonds may be made redeemable before maturity at the price or prices and under  
2 the terms that are determined by the board in the authorizing resolution. The board shall determine the  
3 form of bonds, including any interest coupons to be attached, and shall fix the denomination or  
4 denominations of the bonds and the place or places of payment of the principal and interest, which  
5 may be at any bank or trust company within or outside Indiana. All bonds must have all the qualities  
6 and incidents of negotiable instruments under statute. Provision may be made for the registration of  
7 any of the bonds as to principal alone or to both principal and interest.

8 (g) The revenue bonds shall be issued in the name of the county and must recite on the face that the  
9 principal of and interest on the bonds is payable solely from the amounts pledged to their payment.  
10 The bonds shall be executed by the manual or facsimile signature of the president of the board, and  
11 the seal of the county shall be affixed or imprinted on the bonds. The seal shall be attested by the  
12 manual or facsimile signature of the auditor of the county. However, one (1) of the signatures must  
13 be manual, unless the bonds are authenticated by the manual signature of an authorized officer or a  
14 trustee for the bondholders. Any coupons attached must bear the facsimile signature of the president  
15 of the board.

16 (h) This chapter constitutes full and complete authority for the issuance of revenue bonds. No law,  
17 procedure, proceedings, publications, notices, consents, approvals, orders, acts, or things by the board  
18 or any other officer, department, agency, or instrumentality of the state or any political subdivision is  
19 required to issue any revenue bonds except as prescribed in this chapter.

20 (i) Revenue bonds issued under this section are legal investments for private trust funds and the  
21 funds of banks, trust companies, insurance companies, building and loan associations, credit unions,  
22 banks of discount and deposit, savings banks, loan and trust and safe deposit companies, rural loan and  
23 savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan  
24 companies, industrial loan and investment companies, and other financial institutions organized under  
25 statute.

26 SECTION 459. IC 36-10-9-15, AS AMENDED BY P.L.146-2008, SECTION 797, IS AMENDED  
27 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A capital improvement may be  
28 financed in whole or in part by the issuance of general obligation bonds of the county.

29 (b) If the board desires to finance a capital improvement in whole or in part as provided in this  
30 section, it shall have prepared a resolution to be adopted by the board of commissioners of the county  
31 authorizing the issuance of general obligation bonds. The resolution must state the date or dates on  
32 which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms  
33 upon which the bonds shall be issued. The board shall submit the proposed resolution to the ~~board of~~  
34 ~~commissioners of the county;~~ **city-county legislative body for approval under IC 36-3-6-9**, together  
35 with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in  
36 compliance with this section. The certificate must also state the estimated annual net income of the  
37 capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum  
38 amount payable in any year as principal and interest on the bonds issued under this chapter, including  
39 the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds  
40 issued may mature over a period not exceeding forty (40) years from the date of issue.

41 ~~Upon receipt of the resolution and certificate, the board of commissioners of the county may~~  
42 ~~adopt them and~~ **If the city-county legislative body approves the issuance of bonds under**  
43 **IC 36-3-6-9, the board shall submit the resolution to the executive of the consolidated city, who**  
44 **shall review the resolution. If the executive approves the resolution, the board shall** take all action  
45 necessary to issue the bonds in accordance with the resolution. An action to contest the validity of  
46 bonds issued under this section may not be brought after the fifteenth day following the receipt of bids  
47 for the bonds.

48 (d) The provisions of all general statutes relating to:

49 (1) the filing of a petition requesting the issuance of bonds and giving notice;

- 1 (2) the right of:  
2 (A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed  
3 bond issue described by IC 6-1.1-20-3.1(a); or  
4 (B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by  
5 IC 6-1.1-20-3.5(a);  
6 (3) the giving of notice of the determination to issue bonds;  
7 (4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;  
8 (5) the right of taxpayers to appear and be heard on the proposed appropriation;  
9 (6) the approval of the appropriation by the department of local government finance; and  
10 (7) the sale of bonds at public sale for not less than par value;

11 are applicable to the issuance of bonds under this section.

12 SECTION 460. IC 6-1.1-8-23 IS REPEALED [EFFECTIVE MARCH 1, 2010].

13 SECTION 461. P.L.146-2008, SECTION 857 IS REPEALED [EFFECTIVE JANUARY 1, 2010].

14 SECTION 462. IC 6-2.5-5-41 IS REPEALED [EFFECTIVE JULY 1, 2009].

15 SECTION 463. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]:  
16 IC 6-1.1-34-3; IC 20-45-1-5.

17 SECTION 464. IC 20-43-11.5 IS REPEALED [EFFECTIVE JANUARY 1, 2009  
18 (RETROACTIVE)].

19 SECTION 465. IC 6-1.1-20.6-3.5 IS REPEALED [EFFECTIVE JANUARY 1, 2009  
20 (RETROACTIVE)].

21 SECTION 466. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2010]:  
22 IC 20-20-34; IC 20-40-4; IC 20-43-1-27; IC 20-43-6-5; IC 20-45-1-2; IC 20-45-1-6; IC 20-45-1-12;  
23 IC 20-45-1-21.3; IC 20-45-1-21.5; IC 20-45-1-21.7.

24 SECTION 467. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]:  
25 IC 6-1.1-18.5-11; IC 6-1.1-19-4.1; IC 20-18-2-21.5.

26 SECTION 468. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]:  
27 IC 36-9-4-29.5; IC 36-9-4-29.6.

28 SECTION 469. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2010]:  
29 IC 36-9-3-12.5; IC 36-9-3-31.

30 SECTION 470. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **(a) A prepayment rate**  
31 **determined by the department under IC 6-2.5-7 that took effect after December 31, 2008, is**  
32 **legalized and validated.**

33 **(b) This SECTION expires December 31, 2009.**

34 SECTION 471. [EFFECTIVE JANUARY 1, 2010] **IC 6-3-3-12, as amended by this act, applies**  
35 **to taxable years beginning after December 31, 2009.**

36 SECTION 472. [EFFECTIVE JANUARY 1, 2010] **IC 6-3.1-4-2, as amended by this act, applies**  
37 **to taxable years beginning after December 31, 2009.**

38 SECTION 473. [EFFECTIVE JULY 1, 2009] **(a) IC 36-1-8-17, as added by this act, applies only**  
39 **to a waiver of compensation for calendar years beginning after December 31, 2009.**

40 **(b) This SECTION expires January 1, 2012.**

41 SECTION 474. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **(a) IC 6-1.1-4-42, as added**  
42 **by this act, does not apply to assessment dates before January 16, 2009. A rule or guideline of**  
43 **the department of local government finance adopted or issued before April 29, 2009, is void to**  
44 **the extent that the rule or guideline is in conflict with IC 6-1.1-4-42, as added by this act.**

45 **(b) This SECTION expires January 1, 2011.**

46 SECTION 475. [EFFECTIVE JULY 1, 2009] **(a) IC 6-1.1-20-1.9, as amended by this act, applies**  
47 **only to a petition requesting the application of the local public question process to bonds or a**  
48 **lease for which the preliminary determination to issue the bonds or enter into the lease is**

1 published under IC 6-1.1-20-3.5(b)(2) after June 30, 2009.

2 (b) This SECTION expires July 1, 2011.

3 SECTION 476. [EFFECTIVE JULY 1, 2009] (a) This SECTION applies to a county that had  
4 an amount transferred to the county's levy excess fund established under IC 6-1.1-18.5-17 from  
5 the county's:

6 (1) family and children's fund under P.L.146-2008, SECTION 823(b); and

7 (2) children's psychiatric residential treatment services fund under P.L.146-2008,  
8 SECTION 824(b).

9 (b) A county fiscal body may adopt a resolution to transfer the amount referred to in  
10 subsection (a) from the county's levy excess fund to the county's rainy day fund established  
11 under IC 36-1-8-5.1.

12 (c) This SECTION expires December 31, 2009.

13 SECTION 477. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a county that  
14 had an April 1, 2009, aggregate balance of at least ten million dollars (\$10,000,000) in the  
15 county's:

16 (1) family and children's fund (IC 12-19-7 before its repeal); and

17 (2) children's psychiatric residential treatment services fund (IC 12-19-7.5 before its  
18 repeal).

19 (b) This SECTION applies to a county after balances have been transferred to the county's  
20 levy excess fund established under IC 6-1.1-18.5-17 from the county's:

21 (1) family and children's fund under P.L.146-2008, SECTION 823(b); and

22 (2) children's psychiatric residential treatment services fund under P.L.146-2008,  
23 SECTION 824(b).

24 (c) As used in this SECTION, "civil taxing unit" has the meaning set forth in:

25 (1) IC 6-3.5-1.1-1, if the county adjusted gross income tax is in effect in the county; or

26 (2) IC 6-3.5-6-1, if the county adjusted gross income tax is not in effect in the county.

27 (d) A county fiscal body may adopt a resolution to distribute an amount equal to those  
28 transfers referred to in subsection (b) from the county's levy excess fund to the county's rainy  
29 day fund established under IC 36-1-8-5.1 and for public safety as follows:

30 (1) One million dollars (\$1,000,000) from those transfers referred to in subsection (b) shall  
31 be distributed to the county's rainy day fund established under IC 36-1-8-5.1.

32 (2) Two-thirds (2/3) of the amount from those transfers referred to in subsection (b) that  
33 remains after the distribution under subdivision (1) shall be distributed to civil taxing units  
34 in the county to be used for public safety.

35 (e) Before August 1, 2009, the county auditor shall determine each civil taxing unit's share  
36 of the amount referred to in subsection (d)(2) in the same manner that local income tax  
37 distributions are determined under:

38 (1) IC 6-3.5-1.1-15, if the county adjusted gross income tax is in effect in the county; or

39 (2) IC 6-3.5-6-18(a)(6), if the county adjusted gross income tax is not in effect in the county.

40 The county auditor shall make the distributions to the civil taxing units in August 2009.

41 (f) This SECTION expires December 31, 2011.

42 SECTION 478. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to an entity  
43 and to property that meet all of the following conditions:

44 (1) The entity is a nonprofit religious affiliated school that has been in existence for more  
45 than forty-five (45) years in a county containing a consolidated city.

46 (2) The entity received a gift of real property and improvements that for the assessment  
47 date in 2005 was exempt from property taxes under IC 6-1.1-10.

48 (3) The entity failed to file a timely application under IC 6-1.1-11 for property tax

1 exemption for the property for the assessment date in 2006.

2 (4) For the assessment dates in 2006, 2007, and 2008:

3 (A) property owned by the entity would have been eligible for exemption from property  
4 taxes if the entity had timely filed an application under IC 6-1.1-11 for property tax  
5 exemption for the property; and

6 (B) the entity's property was subject to taxation.

7 (b) Notwithstanding IC 6-1.1-11 or any other law specifying the date by which an application  
8 or statement for property tax exemption must be filed to claim or continue an exemption for a  
9 particular assessment date, an entity described in subsection (a) may before September 1, 2009,  
10 file with the county assessor:

11 (1) an application for property tax exemption for the 2006 assessment date;

12 (2) a statement to continue the property tax exemption for the 2007 assessment date; and

13 (3) an application for property tax exemption for the 2008 assessment date.

14 (c) Notwithstanding IC 6-1.1-11 or any other law, an application or statement for property  
15 tax exemption filed under subsection (b) is considered to be timely filed, and the county assessor  
16 shall forward the applications and statement to the county property tax assessment board of  
17 appeals for review. The board shall grant an exemption claimed for the assessment dates in  
18 2006, 2007, and 2008 for property tax exemption if the board determines that:

19 (1) the entity's applications and statement for property tax exemption satisfy the  
20 requirements of this SECTION; and

21 (2) the entity's property was, except for the failure to timely file an application or statement  
22 for property tax exemption, otherwise eligible for the claimed exemption.

23 If an entity is granted an exemption under this SECTION, any unpaid property tax liability,  
24 including interest, for the entity's property shall be canceled by the county treasurer.

25 (d) If an entity has previously paid the tax liability for property with respect to the 2006,  
26 2007, or 2008 assessment date and the property is granted an exemption under this SECTION  
27 for the assessment date, the county auditor shall issue a refund of the property tax paid by the  
28 entity. An entity is not required to apply for any refund due under this SECTION. The county  
29 auditor shall, without an appropriation being required, issue a warrant to the entity payable  
30 from the county general fund for the amount of the refund, if any, due the entity. No interest is  
31 payable on the refund.

32 (e) This SECTION expires January 1, 2010.

33 SECTION 479. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to:

34 (1) an entity that failed, for an assessment date after March 1, 2000, to:

35 (A) file a timely application under IC 6-1.1-11 for an exemption under IC 6-1.1-10-16;  
36 or

37 (B) accompany a timely filed application for an exemption under IC 6-1.1-10-16 with  
38 sufficient information for the county property tax assessment board of appeals to  
39 determine whether the applicant was eligible for an exemption under IC 6-1.1-10-16, as  
40 specified on a response from the county assessor or property tax assessment board of  
41 appeals; and

42 (2) any part of the entity's property that would have qualified for an exemption under  
43 IC 6-1.1-10-16 as property owned, occupied, and predominately used for a charitable  
44 purpose, if the omissions described in subdivision (1) had not occurred.

45 (b) Notwithstanding IC 6-1.1-11 or any other law, an entity described in subsection (a) may,  
46 before September 1, 2009, file or refile with the county assessor an application for a property  
47 tax exemption under IC 6-1.1-10-16 for an assessment date occurring after March 1, 2000, and  
48 before March 1, 2010.

49 (c) Notwithstanding IC 6-1.1-11 or any other law, an application for a property tax exemption

1 that is filed under subsection (b) is considered to be timely filed for the assessment date for  
2 which it is filed, and the county assessor shall forward the application to the county property tax  
3 assessment board of appeals for review or reconsideration. The board shall grant an exemption  
4 claimed under this SECTION for the assessment date covered by the application if, after  
5 reviewing all of the information submitted by the applicant, the board determines that:

6 (1) the entity's application for a property tax exemption satisfies the requirements of this  
7 SECTION; and

8 (2) except for the omissions described in subsection (a), part or all of the entity's property  
9 would otherwise have qualified for an exemption under IC 6-1.1-10-16 for the assessment  
10 date covered by the application.

11 IC 6-1.1-11-7 and IC 6-1.1-15-3 apply to a determination under this SECTION.

12 (d) Notwithstanding IC 6-1.1-22-9 or any other law, if an exemption application is filed or  
13 refiled under this SECTION and an exemption under IC 6-1.1-10 had been granted for the  
14 property for property taxes first due and payable for any year after 1999, any unpaid taxes  
15 imposed on property and for a year covered by an exemption application are not due until thirty  
16 (30) days after the date the applicant's eligibility for the exemption under this SECTION is  
17 finally adjudicated and determined and a revised tax statement under IC 6-1.1-22-8.1 that  
18 reflects the final determination concerning the exemption application is delivered to the owner.  
19 During the pendency of the proceedings concerning an exemption application under this  
20 SECTION, no action under IC 6-1.1-24 or another law may be taken to collect the unpaid taxes  
21 for a year covered by the exemption application, including any action to sell the property at a  
22 tax sale. If an entity is granted an exemption or a partial exemption under this SECTION, any  
23 unpaid property tax liability, including interest, for the entity's property shall be canceled by  
24 the county auditor and the county treasurer to the extent of the exemption, and, notwithstanding  
25 IC 6-1.1-26-1, if the entity has previously paid the tax liability for property with respect to the  
26 assessment date covered by the application, the county auditor shall issue a refund of the  
27 property tax paid by the entity to the extent of the exemption. No interest or penalty shall be  
28 imposed on any tax liability remaining after the application of the exemption for any period  
29 before the taxes are due as provided in this subsection. An entity is not required to apply for any  
30 refund due under this SECTION. The county auditor shall, without an appropriation being  
31 required, issue a warrant to the entity payable from the county general fund for the amount of  
32 the refund, if any, due the entity. No interest is payable on the refund.

33 (e) This SECTION expires January 1, 2010.

34 SECTION 480. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to a church  
35 and to land that meets all of the following conditions:

36 (1) The church owns real property and improvements located in a county containing a  
37 consolidated city that was exempt from property taxation under IC 6-1.1-10 for the  
38 assessment dates in 2007 and 2008.

39 (2) The church purchased land that is located adjacent to the real property described in  
40 subdivision (1) after the 2007 assessment date but before the final tax statements for taxes  
41 first due and payable in 2007 were mailed.

42 (3) The church failed to timely file an application under IC 6-1.1-11 for a property tax  
43 exemption for the land described in subdivision (2) for the 2008 assessment date but filed  
44 in 2008 an exemption application that will first apply to the 2009 assessment date under  
45 IC 6-1.1-11.

46 (4) For the assessment date in 2008:

47 (A) the land owned by the church would have been eligible for exemption from property  
48 taxes if the church had timely filed an application under IC 6-1.1-11 for a property tax  
49 exemption for the land; and

1 (B) the church's property will be subject to assessment and taxation.

2 (b) Notwithstanding IC 6-1.1-11 or any other law specifying the date by which an application  
3 for property tax exemption must be filed to claim an exemption for the 2008 assessment date,  
4 a church described in subsection (a) may before September 1, 2009, file with the county assessor  
5 an application for property tax exemption for the 2008 assessment date.

6 (c) Notwithstanding IC 6-1.1-11 or any other law, an application for a property tax exemption  
7 that is filed under subsection (b) is considered to be timely filed for the 2008 assessment date,  
8 and the county assessor shall forward the application to the county property tax assessment  
9 board of appeals for review. The board shall grant an exemption claimed for the 2008  
10 assessment date if the board determines that:

11 (1) the church's application for property tax exemption satisfies the requirements of this  
12 SECTION; and

13 (2) the church's land was, except for the failure to timely file an application for a property  
14 tax exemption, otherwise eligible for the claimed exemption on the 2008 assessment date.

15 (d) This SECTION expires January 1, 2010.

16 SECTION 481. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-20 apply to this  
17 SECTION.

18 (b) This SECTION applies to a controlled project for which notice of a special election was  
19 given before July 1, 2009, to the election division of the office of the secretary of state as  
20 provided in IC 3-10-8-4.

21 (c) Notwithstanding the form of the question required by IC 6-1.1-20-3.6, as amended by this  
22 act, the following question shall be submitted to the voters at a special election described in  
23 subsection (b):

24 "Shall \_\_\_\_\_ (insert the name of the political subdivision) issue bonds or enter into  
25 a lease to finance \_\_\_\_\_ (insert the name of the controlled project)?"

26 (d) This SECTION expires January 1, 2010.

27 SECTION 482. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding any provision in IC 6-3.5-1.1  
28 (including the August 1 deadlines applicable under IC 6-3.5-1.1-24(a), IC 6-3.5-1.1-24(b),  
29 IC 6-3.5-1.1-25(i), and IC 6-3.5-1.1-26(e)), a county council may in 2009 adopt an additional  
30 county adjusted gross income tax rate under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26  
31 at any time before November 1, 2009.

32 (b) Notwithstanding any provision in IC 6-3.5-6 (including the August 1 deadlines applicable  
33 under IC 6-3.5-6-30(a), IC 6-3.5-6-30(b), IC 6-3.5-6-31(i), and IC 6-3.5-6-32(e)), a county income  
34 tax council or county council, as applicable, may in 2009 adopt an additional county option  
35 income tax rate under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32 at any time before  
36 November 1, 2009.

37 (c) Notwithstanding any provision of IC 6-3.5-1.1 or IC 6-3.5-6, any additional county  
38 adjusted gross income tax rate adopted in 2009 under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or  
39 IC 6-3.5-1.1-26 and any additional county option income tax rate adopted in 2009 under  
40 IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32 takes effect as follows:

41 (1) In the case of an ordinance adopted before October 1, 2009, the tax rate takes effect  
42 October 1, 2009.

43 (2) In the case of an ordinance adopted after September 30, 2009, and before October 16,  
44 2009, the tax rate takes effect November 1, 2009.

45 (3) In the case of an ordinance adopted after October 15, 2009, and before November 1,  
46 2009, the tax rate takes effect December 1, 2009.

47 SECTION 483. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: (a) The department of  
48 education shall, on the schedule determined by the department of education, adjust the special  
49 education grant distributed to a school corporation under IC 20-43-7-6, as amended by this act,

1 in 2009 to reflect any special education preschool grant distributions made to the school  
2 corporation under IC 20-20-34-3 before the effective date of this SECTION. The amount of any  
3 reduction in a special education grant under this SECTION shall not be considered for purposes  
4 of applying IC 20-43-2-3. The unencumbered balance of a school corporation's special education  
5 preschool fund shall be transferred to the school corporation's general fund for purposes of the  
6 school corporation's general fund as soon as practicable after the effective date of this  
7 SECTION.

8 (b) This SECTION expires January 1, 2010.

9 SECTION 484. [EFFECTIVE MARCH 1, 2009 (RETROACTIVE)]: (a) Appeals under  
10 IC 6-1.1-8.5-11 or IC 6-1.1-8.7-8 of assessments by the department of local government finance  
11 for assessment dates before March 1, 2009, that are currently pending before the Indiana board  
12 of tax review shall be treated as follows:

13 (1) Appeals involving the March 1, 2006, assessment date shall proceed as if the  
14 amendments to IC 6-1.1-8.5-11 and IC 6-1.1-8.7-8 made by this act had not been made.

15 (2) Notwithstanding any provision to the contrary, an appeal of the department of local  
16 government finance's assessment of an industrial facility (as defined in IC 6-1.1-8.5-2 or  
17 IC 6-1.1-8.7-2) involving the March 1, 2007, or March 1, 2008, assessment date shall be  
18 stayed, if an appeal involving the March 1, 2006, assessment of that same industrial facility  
19 is currently pending before the Indiana board of tax review. The stay remains in effect until  
20 the March 1, 2006, assessment of that same industrial facility has been finally determined  
21 by the Indiana tax court or the Indiana supreme court.

22 (b) Notwithstanding any provision to the contrary, the assessed value of an industrial facility  
23 (as defined in IC 6-1.1-8.5-2 or IC 6-1.1-8.7-2) that has been assessed by the department of local  
24 government finance under IC 6-1.1-8.5 or IC 6-1.1-8.7 for the March 1, 2007, and March 1, 2008,  
25 assessment dates may not exceed the assessed value that is or was:

26 (1) finally determined on appeal; or

27 (2) agreed to by the owner of the industrial facility and:

28 (A) the appropriate township assessor or township assessors; or

29 (B) the appropriate county assessor;

30 for that same industrial facility for the March 1, 2006, assessment date, subject to any applicable  
31 annual adjustment percentage determined under IC 6-1.1-4-4.5, plus any additions to and less  
32 any deletions from the industrial facility's land and improvements as of the March 1, 2007, and  
33 March 1, 2008, assessment dates, since the March 1, 2006, assessment date.

34 (c) This SECTION expires January 1, 2014.

35 SECTION 485. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a fire protection  
36 district that:

37 (1) was initially established in 2006;

38 (2) has experienced significant revenue shortfalls due to cumulative mathematical errors  
39 in the calculation of its maximum permissible property tax levies in 2007 and 2008; and

40 (3) may experience a significant revenue shortfall in 2009 and 2010, requiring the district  
41 to seek funds in addition to the amounts certified for the district's current budget to  
42 provide fire protection to district residents.

43 (b) A fire protection district described in this SECTION may borrow a specified amount of  
44 money if:

45 (1) the board of fire trustees of the district finds that:

46 (A) an emergency exists requiring the expenditure of money not included in the district's  
47 budget estimates and levy; and

48 (B) the emergency requiring the expenditure of money is related to paying the operating  
49 expenses of the district; and

1 (2) the fiscal body of the county approves the expenditure of the money.

2 (c) A fire protection district shall comply with IC 36-8-11-17 with respect to a borrowing  
3 under this SECTION.

4 (d) The county fiscal body shall levy property taxes in an amount sufficient to cover payments  
5 due under the borrowing authorized under this SECTION.

6 (e) This SECTION expires December 31, 2011.

7 SECTION 486. P.L.3-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 OCTOBER 1, 2008 (RETROACTIVE)]: SECTION 1. (a) As used in this SECTION, "continuing  
9 care retirement community" means a health care facility that:

10 (1) provides independent living services and health facility services in a campus setting with  
11 common areas;

12 (2) holds continuing care agreements with at least twenty-five percent (25%) of its residents  
13 (as defined in IC 23-2-4-1);

14 (3) uses the money from the agreements described in subdivision (2) to provide services to  
15 the resident before the resident may be eligible for Medicaid under IC 12-15; and

16 (4) meets the requirements of IC 23-2-4.

17 (a) (b) As used in this SECTION, "health facility" refers to a health facility that is licensed under  
18 IC 16-28 as a comprehensive care facility.

19 (b) (c) As used in this SECTION, "nursing facility" means a health facility that is certified for  
20 participation in the federal Medicaid program under Title XIX of the federal Social Security Act (42  
21 U.S.C. 1396 et seq.).

22 (c) (d) As used in this SECTION, "office" refers to the office of Medicaid policy and planning  
23 established by IC 12-8-6-1.

24 (d) As used in this SECTION, "total annual revenue" does not include revenue from Medicare  
25 services provided under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.).

26 (e) Effective August 1, 2003, the office shall collect a quality assessment from each nursing health  
27 facility. that has:

28 (1) a Medicaid utilization rate of at least twenty-five percent (25%); and

29 (2) at least seven hundred thousand dollars (\$700,000) in annual Medicaid revenue, adjusted  
30 annually by the average annual percentage increase in Medicaid rates.

31 The office shall offset the collection of the assessment for a health facility:

32 (1) against a Medicaid payment to the health facility by the office; or

33 (2) in another manner determined by the office.

34 (f) If The office shall implement the waiver approved by the United States Centers for Medicare  
35 and Medicaid Services determines not to approve payments under this SECTION using the  
36 methodology described in subsection (e); the office shall revise the state plan amendment and waiver  
37 request submitted under subsection (f) as soon as possible to demonstrate compliance with 42 CFR  
38 433.68(e)(2)(ii). The revised state plan amendment and waiver request must provide that provides  
39 for the following:

40 (1) Effective August 1, 2003; collection of a quality assessment by the office from each nursing  
41 facility.

42 (2) Effective August 1, 2003; collection of a quality assessment by the department of state  
43 revenue from each health facility that is not a nursing facility.

44 (3) An an exemption from collection of a quality assessment from the following:

45 (A)

46 (1) A continuing care retirement community as follows:

47 (A) A continuing care retirement community that was registered with the securities  
48 commissioner as a continuing care retirement community on January 1, 2007, is not

1 required to meet the definition of a continuing care retirement community in subsection  
2 (a).

3 (B) A continuing care retirement community that, for the period January 1, 2007,  
4 through June 30, 2009, operates independent living units, at least twenty-five percent  
5 (25%) of which are provided under contracts that require the payment of a minimum  
6 entrance fee of at least twenty-five thousand dollars (\$25,000).

7 (C) An organization registered under IC 23-2-4 before July 1, 2009, that provides  
8 housing in an independent living unit for a religious order.

9 (D) A continuing care retirement community that meets the definition set forth in  
10 subsection (a).

11 (E) A health facility that only receives revenue from Medicare services provided under 42  
12 U.S.C. 1395 et seq.

13 (F)

14 (2) A hospital based health facility. that has less than seven hundred fifty thousand dollars  
15 (\$750,000) in total annual revenue, adjusted annually by the average annual percentage increase  
16 in Medicaid rates:

17 (D)

18 (3) The Indiana Veterans' Home.

19 Any revision to the state plan amendment or waiver request under this subsection is subject to and  
20 must comply with the provisions of this SECTION.

21 (g) If the United States Centers for Medicare and Medicaid Services determines not to approve  
22 payments under this SECTION using the methodology described in subsections (d) and (e), and (f);  
23 the office shall revise the state plan amendment and waiver request submitted under subsection (f) this  
24 SECTION as soon as possible to demonstrate compliance with 42 CFR 433.68(e)(2)(ii) and to provide  
25 for collection of a quality assessment from health facilities effective August 1, 2003. In amending the  
26 state plan amendment and waiver request under this subsection, the office may modify the parameters  
27 described in subsection (f)(3). However, if the office determines a need to modify the parameters  
28 described in subsection (f)(3), the office shall modify the parameters in order to achieve a  
29 methodology and result as similar as possible to the methodology and result described in subsection  
30 (f). Any revision of the state plan amendment and waiver request under this subsection is subject to  
31 and must comply with the provisions of this SECTION.

32 (h) The money collected from the quality assessment may be used only to pay the state's share of  
33 the costs for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C.  
34 1396 et seq.) as follows:

35 (1) At the following percentages when the state's regular federal medical assistance  
36 percentage (FMAP) applies, excluding the time frame in which the adjusted FMAP is  
37 provided to the state by the federal American Recovery and Reinvestment Act of 2009:

38 (A) Twenty percent (20%) as determined by the office.

39 (B) Eighty percent (80%) to nursing facilities.

40 (2) At the following percentages when the state's federal medical assistance percentage  
41 (FMAP) is adjusted by the federal American Recovery and Reinvestment Act of 2009:

42 (A) Forty percent (40%) as determined by the office.

43 (B) Sixty percent (60%) to nursing facilities.

44 (i) After:

45 (1) the amendment to the state plan and waiver request submitted under this SECTION is  
46 approved by the United States Centers for Medicare and Medicaid Services; and

47 (2) the office calculates and begins paying enhanced reimbursement rates set forth in this  
48 SECTION;

1 the office and the department of state revenue shall begin the collection of the quality assessment set  
2 under this SECTION. The office and the department of state revenue shall **may** establish a method to  
3 allow a facility to enter into an agreement to pay the quality assessment collected under this SECTION  
4 subject to an installment plan.

5 (j) If federal financial participation becomes unavailable to match money collected from the quality  
6 assessments for the purpose of enhancing reimbursement to nursing facilities for Medicaid services  
7 provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), the office and  
8 department of state revenue shall cease collection of the quality assessment under this SECTION.

9 (k) To implement this SECTION, the

10 ~~(1)~~ office shall adopt rules under IC 4-22-2. and

11 ~~(2)~~ office and department of state revenue shall adopt joint rules under IC 4-22-2.

12 (l) Not later than July 1, 2003, the office shall do the following:

13 (1) Request the United States Department of Health and Human Services under 42 CFR 433.72  
14 to approve waivers of 42 CFR 433.68(c) and 42 CFR 433.68(d) by demonstrating compliance  
15 with 42 CFR 433.68(e)(2)(ii).

16 (2) Submit any state Medicaid plan amendments to the United States Department of Health and  
17 Human Services that are necessary to implement this SECTION.

18 (m) After approval of the waivers and state Medicaid plan amendment applied for under ~~subsection~~  
19 ~~(j)~~, **this SECTION**, the office and the department of state revenue shall implement this SECTION  
20 effective July 1, 2003.

21 (n) The select joint commission on Medicaid oversight, established by IC 2-5-26-3, shall review  
22 the implementation of this SECTION. The office may not make any change to the reimbursement for  
23 nursing facilities unless the select joint commission on Medicaid oversight recommends the  
24 reimbursement change.

25 (o) A nursing facility or a health facility may not charge the facility's residents for the amount of  
26 the quality assessment that the facility pays under this SECTION.

27 (p) The office may withdraw a state plan amendment **submitted** under ~~subsection (e); (f); or (g)~~  
28 **this SECTION** only if the office determines that failure to withdraw the state plan amendment will  
29 result in the expenditure of state funds not funded by the quality assessment.

30 (q) If a health facility fails to pay the quality assessment under this SECTION not later than ten (10)  
31 days after the date the payment is due, the health facility shall pay interest on the quality assessment  
32 at the same rate as determined under IC 12-15-21-3(6)(A).

33 (r) The following shall be provided to the state department of health:

34 ~~(1)~~ The office shall report **to the state department of health** each nursing **facility and each**  
35 **health** facility that fails to pay the quality assessment under this SECTION not later than one  
36 hundred twenty (120) days after payment of the quality assessment is due.

37 ~~(2)~~ The department of state revenue shall report each health facility that is not a nursing facility  
38 that fails to pay the quality assessment under this SECTION not later than one hundred twenty  
39 ~~(120)~~ days after payment of the quality assessment is due.

40 (s) The state department of health shall do the following:

41 (1) Notify each nursing facility and each health facility reported under subsection (r) that the  
42 nursing facility's or health facility's license under IC 16-28 will be revoked if the quality  
43 assessment is not paid.

44 (2) Revoke the nursing facility's or health facility's license under IC 16-28 if the nursing facility  
45 or the health facility fails to pay the quality assessment.

46 (t) An action taken under subsection (s)(2) is governed by:

47 (1) IC 4-21.5-3-8; or

48 (2) IC 4-21.5-4.

1 (u) The office shall report the following information to the select joint commission on Medicaid  
2 oversight established by IC 2-5-26-3 at every meeting of the commission:

3 (1) Before the quality assessment is approved by the United States Centers for Medicare and  
4 Medicaid Services:

5 (A) an update on the progress in receiving approval for the quality assessment; and

6 (B) a summary of any discussions with the United States Centers for Medicare and Medicaid  
7 Services.

8 (2) After the quality assessment has been approved by the United States Centers for Medicare and  
9 Medicaid Services:

10 (A) an update on the collection of the quality assessment;

11 (B) a summary of the quality assessment payments owed by a nursing facility or a health  
12 facility; and

13 (C) any other relevant information related to the implementation of the quality assessment.

14 (v) This SECTION expires August 1, ~~2009~~ 2011.

15 SECTION 487. [EFFECTIVE UPON PASSAGE] (a) **The department of education and the state  
16 department of revenue may adopt temporary rules in the manner provided in IC 4-22-2-37.1 for  
17 the adoption of emergency rules to implement IC 20-51, as added by this act. A temporary rule  
18 adopted under this SECTION expires on the earliest of the following:**

19 (1) **The date another temporary rule is adopted under this SECTION that supersedes or  
20 repeals the previously adopted temporary rule.**

21 (2) **The date that a permanent rule adopted under IC 4-22-2 supersedes or repeals a  
22 temporary rule adopted under this SECTION.**

23 (3) **The date specified in the temporary rule.**

24 (4) **June 30, 2011.**

25 (b) **This SECTION expires July 1, 2011.**

26 SECTION 488. [EFFECTIVE UPON PASSAGE] **IC 6-3.1-30.5, as added by this act, applies to  
27 contributions made in taxable years beginning after December 31, 2009.**

28 SECTION 489. [EFFECTIVE JULY 1, 2009] (a) **The commission for higher education with the  
29 assistance of the state student assistance commission shall study the funding of college  
30 scholarship programs provided by the state student assistance commission and the state's public  
31 universities. The study must examine the following issues:**

32 (1) **The limits established for awards and the differences between the limits established for  
33 private and public universities.**

34 (2) **The extent to which criteria for establishing the eligibility of an applicant should  
35 consider receipt of Pell Grants, other wrap-around assistance provided by a university, tax  
36 credits, and other assistance.**

37 (3) **The relative amounts of assistance provided on the basis of merit and on the basis of  
38 need.**

39 (4) **Whether means tests should be required for students participating in the twenty-first  
40 century scholars program as those students enter college.**

41 (5) **Scholarships and awards provided for members of the military and national guard.**

42 (6) **Scholarships and awards provided to individuals being held in state correctional  
43 facilities.**

44 (b) **The state's public universities shall provide the commission for higher education with the  
45 data necessary to complete the study. The commission shall before June 30, 2010, provide a  
46 report and recommendations to the budget committee for modernizing and improving  
47 scholarship programs.**

48 (c) **This SECTION expires January 1, 2011.**

1 SECTION 490. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee"  
2 refers to the gaming study committee established under subsection (b).

3 (b) The gaming study committee is established.

4 (c) The committee shall during the 2009 legislative interim prepare a market analysis of  
5 gaming in Indiana to determine viability and profitability in light of gaming in Michigan and  
6 Illinois and the potential of gaming in Ohio and Kentucky.

7 (d) The committee shall during the 2009 legislative interim conduct a comprehensive study  
8 of issues related to gaming in Indiana, including a review of the following issues:

9 (1) Admission taxes for riverboats.

10 (2) Competition from out of state gaming entities.

11 (3) Waivers for gaming tournaments.

12 (4) Land-based gaming.

13 (5) Non-smoking accommodations.

14 (6) Restrictions on alcohol prizes.

15 (7) Authority to regulate type 2 gaming in for-profit ventures.

16 (8) A referendum concerning gaming in the city of Fort Wayne.

17 (9) Competition from tribal-operated casinos.

18 (10) Issues related to the riverboat in French Lick, including modification of trust  
19 payments, subsidies paid by other gaming facilities, and land-based gaming.

20 (11) The movement of riverboats in the city of Gary to new locations.

21 (12) The need to retain United States Coast Guard compliant marine navigation systems.

22 (13) Whether permit holders holding a gambling game license issued under IC 4-35-5  
23 (racinos) are properly promoting and supporting the horse racing activities at the site.

24 (14) Issues related to permit holders holding a gambling game license issued under  
25 IC 4-35-5 (racinos), including table games, double taxation, amounts paid to horsemen's  
26 associations, bonds, slot machines, and satellite locations.

27 (15) Gaming license fees and suppliers' license fees.

28 (16) Parity of confidentiality rules for riverboat gaming licensees and permit holders  
29 holding a gambling game license issued under IC 4-35-5 (racinos).

30 (17) Campaign contribution ban for riverboat gaming licensees.

31 (e) The committee consists of the following voting members:

32 (1) The chairperson of the senate committee on appropriations.

33 (2) The ranking minority member of the senate committee on appropriations.

34 (3) The chairperson of the house committee on ways and means.

35 (4) The ranking minority member of the house committee on ways and means.

36 (5) The chairperson of the senate committee on commerce.

37 (6) The ranking minority member of the senate committee on commerce.

38 (7) The chairperson of the house committee on public policy.

39 (8) The ranking minority member of the house committee on public policy.

40 In addition, the committee shall include two (2) nonvoting members who are individuals who  
41 are not members of the general assembly, one (1) appointed by the speaker of the house of  
42 representatives and one (1) appointed by the president pro tempore of the senate. The nonvoting  
43 members must have experience or training in financial matters.

44 (g) The chairperson of the senate committee on appropriations and the chairperson of the  
45 house committee on ways and means are the co-chairpersons of the committee.

46 (h) Except as provided in this SECTION, the committee shall operate under the policies  
47 governing study committees adopted by the legislative council.

48 (i) The committee shall before December 1, 2009, submit a report of its findings and any  
49 recommendations to the legislative council.

1 (j) This SECTION expires July 1, 2010.

2 SECTION 491. [EFFECTIVE UPON PASSAGE] (a) The legislative council shall appoint a  
3 committee or assign to a study committee the task of studying the mission, organization, and  
4 management structure of the I-Light fiber optic network. The study shall include the following  
5 issues:

6 (1) Whether the capabilities of the network are being used in a manner that maximizes  
7 benefits to the state, public and private universities, and other existing and potential  
8 consortium members.

9 (2) Whether an alternate provider could provide comparable service levels at a lower cost  
10 to the state.

11 (3) Whether there are opportunities for increased use of the network to support electronic  
12 learning, worker training, and workforce development.

13 (b) A public university that uses or benefits from the I-Light fiber optic network must provide  
14 to the committee and the legislative council any information concerning the network that is  
15 requested by the committee.

16 (c) The committee shall operate under the rules of the legislative council. The committee shall  
17 before November 1, 2009, submit a report of its findings and any recommendations to the  
18 governor and (in an electronic format under IC 5-14-6) to the legislative council.

19 (d) This SECTION expires July 1, 2010.

20 SECTION 492. [EFFECTIVE UPON PASSAGE] (a) The commission on state tax and financing  
21 policy established under IC 2-5-3 shall do the following during the interim in 2009 between  
22 sessions of the general assembly:

23 (1) Study the allocation and distribution of county adjusted gross income taxes (IC  
24 6-3.5-1.1), county option income taxes (IC 6-3.5-6), and county economic development  
25 income taxes (IC 6-3.5-7) to civil taxing units within a county.

26 (2) Study whether taxpayers are permitted an appropriate opportunity to participate in the  
27 process for determining the levies, tax rates, special assessments, special benefits taxes, and  
28 budgets imposed by political subdivisions.

29 (3) Receive a report from the attorney general concerning the guidelines the attorney  
30 general used to determine whether a political subdivision may use private outside legal  
31 counsel in an appeal of a tax case. The attorney general shall, as requested by the  
32 commission on state tax and financing policy make a presentation to the commission  
33 concerning the matters described in this subdivision.

34 (4) Study the advisability of eliminating the general reassessment of real property under  
35 the current schedule and requiring counties to develop plans for the annual assessment of  
36 a fixed percentage of the parcels within each class of real property in the county.

37 (5) Review recommendations from the department of local government finance concerning  
38 the actions necessary to restore timelines to the process of local budgeting and the  
39 imposition of property taxes.

40 (b) Before November 1, 2009, the commission on state tax and financing policy shall report  
41 its findings and any recommendations concerning the study topic described in subsection (a) in  
42 a final report to the legislative council in an electronic format under IC 5-14-6.

43 (c) This SECTION expires January 1, 2010.

44 SECTION 493. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission"  
45 refers to the criminal code evaluation commission established by subsection (b).

46 (b) The criminal code evaluation commission is established to evaluate the criminal laws of  
47 Indiana. If, based on the commission's evaluation, the commission determines that changes are  
48 necessary or appropriate, the commission shall make recommendations to the general assembly  
49 for the modification of the criminal laws.

1 (c) The commission may study other topics assigned by the legislative council or as directed  
2 by the commission chair.

3 (d) The commission may meet during the months of:

4 (1) July, August, and September of 2009;

5 (2) April, May, June, July, August, and September of 2010; and

6 (3) June, July, August, and September of 2011.

7 (e) The commission consists of seventeen (17) members appointed as follows:

8 (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with  
9 the same political party, to be appointed by the president pro tempore of the senate.

10 (2) Four (4) members of the house of representatives, not more than two (2) of whom may  
11 be affiliated with the same political party, to be appointed by the speaker of the house of  
12 representatives.

13 (3) The attorney general or the attorney general's designee.

14 (4) The commissioner of the department of correction or the commissioner's designee.

15 (5) The executive director of the prosecuting attorneys council of Indiana or the executive  
16 director's designee.

17 (6) The executive director of the public defender council of Indiana or the executive  
18 director's designee.

19 (7) The chief justice of the supreme court or the chief justice's designee.

20 (8) Two (2) judges who exercise criminal jurisdiction, who may not be affiliated with the  
21 same political party, to be appointed by the governor.

22 (9) Two (2) professors employed by a law school in Indiana whose expertise includes  
23 criminal law, to be appointed by the governor.

24 (f) The chairman of the legislative council shall appoint a legislative member of the  
25 commission to serve as chair of the commission. Whenever there is a new chairman of the  
26 legislative council, the new chairman may remove the chair of the commission and appoint  
27 another chair.

28 (g) If a legislative member of the commission ceases to be a member of the chamber from  
29 which the member was appointed, the member also ceases to be a member of the commission.

30 (h) A legislative member of the commission may be removed at any time by the appointing  
31 authority who appointed the legislative member.

32 (i) If a vacancy exists on the commission, the appointing authority who appointed the former  
33 member whose position is vacant shall appoint an individual to fill the vacancy.

34 (j) The commission shall submit a final report of the results of its study to the legislative  
35 council before November 1, 2011. The report must be in an electronic format under IC 5-14-6.

36 (k) The Indiana criminal justice institute shall provide staff support to the commission to  
37 prepare:

38 (1) minutes of each meeting; and

39 (2) the final report.

40 (l) The legislative services agency shall provide staff support to the commission to:

41 (1) advise the commission on legal matters, criminal procedures, and legal research; and

42 (2) draft potential legislation.

43 (m) Each member of the commission is entitled to receive the same per diem, mileage, and  
44 travel allowances paid to individuals who serve as legislative and lay members, respectively, of  
45 interim study committees established by the legislative council.

46 (n) The affirmative votes of a majority of all the members who serve on the commission are  
47 required for the commission to take action on any measure, including the final report.

1 (o) Except as otherwise specifically provided by this SECTION, the commission shall operate  
2 under the rules of the legislative council. All funds necessary to carry out this SECTION shall  
3 be paid from appropriations to the legislative council and the legislative services agency.

4 (p) This SECTION expires December 31, 2011.

5 SECTION 494. [EFFECTIVE JULY 1, 2009] (a) The budget agency shall review the costs of  
6 providing employee health, vision, and dental insurance for state employees and employees of  
7 school corporations and public universities. In conducting the review the budget agency shall  
8 collect data on the cost of existing plans offered by the state, school corporations, and public  
9 universities. School corporations and public universities shall provide the data needed to  
10 complete the review as requested by the budget agency. The budget agency shall review the  
11 following:

12 (1) Comparative costs of providing health insurance among the employer groups.

13 (2) Comparative benefits among the employee groups.

14 (3) Differences in amounts paid by employees and amounts paid by the employers.

15 (4) Opportunities to modernize health plans and take advantage of employee tax incentives  
16 in the delivery of health insurance plans.

17 (5) Opportunities for efficiencies and cost savings for employers and employees by creating  
18 additional or larger employee pools.

19 (6) Any impact on the competitive market for health insurance.

20 (7) Other factors the budget agency considers relevant to the review.

21 (b) The budget agency may use a part of the departmental and institutional contingency fund  
22 to hire professionals to assist in gathering and examining data. The budget agency shall report  
23 findings of the review to the budget committee before July 1, 2010.

24 (c) This SECTION expires January 1, 2011.

25 SECTION 495. [EFFECTIVE UPON PASSAGE] The department of state revenue shall conduct  
26 a study of the feasibility of changing the design and method for verifying, tracking, and tracing  
27 cigarette stamps (as defined in IC 6-7-1-9), including issues related to the use of electronic  
28 cigarette stamp readers, to incorporate the latest technical advances used by other states to  
29 reduce counterfeiting and misuse of cigarette stamps. The study must at least:

30 (1) describe the changes that could be made;

31 (2) describe the sources where necessary products and services could be obtained, including  
32 whether there is more than one (1) potential source for necessary products and services;

33 (3) describe and estimate the capital and operating costs necessary to implement a new  
34 system;

35 (4) estimate the likely effects on revenue collection and evaluate any other benefits that  
36 would accrue from implementing a new system; and

37 (5) if beneficial to the state, estimate a schedule on which a conversion could be made and  
38 describe any changes in statutory law that would be necessary to implement the changes.

39 The department shall pay for the study from unrestricted funds that are otherwise available to  
40 the department of state revenue. The department of state revenue shall report the results of the  
41 study to the legislative council in an electronic format under IC 5-14-6 before November 1, 2009.

42 SECTION 496. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding any other law and except  
43 as provided in subsection (b), the terms of all members of the Marion County capital  
44 improvement board under IC 36-10-9-4, before its amendment by this act, terminate on January  
45 15, 2010. Each appointing authority shall make its respective appointments under IC 36-10-9-4,  
46 as amended by this act, before January 15, 2010, and the term of each of these appointed  
47 members begins January 15, 2010.

48 (b) The term of one (1) of the members appointed by the Marion County board of  
49 commissioners to the Marion County capital improvement board under IC 36-10-9-4, before its

1 amendment by this act, terminates on July 1, 2009. The Marion County board of commissioners  
2 shall specify which one (1) of the members appointed by the Marion County board of  
3 commissioners under IC 36-10-9-4, before its amendment by this act, to the Marion County  
4 capital improvement board shall have the member's term terminated on July 1, 2009. After June  
5 30, 2009, the Marion County board of commissioners has only one (1) appointment to the  
6 Marion County capital improvement board.

7 (c) This SECTION expires July 1, 2010.

8 SECTION 497. P.L.146-2008, SECTION 840 IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE UPON PASSAGE]: SECTION 840. (a) For property taxes first due and payable after  
10 December 31, 2008, the department of local government finance shall reduce the maximum  
11 permissible ad valorem property tax levy of any civil taxing unit and special service district by the  
12 amount of the payment to be made in 2009 by the state of Indiana under IC 5-10.3-11, as amended by  
13 this act, for benefits to members (and survivors and beneficiaries of members) of the 1925 police  
14 pension fund, the 1937 firefighters' pension fund, or the 1953 police pension fund.

15 (b) It is the intent of the general assembly that this SECTION be applied in the manner  
16 specified by the department of local government finance in its memorandum "Pre-1977 Police  
17 and Firefighters' Pension" dated July 23, 2008. An action taken in conformity with the  
18 memorandum is legalized and validated.

19 (c) This SECTION expires January 1, 2011.

20 SECTION 498. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding any other law or  
21 agreement, Brown County School Corporation is not required to make principal or interest  
22 payments during the state fiscal years beginning:

23 (1) July 1, 2009; and

24 (2) July 1, 2010;

25 on any loan received by the school corporation from the counter-cyclical revenue and economic  
26 stabilization fund (rainy day fund).

27 (b) The repayment term of the loan shall be extended as necessary to take into account the  
28 waiver described in subsection (a).

29 (c) This SECTION expires January 1, 2012.

30 SECTION 499. [EFFECTIVE UPON PASSAGE] (a) For purposes of IC 1-1-3.5, the population  
31 of the town of Fairland in Shelby County is considered to be 325.

32 (b) This SECTION expires April 1, 2011.

33 SECTION 500. P.L.146-2008, SECTION 849 IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: SECTION 849. (a) The definitions in  
35 IC 6-1.1-1, IC 6-1.1-20.9 (before its repeal), and IC 6-1.1-21 (before its repeal) apply throughout this  
36 SECTION.

37 (b) A taxpayer that is entitled to a standard deduction under IC 6-1.1-12-37 for property taxes  
38 assessed for the March 1, 2008, and January 15, 2009, assessment dates is entitled to a homestead  
39 credit under this SECTION against the property tax liability (as described in IC 6-1.1-21-5 (before its  
40 repeal)) imposed against the taxpayer's homestead for the March 1, 2008, and January 15, 2009,  
41 assessment dates.

42 (c) The amount of the credit to which an owner is entitled under this SECTION equals the product  
43 of:

44 (1) the percentage prescribed in subsection (d)(3); multiplied by

45 (2) the amount of the individual's property tax liability (as described in IC 6-1.1-21-5 (before its  
46 repeal)) that is:

47 (A) attributable to the homestead during the particular calendar year; and

1 (B) determined after the application of all deductions from assessed valuation that the owner  
2 claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property and the property tax replacement credit  
3 under IC 6-1.1-21.

4 (d) The county auditor of each county shall determine:

- 5 (1) the amount of the county's homestead credit allotment determined under subsection (e);
- 6 (2) the amount of uniformly applied homestead credits for the year in the county that equals the  
7 amount determined under subdivision (1); and
- 8 (3) the percentage of homestead credit that equates to the amount of homestead credits  
9 determined under subdivision (2).

10 (e) There is granted under this SECTION a total of one hundred forty million dollars  
11 (\$140,000,000) of homestead credits. The homestead credits shall be distributed to each county as  
12 prescribed in subsection (f). Before distribution, the department of local government finance shall  
13 certify each county's homestead credit allotment to the department of state revenue and to each county  
14 auditor.

15 (f) Each county's certified homestead credit allotment, which shall be calculated by the budget  
16 agency, shall be determined under the following STEPS:

17 STEP ONE: For each county, determine the total property tax liability of all homestead properties  
18 in the county for the most recent calendar year before the application of any credits.

19 STEP TWO: For each county, determine the total property tax liability of all homestead  
20 properties resulting from property tax levies that are eliminated or replaced by this act for the  
21 most recent calendar year, before the application of any credits.

22 STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

23 STEP FOUR: Determine the sum of the amounts determined under STEP THREE.

24 STEP FIVE: Divide the amount determined in STEP THREE by the amount determined in STEP  
25 FOUR.

26 STEP SIX: Multiply the result of STEP THREE by one hundred forty million dollars  
27 (\$140,000,000).

28 (g) Each county's homestead credit allotment authorized in this SECTION shall be distributed to  
29 that county ~~not more than in two (2) weeks after the county mails a property tax bill for which the~~  
30 ~~homestead credit under this SECTION is granted.~~ **equal installments. The first installment shall be**  
31 **distributed not later than the first due date for property taxes payable in the county. The second**  
32 **installment shall be distributed not later than the second due date for property taxes payable in**  
33 **the county.**

34 (h) In addition to any other appropriations, there is appropriated one hundred forty million dollars  
35 (\$140,000,000) from the state general fund to make distributions for the homestead credits provided  
36 by this SECTION for property taxes assessed for the March 1, 2008, and January 15, 2009, assessment  
37 dates. Money distributed under this subsection shall be treated as property taxes for all purposes.

38 (i) The department of local government finance, the department of state revenue, and the budget  
39 agency shall take the actions necessary to carry out this SECTION. The department of local  
40 government finance and the budget agency shall make the certifications required under this SECTION  
41 based on the best information available at the time the certification is made.

42 SECTION 501. P.L.146-2008, SECTION 850 IS AMENDED TO READ AS FOLLOWS  
43 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: SECTION 850. (a) The definitions in  
44 IC 6-1.1-1, IC 6-1.1-20.9 (before its repeal), and IC 6-1.1-21 (before its repeal) apply throughout this  
45 SECTION.

46 (b) A taxpayer that is entitled to a standard deduction under IC 6-1.1-12-37 for property taxes  
47 assessed for the March 1, 2009, and January 15, 2010, assessment dates is entitled to a homestead  
48 credit under this SECTION against the property tax liability (as described in IC 6-1.1-21-5 (before its

1 repeal)) imposed against the taxpayer's homestead for the March 1, 2009, and January 15, 2010,  
2 assessment dates.

3 (c) The amount of the credit to which an owner is entitled under this SECTION equals the product  
4 of:

5 (1) the percentage prescribed in subsection (d)(3); multiplied by

6 (2) the amount of the individual's property tax liability (as described in IC 6-1.1-21-5 (before its  
7 repeal)) that is:

8 (A) attributable to the homestead during the particular calendar year; and

9 (B) determined after the application of all deductions from assessed valuation that the owner  
10 claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property and the property tax replacement credit  
11 under IC 6-1.1-21.

12 (d) The county auditor of each county shall determine:

13 (1) the amount of the county's homestead credit allotment determined under subsection (e);

14 (2) the amount of uniformly applied homestead credits for the year in the county that equals the  
15 amount determined under subdivision (1); and

16 (3) the percentage of homestead credit that equates to the amount of homestead credits  
17 determined under subdivision (2).

18 (e) There is granted under this SECTION a total of eighty million dollars (\$80,000,000) of  
19 homestead credits. The homestead credits shall be distributed to each county as prescribed in  
20 subsection (f). Before distribution, the department of local government finance shall certify each  
21 county's homestead credit allotment to the department of state revenue and to each county auditor.

22 (f) Each county's certified homestead credit allotment, which shall be calculated by the budget  
23 agency, shall be determined under the following STEPS:

24 STEP ONE: For each county, determine the total of state homestead credits granted in the county  
25 for the most recent calendar year.

26 STEP TWO: Determine the sum of the amounts determined under STEP ONE.

27 STEP THREE: Divide the amount determined in STEP ONE by the amount determined in STEP  
28 TWO.

29 STEP FOUR: Multiply the result of STEP THREE by eighty million dollars (\$80,000,000).

30 (g) Each county's homestead credit allotment authorized in this SECTION shall be distributed to  
31 that county ~~not more than in two (2) weeks after the county mails a property tax bill for which the~~  
32 ~~homestead credit under this SECTION is granted.~~ **equal installments. The first installment shall be**  
33 **distributed not later than the first due date for property taxes payable in the county. The second**  
34 **installment shall be distributed not later than the second due date for property taxes payable in**  
35 **the county.**

36 (h) In addition to any other appropriations, there is appropriated eighty million dollars  
37 (\$80,000,000) from the state general fund to make distributions for the homestead credits provided by  
38 this SECTION for property taxes assessed for the March 1, 2009, and January 15, 2010, assessment  
39 dates. Money distributed under this subsection shall be treated as property taxes for all purposes.

40 (i) The department of local government finance, the department of state revenue, and the budget  
41 agency shall take the actions necessary to carry out this SECTION. The department of local  
42 government finance and the budget agency shall make the certifications required under this SECTION  
43 based on the best information available at the time the certification is made.

44 SECTION 502. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **(a) The definitions in**  
45 **IC 6-1.1-1 apply throughout this SECTION.**

46 **(b) This SECTION applies to a homestead (as defined in IC 6-1.1-20.9-1, before its repeal)**  
47 **that:**

48 **(1) was owned by a trust and occupied by an individual as described in IC 6-1.1-12-17.9**  
49 **with respect to:**

- 1 (A) the assessment dates in 2007 and 2008 if the homestead is real property; or  
 2 (B) the assessment dates in 2008 and 2009 if the homestead is:  
 3 (i) a mobile home; or  
 4 (ii) a manufactured home;  
 5 that is not assessed as real property; and  
 6 (2) received a homestead credit under IC 6-1.1-20.9 (before its repeal) for property taxes  
 7 first due and payable in 2008.
- 8 (c) For property taxes first due and payable in 2010, a homestead is entitled to a credit under  
 9 this SECTION in the amount of the remainder of:  
 10 (1) the amount of property taxes the trust paid with respect to the homestead for taxes first  
 11 due and payable in 2009; minus  
 12 (2) the amount of property taxes for which the trust would have been liable with respect to  
 13 the homestead for taxes first due and payable in 2009 if for that year the following had  
 14 applied:  
 15 (A) The standard deduction under IC 6-1.1-12-37 in effect on July 1, 2009.  
 16 (B) All other deductions and credits that would have applied if the standard deduction  
 17 under IC 6-1.1-12-37 in effect on July 1, 2009, had applied.
- 18 (d) The credit under subsection (c) applies proportionately to all installments of property  
 19 taxes first due and payable in 2010.
- 20 (e) Interest does not apply in the determination of the amount of the credit under this  
 21 SECTION.
- 22 (f) A trust is not required to apply for the credit under this SECTION. The department of  
 23 local government finance shall prescribe the method of determining the amount of the credit.  
 24 The county auditor and the county treasurer shall identify the homesteads eligible for the credit  
 25 and apply the credit.
- 26 (g) Subject to IC 6-1.1-17-0.5(e), the county auditor may reduce a taxing unit's assessed value  
 27 in the manner permitted under IC 6-1.1-17-0.5(d) to enable the taxing unit to absorb the effects  
 28 of reduced property tax collections for taxes first due and payable in 2010 that are expected to  
 29 result from credits applied under this SECTION.
- 30 (h) This SECTION expires January 1, 2012.
- 31 SECTION 503. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding any other law, a local  
 32 public question described in subsection (c) shall be placed on the ballot at a special election to  
 33 be held on November 3, 2009, in the county in which a political subdivision created under  
 34 IC 16-22-8 is located if:  
 35 (1) the board of the political subdivision adopts a resolution requesting the county auditor  
 36 to certify the public question to the county election board and requesting the county  
 37 election board to place the public question on the ballot at the special election;  
 38 (2) the political subdivision submits the resolution to the county auditor and the county  
 39 election board before August 1, 2009.
- 40 (b) Notwithstanding any other law, a political subdivision created under IC 16-22-8 that  
 41 meets the requirements of subsection (a) shall, before October 1, 2009:  
 42 (1) conduct a public hearing described in IC 6-1.1-20-3.5(b)(1);  
 43 (2) adopt a resolution making a preliminary determination to issue the bonds or enter into  
 44 the lease referred to in the local public question described in subsection (c); and  
 45 (3) give notice of the preliminary determination in the manner described in  
 46 IC 6-1.1-20-3.5(b)(2), with the notice containing the information required by  
 47 IC 6-1.1-20-3.5(b)(3), except that with respect to the information required by  
 48 IC 6-1.1-20-3.5(b)(3)(E) the notice need only state that the proposed debt service or lease

1        payments must be approved in an election on the local public question to be held on  
2        November 3, 2009.

3        (c) The local public question under this SECTION shall be as follows:

4        "Shall the Health and Hospital Corporation of Marion County, Indiana, issue bonds or  
5        enter into a lease to finance (insert the description of the project)?"

6        (d) This SECTION expires December 31, 2009.

7        SECTION 504. [EFFECTIVE JULY 1, 2009] (a) This SECTION applies to towns (as defined  
8        in IC 36-1-2-21).

9        (b) The definitions set forth in IC 6-2.3-1 apply to this SECTION.

10       (c) This SECTION applies only to a taxable year ending in 2003 or 2004.

11       (d) A town may claim a refund for gross income taxes erroneously paid under IC 6-2.1 (before  
12       its repeal), if the town paid both:

13       (1) the gross income tax imposed by IC 6-2.1 (before its repeal); and

14       (2) the utilities receipts tax imposed by IC 6-2.3;

15       for the same taxable year.

16       (e) The department shall prescribe the form and procedure that a town must use to claim its  
17       refund.

18       (f) This SECTION expires December 31, 2009.

19       SECTION 505. IC 1-1-3.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
20       READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

21       **Chapter 3.2. Effective Dates of HEA 1001(ss)-2009**

22       **Sec. 1. (a) This chapter applies only to HEA 1001(ss)-2009.**

23       **(b) IC 1-1-3.1 does not apply to HEA 1001(ss)-2009.**

24       **Sec. 2. Notwithstanding IC 1-1-3.1, the effective dates of the SECTIONS in HEA**  
25       **1001(ss)-2009 are as specified in HEA 1001(ss)-2009, even if:**

26       (1) the governor signs HEA 1001(ss)-2009 into law after June 30, 2009;

27       (2) the governor allows HEA 1001(ss)-2009 to become law without the governor's signature  
28       under Article 5, Section 14(a)(3) of the Constitution of the State of Indiana after June 30,  
29       2009; or

30       (3) the governor vetoes HEA 1001(ss)-2009 and the general assembly subsequently  
31       overrides the veto of HEA 1001(ss)-2009.

32       SECTION 506. [EFFECTIVE UPON PASSAGE] (a) The general assembly may convene a  
33       technical session of the general assembly before October 1, 2009.

34       (b) Only the following may be considered and acted upon during a technical session under  
35       this SECTION:

36       (1) Bills:

37       (A) enacted during 2009 before the date of the technical session; and

38       (B) vetoed by the governor.

39       (2) Bills to correct conflicts among bills enacted during 2009 before the date of the technical  
40       session.

41       (3) Bills to correct technical errors in bills enacted during 2009 before the date of the  
42       technical session.

43       (c) A technical session held under this SECTION must adjourn sine die before the first  
44       midnight after it convenes.

45       (d) A technical session shall convene under this SECTION if the speaker of the house of  
46       representatives and the president pro tempore of the senate jointly issue an order finding that  
47       the purposes for which a technical session may meet under subsection (b) exist.

1 (e) If the general assembly does not meet in a technical session under this SECTION, the  
2 general assembly shall consider and act upon vetoes of bills enacted during 2009 at the 2010  
3 second regular session.

4 (f) For purposes of Article 5, Section 14 of the Constitution of the State of Indiana, a technical  
5 session held under this SECTION is not considered a regular session if the general assembly does  
6 not consider or act upon vetoes of bills enacted during 2009.

7 (g) This SECTION expires March 15, 2010.

8 SECTION 507. IC 8-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
9 2009]: Sec. 1. (a) A railroad company operating in this state shall equip every locomotive engine with  
10 a whistle and a bell, maintained in good working order, such as are used by other railroad companies.  
11 Except when approaching a crossing to which an ordinance adopted under subsection ~~(c)~~ (d) applies,  
12 the engineer or other person in charge of or operating an engine upon the line of a railroad shall, when  
13 the engine approaches the crossing of a turnpike, public highway, or street in this state: ~~beginning not~~  
14 ~~less than one-fourth (1/4) mile from the crossings:~~

15 (1) sound the whistle on the engine distinctly not less than four (4) times, which sounding shall  
16 be prolonged or repeated until the crossing is reached; and

17 (2) ring the bell attached to the engine continuously from the time of sounding the whistle until  
18 the engine has fully passed the crossing.

19 (b) A railroad company shall erect a sign that is:

20 (1) not more than one-fourth (1/4) mile in advance of a crossing or multiple consecutive  
21 crossings; and

22 (2) visible from an approaching train;

23 to notify the engineer or other person in charge of or operating an engine to sound the engine's  
24 whistle in accordance with federal law. The railroad company shall maintain the sign in good  
25 repair or replace the sign. However, this subsection does not apply to a crossing to which an  
26 ordinance adopted under subsection (d) applies. The locomotive engineer or other person in  
27 charge of the train shall notify, in writing, the appropriate maintenance of way supervisor of the  
28 railroad of any missing or damaged whistle post, and the railroad shall, within thirty (30) days  
29 after the maintenance of way supervisor is notified under this subsection, repair or replace the  
30 missing or damaged whistle post.

31 ~~(b)~~ (c) It is unlawful for an engineer or other person in charge of a locomotive to move the  
32 locomotive, or allow it to be moved, over or across a turnpike, public highway, or street crossing if the  
33 whistle and bell are not in good working order. It is unlawful for a railroad company to order or permit  
34 a locomotive to be moved over or across a turnpike, public highway, or street crossing if the whistle  
35 and bell are not in good working order. When a whistle or bell is not in good working order, the  
36 locomotive must stop before each crossing and proceed only after manual protection is provided at the  
37 crossing by a member of the crew unless manual protection is known to be provided.

38 ~~(c)~~ (d) A city, town, or county may adopt an ordinance to regulate the sounding of a whistle or the  
39 ringing of a bell under subsection (a) in the city, the town, or the county. However, an ordinance may  
40 not prohibit the sounding of a whistle or the ringing of a bell at a crossing that does not have an  
41 automatic train activated warning signal as set forth in IC 8-6-7.7-2. An ordinance adopted after June  
42 30, 2003, that prohibits the sounding of a whistle or the ringing of a bell at a crossing must require that  
43 signs be posted at the crossing to warn the public that trains do not sound whistles or ring bells at that  
44 crossing. Before an ordinance adopted under this subsection goes into effect, the city, town, or county  
45 must receive the written permission of the department to regulate the sounding or the ringing. The  
46 department shall grant permission only if the department determines, based upon a study conducted  
47 by the department, that the ordinance, as applied to the rail corridor identified in the ordinance,  
48 increases the overall safety of the corridor for the public. Notwithstanding anything to the contrary in  
49 this subsection, the department shall grant permission to a city or a town to regulate the sounding of

1 a whistle or the ringing of a bell if the city or town had an ordinance regulating the sounding of a  
2 whistle or the ringing of a bell that was approved and in effect on January 1, 1991, if the city or town  
3 amended or repealed the ordinance, and if the city or town adopts a subsequent ordinance on the same  
4 subject. In making its determination during the course of the study, the department shall consider:

- 5 (1) school bus routes;
- 6 (2) emergency service routes;
- 7 (3) hazardous materials routes;
- 8 (4) pedestrian traffic;
- 9 (5) trespassers;
- 10 (6) recreational facilities;
- 11 (7) trails; and
- 12 (8) measures to increase safety in the corridor, including:
  - 13 (A) four (4) quadrant gates;
  - 14 (B) median barriers;
  - 15 (C) crossing closures;
  - 16 (D) law enforcement programs; and
  - 17 (E) public education.

18 The study by the department required under this subsection must be completed not later than one  
19 hundred twenty (120) days after the department receives notice of the passage of the ordinance from  
20 the city, town, or county.

21 ~~(d)~~ (e) Notwithstanding a contrary provision in an ordinance adopted under subsection ~~(e)~~, (d), an  
22 engineer or other person who is operating an engine shall sound the engine's whistle if, in the  
23 determination of the engineer or other person who is operating the engine, an apparent emergency  
24 exists.

25 ~~(e)~~ (f) A railroad company and the employees of the railroad company are immune from criminal  
26 or civil liability for injury or property damage that results from an accident that occurs at a crossing  
27 to which an ordinance described in subsection ~~(e)~~ (d) applies if the injury or property damage was  
28 proximately caused solely by the railroad company and the employees failing to sound a whistle.

29 ~~(f)~~ (g) The Indiana department of transportation shall review crossing safety at each crossing to  
30 which an ordinance adopted under subsection ~~(e)~~ (d) applies not less than one (1) time in a five (5)  
31 year period.

32 ~~(g)~~ (h) The Indiana department of transportation may not revoke the permission granted under  
33 subsection ~~(e)~~ (d) for an ordinance.

34 ~~(h)~~ (i) The Indiana department of transportation may create pilot railroad crossing safety projects  
35 to improve railroad crossing safety.

36 SECTION 508. IC 8-6-4-2, AS AMENDED BY P.L.1-2009, SECTION 69, IS AMENDED TO  
37 READ AS FOLLOWS IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec.

38 2. (a) Every engineer or other person in charge of or operating ~~any such an~~ engine, who shall fail or  
39 neglect to comply with the provisions of section 1 of this chapter, shall be held personally liable  
40 ~~therefor~~ to the state, ~~of Indiana~~; in a penalty of not less than ten dollars (\$10.00) nor more than fifty  
41 dollars (\$50.00), to be recovered in a civil action ~~at the suit of said~~ **brought by the** state in the circuit  
42 or superior court of any county ~~wherein such where the~~ crossing ~~may be~~ **is** located. ~~and~~

43 (b) A railroad company that violates ~~the provisions of IC 8-6-4-1(b)~~ **section 1(c) of this chapter**  
44 shall be held liable ~~therefor~~ to the state ~~of Indiana~~; ~~in for~~ a penalty of not less than two hundred fifty  
45 dollars (\$250) nor more than five thousand dollars (\$5,000), to be recovered in a civil action ~~at the suit~~  
46 ~~of said~~ **brought by the** state in the circuit or superior court of any county ~~wherein such where the~~  
47 crossing ~~may be~~ **is** located. ~~and~~ The **railroad** company in whose employ such engineer or person may  
48 be, as well as the **engineer or person himself, in charge of or operating the engine**, shall be liable

1 in damages to any person, or the person's representatives, who may be injured in property or person,  
2 or to any corporation that may be injured in property, by the neglect or failure of said engineer or other  
3 person as aforesaid.

4 **(c) A railroad company that violates section 1(b) of this chapter may be held liable to the state**  
5 **for a penalty of not less than two hundred fifty dollars (\$250) or more than one thousand dollars**  
6 **(\$1,000), to be recovered in a civil action brought by the state in the circuit or superior court of**  
7 **any county where the crossing is located.**

8 SECTION 509. IC 34-30-2-24.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2009]: Sec. 24.4. ~~IC 8-6-4-1(e)~~ **IC 8-6-4-1(f)** (Concerning a railroad company and its employees  
10 for injury or property damage resulting from certain accidents).

11 SECTION 510. IC 36-7-31.3-8, AS AMENDED BY P.L.176-2009, SECTION 25, IS AMENDED  
12 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) A designating body may  
13 designate as part of a professional sports and convention development area any facility that is:

14 (1) owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8,  
15 IC 36-10-10, or IC 36-10-11, and used by a professional sports franchise for practice or  
16 competitive sporting events; ~~or~~

17 (2) owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or  
18 IC 36-10-11, and used as one (1) of the following:

19 (A) A facility used principally for convention or tourism related events serving national or  
20 regional markets.

21 (B) An airport.

22 (C) A museum.

23 (D) A zoo.

24 (E) A facility used for public attractions of national significance.

25 (F) A performing arts venue.

26 (G) A county courthouse registered on the National Register of Historic Places; ~~or~~

27 **(3) a hotel.**

28 **Notwithstanding section 9 of this chapter or any other law, a designating body may by resolution**  
29 **approve the expansion of a professional sports and convention development area after June 30,**  
30 **2009, to include a hotel designated by the designating body. A resolution for such an expansion**  
31 **must be reviewed by the budget committee and approved by the budget agency in the same**  
32 **manner as a resolution establishing a professional sports and convention development area is**  
33 **reviewed and approved.** A facility may not include a private golf course or related improvements.  
34 The tax area may include only facilities described in this section and any parcel of land on which a  
35 facility is located. An area may contain noncontiguous tracts of land within the city, county, or school  
36 corporation.

37 (b) Except for a tax area that is located in a city having a population of:

38 (1) more than one hundred fifty thousand (150,000) but less than five hundred thousand  
39 (500,000); or

40 (2) more than ninety thousand (90,000) but less than one hundred five thousand (105,000);

41 a tax area must include at least one (1) facility described in subsection (a)(1).

42 (c) A tax area may contain other facilities not owned by the designating body if:

43 (1) the facility is owned by a city, the county, a school corporation, or a board established under  
44 IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11; and

45 (2) an agreement exists between the designating body and the owner of the facility specifying the  
46 distribution and uses of the covered taxes to be allocated under this chapter.

47 (d) This subsection applies to all tax areas located in a county having a population of more than  
48 three hundred thousand (300,000) but less than four hundred thousand (400,000). The facilities located  
49 at an Indiana University-Purdue University regional campus are added to the tax area designated by

1 the county. The maximum amount of covered taxes that may be captured in all tax areas located in the  
2 county is three million dollars (\$3,000,000) per year, regardless of the designating body that  
3 established the tax area. The county option income taxes imposed under IC 6-3.5 that are captured  
4 must be counted first toward this maximum.

5 SECTION 511. IC 36-7-31.3-10, AS AMENDED BY P.L.176-2009, SECTION 26, IS AMENDED  
6 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A tax area must be established  
7 by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes  
8 attributable to a taxable event or covered taxes earned in the tax area to the professional sports and  
9 convention development area fund established for the city or county. The allocation provision must  
10 apply to the entire tax area. However, for all tax areas located in a county having a population of more  
11 than three hundred thousand (300,000) but less than four hundred thousand (400,000), the allocation  
12 each year must be as follows:

13 (1) The first two million six hundred thousand dollars (\$2,600,000) shall be transferred to the  
14 county treasurer for deposit in the supplemental coliseum improvement fund.

15 (2) The remaining amount shall be transferred to the treasurer of the joint county-city capital  
16 improvement board in the county.

17 The resolution must provide the tax area terminates not later than December 31, 2027.

18 (b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

19 (1) paid during a taxable year to a professional athlete for professional athletic services;

20 (2) taxable in Indiana; and

21 (3) earned in the tax area;

22 shall be allocated to the tax area if the professional athlete is a member of a team that plays the  
23 majority of the professional athletic events that the team plays in Indiana in the tax area.

24 (c) For a tax area **that is:**

25 (1) not located in a county having a population of more than three hundred thousand (300,000)  
26 but less than four hundred thousand (400,000); **and**

27 (2) **not located in a city having a population of more than one hundred five thousand**  
28 **(105,000) and less than one hundred twenty thousand (120,000)**, the total amount of state  
29 revenue captured by the tax area may not exceed five dollars (\$5) per resident of the city or  
30 county per year for twenty (20) consecutive years.

31 (d) **For a tax area that is located in a city having a population of more than one hundred five**  
32 **thousand (105,000) and less than one hundred twenty thousand (120,000);**

33 **the total amount of state revenue captured by the tax area may not exceed six dollars and fifty**  
34 **cents (\$6.50) per resident of the city per year for twenty (20) consecutive years.**

35 ~~(d)~~ (e) The resolution establishing the tax area must designate the facility or proposed facility and  
36 the facility site for which the tax area is established.

37 ~~(e)~~ (f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of  
38 covered taxes to a tax area.

39 SECTION 512. [EFFECTIVE UPON PASSAGE] (a) **The legislative council shall establish a two**  
40 **(2) year study committee to study issues related to the school funding formula.**

41 (b) **The study committee shall operate under the rules of the legislative council. The study**  
42 **committee shall before November 1, 2010, submit a report of its findings and any**  
43 **recommendations to the legislative council.**

44 (c) **This SECTION expires January 1, 2011.**

45 SECTION 513. IC 36-7-25-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
46 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **As used in this section,**  
47 **"eligible entity" means a person whose principal functions include the provision of:**

48 (l) **educational programs;**

1 (2) work training programs;  
2 (3) worker retraining programs; or  
3 (4) any other programs;  
4 designed to prepare individuals to participate in the competitive and global economy.

5 (b) After making the findings set forth in subsection (c), a commission, or two (2) or more  
6 commissions acting jointly, may contract with an eligible entity to provide:

7 (1) educational programs;  
8 (2) work training programs;  
9 (3) worker retraining programs; or  
10 (4) any other programs;  
11 designed to prepare individuals to participate in the competitive and global economy.

12 (c) Before a commission may contract for a program described in subsection (b), the  
13 commission must find that the program will promote the redevelopment and economic  
14 development of the unit, is of utility and benefit, and is in the best interests of the unit's  
15 residents.

16 (d) Except as provided in subsection (e), a commission may use any revenues legally available  
17 to the commission to fund a program described in subsection (b).

18 (e) A commission may not spend:  
19 (1) bond proceeds; or  
20 (2) more than fifteen percent (15%) of the allocated tax proceeds it receives on an annual  
21 basis;

22 to fund a program described in subsection (b).

23 SECTION 514. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding SECTION 320 of this act, IC  
24 20-28-11-3(6) and the sentence following IC 20-28-11-3(6) as included in SECTION 320 of this  
25 act are replaced with the following language:

26 "(6) if federal rules, regulations, or directives require the use of collective program results  
27 of tests to evaluate educators in order to qualify for those federal funds, collective program  
28 results of tests used by any school corporation that would receive federal funds may be used  
29 as a factor, but not the sole factor, to evaluate educators. If collective testing results are  
30 used as a factor in evaluations by a school corporation, they must be applied to all  
31 educators in that school corporation.

32 However, Except as provided in subdivision (6), the plan may not provide for an evaluation that is  
33 based in whole or in part on the ISTEP program test scores of the students in the school corporation."

34 (b) The publisher of the Indiana Code shall publish IC 20-28-11-3 as amended by this  
35 SECTION.

36 SECTION 515. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding SECTION 67 of this act,  
37 IC 5-10-8-6.7(g) and IC 5-10-8-6.7(h) are deleted and do not take effect.

38 (b) The publisher of the Indiana Code shall publish IC 5-10-8-6.7 as amended by this  
39 SECTION.

40 SECTION 516. IC 6-1.1-20.2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION  
41 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. Notwithstanding any other  
42 provision of this chapter, if an eligible county receives a loan under this chapter from the  
43 counter-cyclical revenue and economic stabilization fund (rainy day fund), the money must be  
44 used to replace voting equipment damaged by a flood and may not be used to equip any voting  
45 centers.

46 SECTION 517. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding any other law, the changes  
47 made to IC 5-10-8.5-15 by SECTION 69 of this act shall not take effect.

1       **(b) The publisher of the Indiana Code shall publish IC 5-10-8.5-15 without the changes made**  
2 **to that section by SECTION 69 of this act.**

3       SECTION 518. [EFFECTIVE JULY 1, 2009] **Notwithstanding SECTION 40 of this act, the**  
4 **following provision of SECTION 40 of this act is deleted and shall not take effect:**

5       **"Of the above authorization for the University of Southern Indiana Teacher Theatre**  
6 **Replacement Project, only eight million dollars (\$8,000,000) is eligible for fee replacement."**

7       SECTION 519. **An emergency is declared for this act.**

(Reference is to EHB 1001(ss) as reprinted June 23, 2009.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1001(ss)**

**S**igned by:

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Representative Crawford  
Chairperson

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Senator Kenley

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Representative Espich

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Senator Broden

**House Conferees**

**Senate Conferees**