

SENATE BILL No. 101

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Technical corrections. Corrects errors in the Indiana Code. Reconciles blind amendments enacted during the 1997 session of the general assembly (shown in italicized type). (The introduced version of this bill was prepared by the code revision commission.)

Effective: January 1, 1998 (retroactive); upon passage; July 1, 1998; January 1, 1999; March 1, 2001.

Kenley

January 8, 1998, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session 110th General Assembly (1998)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 101

A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.

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

1 SECTION 1. IC 2-2.1-1-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Procedures:
3 Organization of the Senate. (a) The President of the Senate shall
4 preside at the organizational meeting during the election of the
5 President Pro Tempore and other officers of the Senate.
6 (b) The oath of office shall be administered to senators-elect by the
7 Chief Justice of the Supreme Court of Indiana, or an associate justice
8 designated by the Chief Justice.
9 (c) The President Pro Tempore and such other officers as may be
10 determined by the standing rules and orders of the Senate shall be
11 elected. The oath of office shall be administered to the ~~ppresident~~
12 **President** Pro Tempore by the Chief Justice, and to the other officers
13 by the President of the Senate.
14 (d) In the event there is no President or he is absent or unable to
15 serve, the Chief Justice of the Supreme Court or an associate justice
16 designated by the Chief Justice shall preside during the election of the
17 President Pro Tempore and, upon being elected and sworn, the

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1 President Pro Tempore shall take the chair and conduct the further
 2 business of the Senate until the vacancy in the office of President is
 3 filled, if there is no President, or until the President is able to serve, if
 4 he is absent or unable to serve.

5 SECTION 2. IC 3-5-2-37, AS AMENDED BY P.L.3-1997,
 6 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 37. (a) Except as provided in subsection (b),
 8 "political action committee" means an organization located within or
 9 outside Indiana that satisfies all of the following:

10 (1) The organization is not:

11 (A) affiliated with a political party; or

12 (B) a candidate's committee.

13 (2) The organization proposes to influence:

14 (A) the election of a candidate for state, legislative, local, or
 15 school board office; or

16 (B) the outcome of a public question.

17 (3) The organization accepts contributions or makes expenditures
 18 during a calendar year to influence the election of a candidate for
 19 state, legislative, local, or school board office or the outcome of
 20 a public question that will appear on the ballot in Indiana that in
 21 the aggregate exceed one hundred dollars (\$100).

22 ~~(4)~~ (4) The organization is not any of the following:

23 ~~(i)~~ (A) An auxiliary party organization.

24 ~~(ii)~~ (B) A legislative caucus committee.

25 ~~(iii)~~ (C) A regular party committee.

26 ~~(iv)~~ (D) A candidate's committee.

27 (b) A corporation or labor organization that makes a contribution in
 28 accordance with IC 3-9-2 or makes an expenditure is not considered a
 29 political action committee.

30 SECTION 3. IC 3-7-11-10, AS ADDED BY P.L.12-1995,
 31 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 10. The chairman of the ~~state election board~~
 33 **commission** shall convene the hearing as promptly as possible, but not
 34 later than thirty (30) days after the member files the request for a
 35 hearing under section 9 of this chapter.

36 SECTION 4. IC 3-7-18-8, AS ADDED BY P.L.12-1995, SECTION
 37 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 38 PASSAGE]: Sec. 8. An employee of the office who provides an
 39 individual with an application for assistance or services under this
 40 chapter shall do the following:

41 (1) Inform each individual who applies for assistance or services
 42 that the information the individual provides on the individual's



1 voter registration application will be used to register the
2 individual to vote unless:

3 (A) the individual is not eligible to vote; or

4 (B) the individual declines to register to vote or fails to
5 complete the voter registration part of the application.

6 (2) Provide each individual who indicates a desire to register or
7 transfer registration with assistance in filling out the voter
8 registration application unless the individual refuses assistance,
9 as provided in 42 U.S.C. ~~1973gg-5(a)(4)(ii)~~.
10 **1973gg-5(a)(4)(A)(ii).**

11 (3) Check the completed voter registration form for legibility and
12 completeness.

13 (4) Deliver the completed registration form to the office
14 administrator (or the employee designated by the administrator to
15 be responsible for voter registration services) for transmittal to the
16 appropriate circuit court clerk or board of registration.

17 (5) Inform the individual that the individual will receive a mailing
18 from the circuit court clerk or board of registration of the county
19 where the individual resides concerning the disposition of the
20 voter registration application.

21 SECTION 5. IC 3-7-31-4, AS AMENDED BY P.L.3-1997,
22 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 4. (a) A form used to apply for registration at
24 a license branch must comply with 42 U.S.C. 1973gg-3(c)(2) and 42
25 U.S.C. 1973gg-3(d).

26 (b) A form used to apply for registration at:

27 (1) a public assistance agency designated under IC 3-7-15;

28 (2) an agency serving persons with disabilities designated under
29 IC 3-7-16;

30 (3) an additional office designated under IC 3-7-18, IC 3-7-19, or
31 ~~IC 3-7-29~~; **IC 3-7-20**; or

32 (4) an office of the department of employment and training
33 services designated under IC 3-7-20.5;

34 must comply with 42 U.S.C. 1973gg-5(a)(6).

35 SECTION 6. IC 3-9-5-7, AS AMENDED BY P.L.3-1997,
36 SECTION 205, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Persons may deliver
38 reports to the appropriate office as follows:

39 (1) By hand.

40 (2) By mail.

41 (3) By electronic mail, if the appropriate office has the capacity
42 to receive electronic mail.



1 (b) Reports must be filed as follows:

2 (1) Hand delivered reports must be received by the appropriate
3 office during regular office hours not later than noon seven (7)
4 days after the date of the report.

5 (2) Reports delivered by electronic mail must be received by the
6 appropriate office not later than noon seven (7) days after the date
7 of the report.

8 (3) Reports that are mailed must be postmarked not later than
9 noon seven ~~(5)~~ (7) days after the date of the report.

10 SECTION 7. IC 3-11-8-16, AS AMENDED BY P.L.3-1997,
11 SECTION 299, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: Sec. 16. Challengers and pollbook
13 holders appointed under IC 3-6-7 are entitled to stand at the sides of the
14 chute next to the entrance to the polls, as provided in ~~IC 3-6-7-2(a) or~~
15 ~~in a location authorized under IC 3-6-7-2(b).~~ **IC 3-6-7-2.** No other
16 person may remain within fifty (50) feet of the entrance to the polls
17 except for the purpose of offering to vote.

18 SECTION 8. IC 3-13-1-20, AS ADDED BY P.L.3-1997, SECTION
19 388, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
20 PASSAGE]: Sec. 20. (a) This section applies to a political party subject
21 to IC 3-8-4-10.

22 (b) A candidate vacancy that exists following the convention of the
23 party shall be filled by the state committee of the political party. The
24 chairman of the state committee shall act in accordance with section 15
25 of this chapter to certify the candidate selected to fill the vacancy.

26 (c) This subsection applies to a candidate vacancy resulting from a
27 vacancy on the general election ballot resulting from the failure of the
28 convention to nominate a candidate for an office. The certificate
29 required by subsection (b) shall be filed not later than noon, August 4,
30 before election day.

31 (d) This subsection applies to all candidate vacancies not described
32 by subsection (c). The certificate required by subsection ~~(a)~~ (b) shall
33 be filed not more than three (3) days (excluding Saturdays and
34 Sundays) after selection of the candidates.

35 SECTION 9. IC 3-14-3-3 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who knowingly:

- 37 (1) interferes with a watcher;
38 (2) prevents a watcher from performing the watcher's duties;
39 (3) otherwise violates:
40 (A) IC 3-6-8-3;
41 (B) IC 3-6-8-4;
42 (C) IC 3-6-8-5;



1 (D) IC 3-6-8-6;
 2 (E) IC 3-6-9; or
 3 (F) IC 3-6-10; or
 4 (4) violates ~~IC 3-11-12-21(d)~~ **IC 3-11-12-21(e)** or
 5 IC 3-11-13-44(d);
 6 commits a Class D felony.

7 SECTION 10. IC 4-21.5-3-27, AS AMENDED BY P.L.25-1997,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 27. (a) If the administrative law judge is the
 10 ultimate authority for the agency, the ultimate authority's order
 11 disposing of a proceeding is a final order. If the administrative law
 12 judge is not the ultimate authority, the administrative law judge's order
 13 disposing of the proceeding becomes a final order when affirmed under
 14 section 29 of this chapter. Regardless of whether the order is final, it
 15 must comply with this section.

16 (b) This subsection applies only to an order not subject to subsection
 17 (c). The order must include, separately stated, findings of fact for all
 18 aspects of the order, including the remedy prescribed and, if applicable,
 19 the action taken on a petition for stay of effectiveness. Findings of
 20 ultimate fact must be accompanied by a concise statement of the
 21 underlying basic facts of record to support the findings. The order must
 22 also include a statement of the available procedures and time limit for
 23 seeking administrative review of the order (if administrative review is
 24 available).

25 (c) This subsection applies only to an order of the ultimate authority
 26 entered under IC 13, IC 14, or IC 25. The order must include separately
 27 stated findings of fact and, if a final order, conclusions of law for all
 28 aspects of the order, including the remedy prescribed and, if applicable,
 29 the action taken on a petition for stay of effectiveness. Findings of
 30 ultimate fact must be accompanied by a concise statement of the
 31 underlying basic facts of record to support the findings. Conclusions of
 32 law must consider prior final orders (other than negotiated orders) of
 33 the ultimate authority under the same or similar circumstances if those
 34 prior final orders are raised on the record in writing by a party and must
 35 state the reasons for deviations from those prior orders. The order must
 36 also include a statement of the available procedures and time limit for
 37 seeking administrative review of the order (if administrative review is
 38 available).

39 (d) Findings must be based exclusively upon the evidence of record
 40 in the proceeding and on matters officially noticed in that proceeding.
 41 Findings must be based upon the kind of evidence that is substantial
 42 and reliable. The administrative law judge's experience, technical



1 competence, and specialized knowledge may be used in evaluating
2 evidence.

3 (e) A substitute administrative law judge may issue the order under
4 this section upon the record that was generated by a previous
5 administrative law judge.

6 (f) The administrative law judge may allow the parties a designated
7 amount of time after conclusion of the hearing for the submission of
8 proposed findings.

9 (g) An order under this section shall be issued in writing within
10 ninety (90) days after conclusion of the hearing or after submission of
11 proposed findings in accordance with subsection ~~(e)~~; (f), unless this
12 period is waived or extended with the written consent of all parties or
13 for good cause shown.

14 (h) The administrative law judge shall have copies of the order
15 under this section delivered to each party and to the ultimate authority
16 for the agency (if it is not rendered by the ultimate authority).

17 SECTION 11. IC 4-33-10-2, AS AMENDED BY P.L.20-1995,
18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 2. A person who knowingly or intentionally
20 does any of the following commits a Class D felony:

21 (1) Offers, promises, or gives anything of value or benefit:

22 (A) to a person who is connected with the owner of a
23 riverboat, including an officer or an employee of a riverboat
24 owner or holder of an occupational license; and

25 (B) under an agreement to influence or with the intent to
26 influence:

27 (i) the actions of the person to whom the offer, promise, or
28 gift was made in order to affect or attempt to affect the
29 outcome of a gambling game; or

30 (ii) an official action of a commission member.

31 (2) Solicits, accepts, or receives a promise of anything of value or
32 benefit:

33 (A) while the person is connected with a riverboat, including
34 an officer or employee of a licensed owner or a holder of an
35 occupational license; and

36 (B) under an agreement to influence or with the intent to
37 influence:

38 (i) the actions of the person to affect or attempt to affect the
39 outcome of a gambling game; or

40 (ii) an official action of a commission member.

41 (3) Uses or possesses with the intent to use a device to assist in:

42 (A) projecting the outcome of the game;



- 1 (B) keeping track of the cards played;
 2 (C) analyzing the probability of the occurrence of an event
 3 relating to the gambling game; or
 4 (D) analyzing the strategy for ~~paying~~ **playing** or betting to be
 5 used in the game, except as permitted by the commission.
 6 (4) Cheats at a gambling game.
 7 (5) Manufactures, sells, or distributes any cards, chips, dice,
 8 game, or device that is intended to be used to violate this article.
 9 (6) Alters or misrepresents the outcome of a gambling game on
 10 which wagers have been made after the outcome is made sure but
 11 before the outcome is revealed to the players.
 12 (7) Places a bet on the outcome of a gambling game after
 13 acquiring knowledge that:
 14 (A) is not available to all players; and
 15 (B) concerns the outcome of the gambling game that is the
 16 subject of the bet.
 17 (8) Aids a person in acquiring the knowledge described in
 18 subdivision (7) for the purpose of placing a bet contingent on the
 19 outcome of a gambling game.
 20 (9) Claims, collects, takes, or attempts to claim, collect, or take
 21 money or anything of value in or from a gambling game:
 22 (A) with the intent to defraud; or
 23 (B) without having made a wager contingent on winning a
 24 gambling game.
 25 (10) Claims, collects, or takes an amount of money or thing of
 26 value of greater value than the amount won in a gambling game.
 27 (11) Uses or possesses counterfeit chips or tokens in or for use in
 28 a gambling game.
 29 (12) Possesses a key or device designed for:
 30 (A) opening, entering, or affecting the operation of a gambling
 31 game, drop box, or an electronic or a mechanical device
 32 connected with the gambling game; or
 33 (B) removing coins, tokens, chips, or other contents of a
 34 gambling game.
 35 This subdivision does not apply to a licensee or an employee of
 36 a licensee acting in the course of the employee's employment.
 37 (13) Possesses materials used to manufacture a slug or device
 38 intended to be used in a manner that violates this article.
 39 SECTION 12. IC 5-2-5.1-5, AS AMENDED BY P.L.1-1997,
 40 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 5. As used in this chapter, "juvenile history
 42 data" means information collected by criminal or juvenile justice



1 agencies or individuals about a child who is alleged to have committed
2 a reportable act and consists of the following:

- 3 (1) Descriptions and notations of events leading to the taking of
4 the child into custody by a juvenile justice agency for a reportable
5 act allegedly committed by the child.
6 (2) A petition alleging that the child is a delinquent child.
7 (3) Dispositional decrees concerning the child that are entered
8 under **IC 31-37-19 (or IC 31-6-4-15.9 before its repeal)**.
9 (4) The findings of a court determined after a hearing is held
10 under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or
11 IC 31-6-4-19(i) before their repeal) concerning the child.
12 (5) Information:
13 (A) regarding a child who has been adjudicated a delinquent
14 child for committing an act that would be an offense described
15 in IC 5-2-12-4(1) if committed by an adult; and
16 (B) that is obtained through sex offender registration under
17 IC 5-2-12.

18 SECTION 13. IC 5-2-9-2.1, AS AMENDED BY P.L.2-1997,
19 SECTION 32, AND P.L.37-1997, SECTION 1, IS CORRECTED TO
20 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a)
21 As used in this chapter, "order" means:

- 22 (1) a protective order issued under:
23 (A) IC 34-4-5.1-5(a)(1)(A);
24 (B) IC 34-4-5.1-5(a)(1)(B); or
25 (C) IC 34-4-5.1-5(a)(1)(C);
26 that orders the respondent to refrain from abusing, harassing, or
27 disturbing the peace of the petitioner;
28 (2) an emergency protective order issued under
29 IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or
30 IC 34-4-5.1-2.3(a)(1)(C) that orders the respondent to refrain
31 from abusing, harassing, or disturbing the peace of the petitioner;
32 (3) a temporary restraining order issued under IC 31-15-4-3(2),
33 IC 31-15-4-3(3), IC 31-16-4-2(a)(2), or ~~IC 31-6-4-2(a)(3)~~
34 *IC 31-16-4-2(a)(3)* (or IC 31-1-11.5-7(b)(2) or
35 IC 31-1-11.5-7(b)(3) before their repeal) that orders the
36 respondent to refrain from abusing, harassing, or disturbing the
37 peace of the petitioner;
38 (4) a dispositional decree issued under IC 31-34-20-1,
39 IC 31-37-19-1, or IC 31-37-19-5 (or IC 31-6-4-15.4 or
40 IC 31-6-4-15.9 before their repeal) or an order issued under
41 IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders a
42 person to refrain from direct or indirect contact with a child in



1 need of services or a delinquent child;

2 (5) an order issued as a condition of pretrial release or pretrial
3 diversion that orders a person to refrain from any direct or indirect
4 contact with another person;

5 (6) an order issued as a condition of probation that orders a person
6 to refrain from any direct or indirect contact with another person;

7 (7) a protective order issued under IC 31-15-5 or IC 31-16-5 (or
8 IC 31-1-11.5-8.2 before its repeal) that orders the respondent to
9 refrain from abusing, harassing, or disturbing the peace of the
10 petitioner;

11 (8) a protective order issued under IC 31-14-16 in a paternity
12 action that orders the respondent to refrain from having direct or
13 indirect contact with another person; or

14 (9) a protective order issued under IC 31-34-17 in a child in need
15 of services proceeding or under IC 31-37-16 in a juvenile
16 delinquency proceeding that orders the respondent to refrain from
17 having direct or indirect contact with a child.

18 (b) Whenever an order is issued, the order must be captioned in a
19 manner that indicates the type of order issued and the section of the
20 Indiana Code that authorizes the protective order.

21 SECTION 14. IC 6-1.1-3-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as
23 provided in subsection (c) of this section, personal property which is
24 owned by a person who is a resident of this state shall be assessed at
25 the place where the owner resides on the assessment date of the year
26 for which the assessment is made.

27 (b) Except as provided in subsection (c) of this section, personal
28 property which is owned by a person who is not a resident of this state
29 shall be assessed at the place where the owner's principal office within
30 this state is located on the assessment date of the year for which the
31 assessment is made.

32 (c) Personal property shall be assessed at the place where it is
33 situated on the assessment date of the year for which the assessment is
34 made if the property is:

35 (1) regularly used or permanently located where it is situated; or

36 (2) owned by a nonresident who does not have a principal office
37 within this state.

38 (d) If a personal property return is filed pursuant to subsection (c),
39 the owner of the property shall provide, within forty-five (45) days after
40 the filing deadline, a copy or other written evidence of the filing of the
41 return to the assessor of the township in which the owner resides. If
42 such evidence is not filed within forty-five (45) days after the filing



1 deadline, the assessor of the township in which the owner resides shall
 2 determine if the owner filed a personal property return in the township
 3 where the property is situated. If such a return was filed, the property
 4 shall be assessed where it is situated. If such a return was not filed, the
 5 assessor of the township where the owner resides shall notify the
 6 assessor of the township where the property is situated, and the
 7 property shall be assessed where it is situated. This subsection does not
 8 apply to a taxpayer who:

9 (1) is required to file duplicate personal property returns under
 10 ~~section 7(b)~~ **section 7(c)** of this chapter and under regulations
 11 promulgated by the state board of tax commissioners with respect
 12 to that section; or

13 (2) is required by the state board of tax commissioners to file a
 14 summary of the taxpayer's business tangible personal property
 15 returns.

16 SECTION 15. IC 6-1.1-3-18 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Each
 18 township assessor of a county shall periodically report to the county
 19 assessor and the county auditor with respect to the returns and
 20 properties of taxpayers which the township assessor has examined. The
 21 township assessor shall submit these reports in the form and on the
 22 dates prescribed by the state board of tax commissioners.

23 (b) Each year, on or before the time prescribed by the state board of
 24 tax commissioners, each township assessor of a county shall deliver to
 25 the county assessor a copy of each business personal property return
 26 which the taxpayer is required to file in duplicate under ~~section 7(b)~~
 27 **section 7(c)** of this chapter and a copy of any supporting data supplied
 28 by the taxpayer with the return.

29 SECTION 16. IC 6-1.1-4-28, AS AMENDED BY P.L.6-1997,
 30 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 1999]: Sec. 28. (a) Money assigned to a property
 32 reassessment fund under section 27 of this chapter may be used only to
 33 pay the costs of:

34 (1) the general reassessment of real property, including the
 35 computerization of assessment records;

36 (2) payments to county assessors, members of property tax
 37 assessment boards of appeals, or assessing officials under
 38 IC 6-1.1-35.2;

39 (3) the development or updating of detailed soil survey data by
 40 the United States Department of Agriculture or its successor
 41 agency;

42 (4) the updating of plat books; and



1 (5) payments for the salary of permanent staff or for the
 2 contractual services of temporary staff who are necessary to assist
 3 county assessors, members of a county property tax assessment
 4 board of appeals, and assessing officials.

5 (b) All counties shall use modern, detailed soil maps in the general
 6 reassessment of agricultural land.

7 (c) The county treasurer of each county shall, in accordance with
 8 IC 5-13-9, invest any money accumulated in the property reassessment
 9 fund until the money is needed to pay general reassessment expenses.
 10 Any interest received from investment of the money shall be paid into
 11 the property reassessment fund.

12 (d) An appropriation under this section must be approved by the
 13 fiscal body of the county after the review and recommendation of the
 14 county assessor. However, in a county with an elected township
 15 assessor under ~~IC 36-6-5-11~~ **IC 36-6-5-1** in every township, only the
 16 fiscal body must approve an appropriation under this section.

17 SECTION 17. IC 6-1.1-10-16, AS AMENDED BY P.L.6-1997,
 18 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 16. (a) All or part of a building is exempt
 20 from property taxation if it is owned, occupied, and used by a person
 21 for educational, literary, scientific, religious, or charitable purposes.

22 (b) A building is exempt from property taxation if it is owned,
 23 occupied, and used by a town, city, township, or county for educational,
 24 literary, scientific, fraternal, or charitable purposes.

25 (c) A tract of land, including the campus and athletic grounds of an
 26 educational institution, is exempt from property taxation if:

27 (1) a building which is exempt under subsection (a) or (b) is
 28 situated on it; and

29 (2) the tract does not exceed:

30 (A) fifty (50) acres in the case of:

31 (i) an educational institution; or

32 (ii) a tract that was exempt under this subsection on March
 33 1, 1987; or

34 (B) fifteen (15) acres in all other cases.

35 (d) A tract of land is exempt from property taxation if:

36 (1) it is purchased for the purpose of erecting a building which is
 37 to be owned, occupied, and used in such a manner that the
 38 building will be exempt under subsection (a) or (b);

39 (2) the tract does not exceed:

40 (A) fifty (50) acres in the case of:

41 (i) an educational institution; or

42 (ii) a tract that was exempt under this subsection on March



- 1 1, 1987; or
- 2 (B) fifteen (15) acres in all other cases; and
- 3 (3) not more than three (3) years after the property is purchased,
- 4 and for each year after the three (3) year period, the owner
- 5 demonstrates substantial progress towards the erection of the
- 6 intended building and use of the tract for the exempt purpose. To
- 7 establish that substantial progress is being made, the owner must
- 8 prove the existence of factors such as the following:
- 9 (A) Organization of and activity by a building committee or
- 10 other oversight group.
- 11 (B) Completion and filing of building plans with the
- 12 appropriate local government authority.
- 13 (C) Cash reserves dedicated to the project of a sufficient
- 14 amount to lead a reasonable individual to believe the actual
- 15 construction can and will begin within three (3) years.
- 16 (D) The breaking of ground and the beginning of actual
- 17 construction.
- 18 (E) Any other factor that would lead a reasonable individual to
- 19 believe that construction of the building is an active plan and
- 20 that the building is capable of being completed within six (6)
- 21 years considering the circumstances of the owner.
- 22 (e) Personal property is exempt from property taxation if it is owned
- 23 and used in such a manner that it would be exempt under subsection (a)
- 24 or (b) if it were a building.
- 25 (f) A hospital's property which is exempt from property taxation
- 26 under subsection (a), (b), or (e) shall remain exempt from property
- 27 taxation even if the property is used in part to furnish goods or services
- 28 to another hospital whose property qualifies for exemption under this
- 29 section.
- 30 (g) Property owned by a shared hospital services organization which
- 31 is exempt from federal income taxation under Section 501(c)(3) or
- 32 501(e) of the Internal Revenue Code is exempt from property taxation
- 33 if it is owned, occupied, and used exclusively to furnish goods or
- 34 services to a hospital whose property is exempt from property taxation
- 35 under subsection (a), (b), or (e).
- 36 (h) This section does not exempt from property tax an office or a
- 37 practice of a physician or group of physicians that is owned by a
- 38 hospital licensed under IC 16-21-1 or other property that is not
- 39 substantially related to or supportive of the inpatient facility of the
- 40 hospital unless the office, practice, or other property:
- 41 (1) provides or supports the provision of charity care (as defined
- 42 in IC 16-18-2-52.5), including providing funds or other financial



1 support for health care services for individuals who are indigent
 2 (as defined in IC 16-18-2-52.5(b) and ~~IC 16-8-2-52.5(c)~~;
 3 **IC 16-18-2-52.5(c)**); or

4 (2) provides or supports the provision of community benefits (as
 5 defined in IC 16-21-9-1), including research, education, or
 6 government sponsored indigent health care (as defined in
 7 IC 16-21-9-2).

8 However, participation in the Medicaid or Medicare program alone
 9 does not entitle an office, practice, or other property described in this
 10 subsection to an exemption under this section.

11 (i) A tract of land or a tract of land plus all or part of a structure on
 12 the land is exempt from property taxation if:

13 (1) the tract is acquired for the purpose of erecting, renovating, or
 14 improving a single family residential structure that is to be given
 15 away or sold:

16 (A) in a charitable manner;

17 (B) by a nonprofit organization; and

18 (C) to low income individuals who will:

19 (i) use the land as a family residence; and

20 (ii) not have an exemption for the land under this section;

21 (2) the tract does not exceed three (3) acres;

22 (3) the tract of land or the tract of land plus all or part of a
 23 structure on the land is not used for profit while exempt under this
 24 section; and

25 (4) not more than three (3) years after the property is acquired for
 26 the purpose described in subdivision (1), and for each year after
 27 the three (3) year period, the owner demonstrates substantial
 28 progress towards the erection, renovation, or improvement of the
 29 intended structure. To establish that substantial progress is being
 30 made, the owner must prove the existence of factors such as the
 31 following:

32 (A) Organization of and activity by a building committee or
 33 other oversight group.

34 (B) Completion and filing of building plans with the
 35 appropriate local government authority.

36 (C) Cash reserves dedicated to the project of a sufficient
 37 amount to lead a reasonable individual to believe the actual
 38 construction can and will begin within six (6) years of the
 39 initial exemption received under this subsection.

40 (D) The breaking of ground and the beginning of actual
 41 construction.

42 (E) Any other factor that would lead a reasonable individual to



- 1 believe that construction of the structure is an active plan and
 2 that the structure is capable of being:
 3 (i) completed; and
 4 (ii) transferred to a low income individual who does not
 5 receive an exemption under this section;
 6 within six (6) years considering the circumstances of the
 7 owner.
- 8 (j) An exemption under subsection (i) terminates when the property
 9 is conveyed by the nonprofit organization to another owner. When the
 10 property is conveyed to another owner, the nonprofit organization
 11 receiving the exemption must file a certified statement with the auditor
 12 of the county, notifying the auditor of the change not later than sixty
 13 (60) days after the date of the conveyance. A nonprofit organization
 14 that fails to file the statement required by this subsection is liable for
 15 the amount of property taxes due on the property conveyed if it were
 16 not for the exemption allowed under this chapter.
- 17 (k) If property is granted an exemption in any year under subsection
 18 (i) and the owner:
 19 (1) ceases to be eligible for the exemption under subsection (i)(4);
 20 (2) fails to transfer the tangible property within six (6) years after
 21 the assessment date for which the exemption is initially granted;
 22 or
 23 (3) transfers the tangible property to a person who:
 24 (A) is not a low income individual; or
 25 (B) does not use the transferred property as a residence for at
 26 least one (1) year after the property is transferred;
 27 the person receiving the exemption shall notify the county recorder and
 28 the county auditor of the county in which the property is located not
 29 later than sixty (60) days after the event described in subdivision (1),
 30 (2), or (3) occurs.
- 31 (l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay,
 32 not later than the date that the next installment of property taxes is due,
 33 an amount equal to the sum of the following:
 34 (1) The total property taxes that, if it were not for the exemption
 35 under subsection (i), would have been levied on the property in
 36 each year in which an exemption was allowed.
 37 (2) Interest on the property taxes at the rate of ten percent (10%)
 38 per year.
- 39 (m) The liability imposed by subsection (l) is a lien upon the
 40 property receiving the exemption under subsection (i). An amount
 41 collected under subsection (l) shall be collected as an excess levy. If
 42 the amount is not paid, it shall be collected in the same manner that



1 delinquent taxes on real property are collected.

2 SECTION 18. IC 6-1.1-12-35, AS AMENDED BY P.L.10-1997,
 3 SECTION 11, AND P.L.6-1997, SECTION 56, IS CORRECTED TO
 4 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 35. (a)
 5 Except as provided in section 36 of this chapter, a person who desires
 6 to claim the deduction provided by section 31, 33, or 34 of this chapter
 7 must file a certified statement in duplicate, on forms prescribed by the
 8 state board of tax commissioners, and proof of certification under
 9 subsection (b) with the auditor of the county in which the property for
 10 which the deduction is claimed is subject to assessment. Except as
 11 provided in subsection ~~(d)~~, (e), with respect to property that is not
 12 assessed under IC 6-1.1-7, the person must file the statement between
 13 March 1 and May 10, inclusive, of the assessment year. The person
 14 must file the statement in each year for which he desires to obtain the
 15 deduction. With respect to a property which is assessed under
 16 IC 6-1.1-7, the person must file the statement between January 15 and
 17 March 31, inclusive, of each year for which he desires to obtain the
 18 deduction. The statement may be filed in person or by mail. If mailed,
 19 the mailing must be postmarked on or before the last day for filing. On
 20 verification of the statement by the assessor of the township in which
 21 the property for which the deduction is claimed is subject to
 22 assessment, the county auditor shall allow the deduction.

23 (b) The department of environmental management, upon application
 24 by a property owner, shall determine whether a system or device
 25 qualifies for a deduction provided by section 31, 33, or 34 of this
 26 chapter. If the department determines that a system or device qualifies
 27 for a deduction, it shall certify the system or device and provide proof
 28 of the certification to the property owner. The department shall
 29 prescribe the form and manner of the certification process required by
 30 this subsection.

31 (c) *If the department of environmental management receives an*
 32 *application for certification before April 10 of the assessment year, the*
 33 *department shall determine whether the system or device qualifies for*
 34 *a deduction before May 10 of the assessment year. If the department*
 35 *fails to make a determination under this subsection before May 10 of*
 36 *the assessment year, the system or device is considered certified.*

37 ~~(c)~~ (d) A denial of a deduction claimed under section 31, 33, or 34
 38 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal
 39 is limited to a review of a determination made by the township
 40 assessor, county ~~board of review~~, *property tax assessment board of*
 41 *appeals*, or state board of tax commissioners.

42 ~~(d)~~ (e) A person who timely files a personal property return under



1 IC 6-1.1-3-7(a) for an assessment year and who desires to claim the
 2 deduction provided in section 31 of this chapter for property that is not
 3 assessed under IC 6-1.1-7 must file the statement described in
 4 subsection (a) between March 1 and May 15, inclusive, of that year. A
 5 person who obtains a filing extension under IC 6-1.1-3-7(b) for an
 6 assessment year must file the application between March 1 and June
 7 14, inclusive, of that year.

8 SECTION 19. IC 6-1.1-20-3.2, AS AMENDED BY P.L.2-1997,
 9 SECTION 20, AND P.L.56-1997, SECTION 2, IS CORRECTED TO
 10 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. If
 11 a sufficient petition requesting the application of a petition and
 12 remonstrance process has been filed as set forth in section 3.1 of this
 13 chapter, a political subdivision may not impose property taxes to pay
 14 debt service or lease rentals without completing the following
 15 procedures:

16 (1) The proper officers of the political subdivision shall give
 17 notice of the applicability of the petition and remonstrance
 18 process by:

19 (A) publication in accordance with IC 5-3-1; and

20 (B) first class mail to the organizations described in section
 21 3.1(1)(B) of this chapter.

22 A notice under this subdivision must include a statement that any
 23 owners of real property within the political subdivision who want
 24 to petition in favor of or remonstrate against the proposed debt
 25 service or lease payments must file petitions and remonstrances
 26 in compliance with subdivisions (2) through (4) not earlier than
 27 thirty (30) days or later than sixty (60) days after publication in
 28 accordance with IC 5-3-1.

29 (2) Not earlier than thirty (30) days or later than sixty (60) days
 30 after the notice under subdivision (1) is given:

31 (A) petitions (described in subdivision (3)) in favor of the
 32 bonds or lease; and

33 (B) remonstrances (described in subdivision (3)) against the
 34 bonds or lease;

35 may be filed by an owner or owners of real property within the
 36 political subdivision. Each signature on a petition must be dated
 37 and the date of signature may not be before the date on which the
 38 petition and remonstrance forms may be issued under subdivision
 39 (3). A petition described in clause (A) or a remonstrance
 40 described in clause (B) must be verified in compliance with
 41 subdivision (4) before the petition or remonstrance is filed with
 42 the county auditor under subdivision (4).



1 (3) The ~~political subdivision~~ *state board of accounts* shall design
 2 and, upon request by the county auditor, deliver to the county
 3 auditor *or the county auditor's designated printer* the petition and
 4 remonstrance forms to be used solely in the petition and
 5 remonstrance process described in this section. The county
 6 auditor shall issue to an owner or owners of real property within
 7 the political subdivision the number of petition *or* remonstrance
 8 forms requested by the owner or owners. Each form must be
 9 accompanied by instructions detailing the requirements that:

- 10 (A) the carrier and signers must be owners of real property;
 11 (B) the carrier must be a signatory on at least one (1) petition;
 12 (C) after the signatures have been collected, the carrier must
 13 swear or affirm before a notary public that the carrier
 14 witnessed each signature; and
 15 (D) govern the closing date for the petition and remonstrance
 16 period.

17 Persons requesting forms may not be required to identify
 18 themselves and may be allowed to pick up additional copies to
 19 distribute to other property owners. The county auditor may not
 20 issue a petition or remonstrance form earlier than twenty-nine
 21 (29) days after the notice is given under subdivision (1). The
 22 county auditor shall certify the date of issuance on each petition
 23 or remonstrance form that is distributed under this subdivision.

24 (4) The petitions and remonstrances must be verified in the ~~same~~
 25 ~~manner as described in section 3.1(5) of this chapter~~ manner
 26 prescribed by the state board of accounts and filed with the
 27 county auditor within the sixty (60) day period described in
 28 subdivision (2) in the manner set forth in section 3.1 of this
 29 chapter relating to requests for a petition and remonstrance
 30 process.

31 (5) The county auditor must file a certificate and the petition or
 32 remonstrance with the body of the political subdivision charged
 33 with issuing bonds or entering into leases within fifteen (15)
 34 business days of the filing of ~~the a~~ petition or ~~the~~ remonstrance
 35 under subdivision (4), whichever applies, ~~that states~~ containing
 36 ~~ten thousand (10,000) signatures or less. The county auditor may~~
 37 ~~take an additional five (5) days to review and certify the petition~~
 38 ~~or remonstrance for each additional five thousand (5,000)~~
 39 ~~signatures up to a maximum of sixty (60) days. The certificate~~
 40 ~~must state~~ the number of petitioners and remonstrators that are
 41 owners of real property within the political subdivision.

42 (6) If a greater number of owners of real property within the



1 political subdivision sign a remonstrance than the number that
 2 signed a petition, the bonds petitioned for may not be issued or
 3 the lease petitioned for may not be entered into. The proper
 4 officers of the political subdivision may not make a preliminary
 5 determination to issue bonds or enter into a lease for the
 6 controlled project defeated by the petition and remonstrance
 7 process under this section or any other controlled project that is
 8 not substantially different within one (1) year after the date of the
 9 county auditor's certificate under subdivision (5). Withdrawal of
 10 a petition carries the same consequences as a defeat of the
 11 petition.

12 (7) After a political subdivision has gone through the petition and
 13 remonstrance process set forth in this section, the political
 14 subdivision is not required to follow any other remonstrance or
 15 objection procedures under any other law relating to bonds or
 16 leases designed to protect owners of real property within the
 17 political subdivision from the imposition of property taxes to pay
 18 debt service or lease rentals. However, the political subdivision
 19 must still receive the approval of the state board of tax
 20 commissioners required by IC 6-1.1-18.5-8 or IC 6-1.1-19-8.

21 SECTION 20. IC 6-1.1-21.7-6, AS ADDED BY P.L.58-1997,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 6. (a) A taxing unit may apply for a loan
 24 under this chapter.

25 (b) A taxing unit qualifies for a loan under this chapter for a fund if:
 26 (1) the United States Congress limits or terminates its
 27 authorization for a taxing unit to impose a property tax on a
 28 taxpayer;
 29 (2) the lost revenue for at least one (1) fund, as determined under
 30 section 10, STEP THREE of this chapter, is at least five percent
 31 (5%) of the property tax revenues for the fund that the taxing unit
 32 would have received in the current year if the United States
 33 Congress had not limited or terminated payments from the
 34 taxpayer to the taxing unit, as determined under section 10, STEP
 35 TWO of this chapter; and
 36 (3) the taxing unit appeals to the state board of tax commissioners
 37 for emergency financial relief under this chapter in the same
 38 manner as an appeal for emergency relief under IC 6-1.1-18.5-12
 39 or IC 6-1.1-19-4.1.

40 However, the appeal required under subdivision (3) may be filed at any
 41 time.

42 (c) A taxing unit may receive a loan to replace lost revenue only for



1 the first five (5) years in which the taxing unit loses revenue as a result
 2 of an act of the United States Congress described in ~~subdivision (1):~~
 3 **subsection (b)(1).**

4 SECTION 21. IC 6-1.1-37-7 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If a person
 6 fails to file a required personal property return on or before the due
 7 date, the county auditor shall add a penalty of twenty-five dollars (\$25)
 8 to the person's next property tax installment. The county auditor shall
 9 also add an additional penalty to the taxes payable by the person if he
 10 fails to file the personal property return within thirty (30) days after the
 11 due date. The amount of the additional penalty is twenty percent (20%)
 12 of the taxes finally determined to be due with respect to the personal
 13 property which should have been reported on the return.

14 (b) For purposes of this section, a personal property return is not due
 15 until the expiration of any extension period granted by the township
 16 assessor under ~~IC 6-1.1-3-7(c):~~ **IC 6-1.1-3-7(b).**

17 (c) The penalties prescribed under this section do not apply to an
 18 individual or his dependents if he:

19 (1) is in the military or naval forces of the United States on the
 20 assessment date; and

21 (2) is covered by the federal Soldiers' and Sailors' Civil Relief
 22 Act.

23 (d) If a person subject to IC 6-1.1-3-7(d) fails to include on a
 24 personal property return the information, if any, that the state board of
 25 tax commissioners requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the
 26 county auditor shall add a penalty to the property tax installment next
 27 due for the return. The amount of the penalty is twenty-five dollars
 28 (\$25).

29 (e) If the total assessed value that a person reports on a personal
 30 property return is less than the total assessed value that the person is
 31 required by law to report and if the amount of the undervaluation
 32 exceeds five percent (5%) of the value that should have been reported
 33 on the return, then the county auditor shall add a penalty of twenty
 34 percent (20%) of the additional taxes finally determined to be due as
 35 a result of the undervaluation. The penalty shall be added to the
 36 property tax installment next due for the return on which the property
 37 was undervalued. If a person has complied with all of the requirements
 38 for claiming a deduction, an exemption, or an adjustment for abnormal
 39 obsolescence, then the increase in assessed value that results from a
 40 denial of the deduction, exemption, or adjustment for abnormal
 41 obsolescence is not considered to result from an undervaluation for
 42 purposes of this subsection.



1 (f) A penalty is due with an installment under subsection (a), (d), or
 2 (e) whether or not an appeal is filed under IC 6-1.1-15-5 with respect
 3 to the tax due on that installment.

4 SECTION 22. IC 6-1.1-42-10, AS ADDED BY P.L.59-1997,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 1999]: Sec. 10. A designating body that adopts a
 7 resolution under section 9 of this chapter, shall do the following:

8 (1) Publish notice of the adoption and substance of the resolution
 9 in accordance with IC 5-3-1.

10 (2) File the following information with each taxing unit that has
 11 authority to levy property taxes in the geographic area where the
 12 zone is located:

13 (A) A copy of the notice required by subdivision (1).

14 (B) A statement containing substantially the same information
 15 as a statement of benefits filed with the designating body
 16 under section 6 of this chapter.

17 The notice must state that a description of the affected area is available
 18 and can be inspected in the county assessor's office. The notice must
 19 also name a date when the designating body will receive and hear all
 20 remonstrances and objections from interested persons. The designating
 21 body shall file the information required by subdivision (2) with the
 22 officers of the taxing unit who are authorized to fix budgets, tax rates,
 23 and tax levies under IC 6-1.1-17-5 **or IC 6-1.1-17-5.1** at least ten (10)
 24 days before the date of the public hearing.

25 SECTION 23. IC 6-1.1-42-16, AS ADDED BY P.L.59-1997,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 16. The procedures described in sections 17
 28 through 26 of this chapter may be combined with the procedures
 29 required under ~~sections 4~~ **sections 5** through 15 of this chapter to
 30 designate an area as a zone.

31 SECTION 24. IC 6-1.1-42-19, AS ADDED BY P.L.59-1997,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 19. After the submission of a statement of
 34 benefits under ~~section 19~~ **section 18** of this chapter, the designating
 35 body may adopt a resolution to approve a deduction.

36 SECTION 25. IC 6-1.1-42-20, AS AMENDED BY
 37 P.L.253-1997(ss), SECTION 5, IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 20. A designating
 39 body that adopts a resolution under section 19 of this chapter shall do
 40 the following:

41 (1) Publish notice of the adoption and substance of the resolution
 42 in accordance with IC 5-3-1.



1 (2) File the following information with each taxing unit that has
 2 authority to levy property taxes in the geographic area where the
 3 zone is located:

4 (A) A copy of the notice required by subdivision (1).

5 (B) A statement containing substantially the same information
 6 as a statement of benefits filed with the designating body
 7 under section 18 of this chapter.

8 The notice must state that a description of the affected area is available
 9 and can be inspected in the county assessor's office. The notice must
 10 also name a date when the designating body will receive and hear all
 11 remonstrances and objections from interested persons. The designating
 12 body shall file the information required by subdivision (2) with the
 13 officers of the taxing unit who are authorized to fix budgets, tax rates,
 14 and tax levies under IC 6-1.1-17-5 or IC 6-1.1-17-5.1 at least ten (10)
 15 days before the date of the public hearing.

16 SECTION 26. IC 6-1.1-42-24, AS ADDED BY P.L.59-1997,
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 24. (a) After considering the evidence, the
 19 designating body shall take final action determining whether the
 20 qualifications for deduction have been met and confirming, modifying
 21 and confirming, or rescinding the resolution. For each deduction
 22 granted by the designating body, the designating body shall state in the
 23 resolution ~~granted~~ **granting** the deduction whether the deduction is for
 24 three (3) six (6), or ten (10) years. This determination is final except
 25 that an appeal may be taken and heard as provided under sections 25
 26 and 26 of this chapter.

27 (b) A determination to grant a deduction under this chapter may be
 28 made:

29 (1) as part of the resolution adopted under section 13 of this
 30 chapter; or

31 (2) by resolution adopted within sixty (60) days after receiving a
 32 copy of a property owner's certified deduction application from
 33 the county auditor. A certified copy of the resolution shall be sent
 34 to the county auditor.

35 (c) The grant allowing a brownfield revitalization zone deduction
 36 expires on the earliest of the following:

37 (1) The date that the designating body determines that the
 38 applicant has failed to make reasonable progress towards the
 39 completion of the remediation. A designating body may not make
 40 a determination under this subdivision before a date that is at least
 41 two (2) years after the date an area is designated as a brownfield
 42 revitalization zone.



1 (2) December 31 of the last year of the deduction.

2 (A) files a certified deduction application under section 27 of
3 this chapter; and

4 (B) claims a deduction under this section.

5 (3) The date the zone expires.

6 (4) The date that the designating body determines that the
7 applicant has failed to comply with the statement of benefits
8 under section 30 of this chapter.

9 SECTION 27. IC 6-1.1-42-30, AS ADDED BY P.L.59-1997,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 30. (a) Within forty-five (45) days after
12 receipt of the information described in section 29 of this chapter, the
13 designating body may determine whether the property owner has
14 substantially complied with the statement of benefits filed under
15 sections 6 and 18 of this chapter.

16 (b) If the designating body determines that the property owner has
17 not substantially complied with the statement of benefits and that the
18 failure to substantially comply was not caused by factors beyond the
19 control of the property owner (such as declines in demand for the
20 property owner's products or services), the designating body shall mail
21 a written notice to the property owner. The written notice must include
22 the following provisions:

23 (1) An explanation of the reasons for the designating body's
24 determination.

25 (2) The date, time, and place of a hearing to be conducted by the
26 designating body for the purpose of further considering the
27 property owner's compliance with the statement of benefits. The
28 date of the hearing may not be more than thirty (30) days after the
29 date on which the notice is mailed.

30 If a notice mailed to a property owner concerns a statement of benefits
31 approved under ~~section 4.5~~ **section 24** of this chapter, the designating
32 body shall also mail a copy of the notice to the state board of tax
33 commissioners.

34 (c) On the date specified in the notice described in subsection
35 (b)(2), the designating body shall conduct a hearing for the purpose of
36 further considering the property owner's compliance with the statement
37 of benefits. Based on the information presented at the hearing by the
38 property owner and other interested parties, the designating body shall
39 again determine whether the property owner has made reasonable
40 efforts to substantially comply with the statement of benefits and
41 whether any failure to substantially comply was caused by factors
42 beyond the control of the property owner. If the designating body



1 determines that the property owner has not made reasonable efforts to
 2 comply with the statement of benefits, the designating body shall adopt
 3 a resolution terminating the property owner's deduction under section
 4 24 of this chapter. If the designating body adopts such a resolution, the
 5 deduction does not apply to the next installment of property taxes owed
 6 by the property owner or to any subsequent installment of property
 7 taxes.

8 (d) If the designating body adopts a resolution terminating a
 9 deduction under subsection (c), the designating body shall immediately
 10 mail a certified copy of the resolution to:

11 (1) the property owner;

12 (2) the county auditor; and

13 (3) the state board of tax commissioners if the deduction was
 14 granted under ~~section 4.5~~ **section 24** of this chapter.

15 The county auditor shall remove the deduction from the tax duplicate
 16 and shall notify the county treasurer of the termination of the
 17 deduction. If the designating body's resolution is adopted after the
 18 county treasurer has mailed the statement required by IC 6-1.1-22-8,
 19 the county treasurer shall immediately mail the property owner a
 20 revised statement that reflects the termination of the deduction.

21 (e) A property owner whose deduction is terminated by the
 22 designating body under this section may appeal the designating body's
 23 decision by filing a complaint in the office of the clerk of the circuit or
 24 superior court together with a bond conditioned to pay the costs of the
 25 appeal if the appeal is determined against the property owner. An
 26 appeal under this subsection shall be promptly heard by the court
 27 without a jury and determined within thirty (30) days after the time of
 28 the filing of the appeal. The court shall hear evidence on the appeal and
 29 may confirm the action of the designating body or sustain the appeal.
 30 The judgment of the court is final and conclusive unless an appeal is
 31 taken as in other civil actions.

32 (f) If an appeal under subsection (e) is pending, the taxes resulting
 33 from the termination of the deduction are not due until after the appeal
 34 is finally adjudicated and the termination of the deduction is finally
 35 determined.

36 SECTION 28. IC 6-1.1-42-32, AS ADDED BY P.L.59-1997,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 32. (a) Each calendar year, the county auditor
 39 shall publish the following in a newspaper of general interest and
 40 readership and not one of limited subject matter:

41 (1) A list of the approved deduction applications that were filed
 42 under this chapter during that year. The list must contain the



- 1 following:
- 2 (A) The name and address of each person approved for or
- 3 receiving a deduction that was filed for during the year.
- 4 (B) The amount of each deduction that was filed for during the
- 5 year.
- 6 (C) The years for which each deduction that was filed for
- 7 during the year will be available.
- 8 (D) The total amount for all deductions that were filed for and
- 9 granted during the year.
- 10 (2) The total amount of all deductions for real property that were
- 11 in effect under ~~section 3~~ **section 24** of this chapter during the
- 12 year.
- 13 (3) The total amount of all deductions for personal property that
- 14 were in effect under ~~section 4.5~~ **section 24** of this chapter during
- 15 the year.
- 16 (b) The county auditor shall file the information described in
- 17 subsection (a)(2) and (a)(3) with the state board of tax commissioners
- 18 each calendar year.
- 19 SECTION 29. IC 6-1.1-42-33, AS AMENDED BY P.L.59-1997,
- 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 UPON PASSAGE]: Sec. 33. (a) This section applies only to the
- 22 following requirements under ~~section 3~~ of this chapter:
- 23 (1) Failure to provide the completed statement of benefits form to
- 24 the designating body before the hearing required under this
- 25 chapter.
- 26 (2) Failure to submit the completed statement of benefits form to
- 27 the designating body before the initiation of the remediation and
- 28 redevelopment or the location in the zone of the property for
- 29 which the person desires to claim a deduction under this chapter.
- 30 (3) Failure to designate an area as a brownfield revitalization zone
- 31 before the initiation of the rehabilitation and redevelopment for
- 32 which the person desires to claim a deduction under this chapter.
- 33 (4) Failure to make the required findings of fact before
- 34 designating an area as a brownfield revitalization zone or
- 35 authorizing a deduction.
- 36 (b) This section does not grant a designating body the authority to
- 37 exempt a person from filing a statement of benefits or exempt a
- 38 designating body from making findings of fact.
- 39 (c) A designating body may by resolution waive noncompliance
- 40 described under subsection (a) under the terms and conditions specified
- 41 in the resolution.
- 42 SECTION 30. IC 6-2.1-5-1.1, AS AMENDED BY P.L.28-1997,



1 SECTION 6, AND P.L.260-1997(ss), SECTION 50, IS CORRECTED
 2 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998
 3 (RETROACTIVE)]: Sec. 1.1. (a) *Notwithstanding section 1 of this*
 4 *chapter*; This section applies to taxable years beginning after December
 5 31, 1993. *and ending before January 1, 1998.*

6 (b) Except as provided in subsections (d) through (g), a taxpayer
 7 shall file gross income tax returns with, and pay the taxpayer's gross
 8 income tax liability to, the department by the due date of the estimated
 9 return. A taxpayer who utilizes a taxable year that ends on December
 10 31 shall file the taxpayer's estimated gross income tax returns and pay
 11 the tax to the department on or before April 20, June 20, September 20,
 12 and December 20 of the taxable year. If a taxpayer utilizes a taxable
 13 year which does not end on December 31, the due dates for filing
 14 estimated gross income tax returns and paying the tax are on or before
 15 the twentieth day of the fourth, sixth, ninth, and twelfth months of the
 16 taxpayer's taxable year.

17 (c) With each return filed, with each payment by cashier's check,
 18 certified check, or money order delivered in person or by overnight
 19 courier, and with each electronic fund transfer made, a taxpayer shall
 20 pay to the department the remainder of:

- 21 (1) either twenty-five percent (25%) of the estimated or the exact
 22 amount of gross income tax which is due; minus
 23 (2) the amount of gross income tax which was withheld pursuant
 24 to IC 6-2.1-6.

25 (d) If a taxpayer's estimated annual gross income tax liability does
 26 not exceed one thousand dollars (\$1,000), then the taxpayer is not
 27 required to file an estimated gross income tax return.

28 (e) If a taxpayer is required to file an annual gross income tax return
 29 under section 2.1 of this chapter, and pays in full the taxpayer's gross
 30 income tax liability for that taxable year before the taxpayer's final
 31 estimated return is due, then the taxpayer is not required to file the final
 32 estimated gross income tax return for that same taxable year.

33 (f) If the department determines that a taxpayer's:

- 34 (1) estimated quarterly gross income tax liability for the current
 35 year; or
 36 (2) average estimated quarterly gross income tax liability for the
 37 preceding year;

38 exceeds, *before January 1, 1998, twenty thousand dollars (\$20,000)*
 39 *and, after December 31, 1997, ten thousand dollars (\$10,000)*, the
 40 taxpayer shall pay the estimated gross income taxes due by electronic
 41 funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or
 42 by overnight courier a payment by cashier's check, certified check, or



1 money order to the department. The transfer or payment shall be made
2 on or before the date the tax is due.

3 (g) If a taxpayer's gross income tax payment is made by electronic
4 funds transfer, the taxpayer is not required to file an estimated gross
5 income tax return.

6 SECTION 31. IC 6-3-4-4.1, AS AMENDED BY P.L.28-1997,
7 SECTION 14, AND P.L.260-1997(ss), SECTION 51, IS CORRECTED
8 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998
9 (RETROACTIVE)]: Sec. 4.1. (a) *Notwithstanding section 4 of this*
10 *chapter*; This section applies to taxable years beginning after December
11 31, 1993. *and ending before January 1, 1998.*

12 (b) Any individual required by the Internal Revenue Code to file
13 estimated tax returns and to make payments on account of such
14 estimated tax shall file estimated tax returns and make payments of the
15 tax imposed by this article to the department at the time or times and
16 in the installments as provided by Section 6654 of the Internal Revenue
17 Code. However, in applying Section 6654 of the Internal Revenue Code
18 for the purposes of this article, "estimated tax" means the amount
19 which the individual estimates as the amount of the adjusted gross
20 income tax imposed by this article for the taxable year, minus the
21 amount which the individual estimates as the sum of any credits against
22 the tax provided by IC 6-3-3.

23 (c) Every individual who has gross income subject to the tax
24 imposed by this article and from which tax is not withheld under the
25 requirements of section 8 of this chapter shall make a declaration of
26 estimated tax for the taxable year. However, no such declaration shall
27 be required if the estimated tax can reasonably be expected to be less
28 than four hundred dollars (\$400). In the case of an underpayment of the
29 estimated tax as provided in Section 6654 of the Internal Revenue
30 Code, there shall be added to the tax a penalty in an amount prescribed
31 by IC 6-8.1-10-2.1(b).

32 (d) Every corporation subject to the adjusted gross income tax
33 liability imposed by IC 6-3 shall be required to report and pay an
34 estimated tax equal to twenty-five percent (25%) of such corporation's
35 estimated adjusted gross income tax liability for the taxable year, less
36 the credit allowed by IC 6-3-3-2 for the tax imposed on gross income.
37 Such estimated payment shall be made at the same time and in
38 conjunction with the reporting of gross income tax as provided for in
39 IC 6-2.1-5. The department shall prescribe the manner and forms for
40 such reporting and payment.

41 (e) The penalty prescribed by IC 6-8.1-10-2.1(b) shall be assessed
42 by the department on corporations failing to make payments as required



1 in subsection (d) or (g). However, no penalty shall be assessed as to
 2 any estimated payments of adjusted gross income tax plus
 3 supplemental net income tax plus gross income tax which equal or
 4 exceed:

5 (1) twenty percent (20%) of the final tax liability for such taxable
 6 year; or

7 (2) twenty-five percent (25%) of the final tax liability for the
 8 taxpayer's previous taxable year.

9 In addition, the penalty as to any underpayment of tax on an estimated
 10 return shall only be assessed on the difference between the actual
 11 amount paid by the corporation on such estimated return and
 12 twenty-five percent (25%) of the sum of the corporation's final adjusted
 13 gross income tax plus supplemental net income tax liability for such
 14 taxable year.

15 (f) The provisions of subsection (d) requiring the reporting and
 16 estimated payment of adjusted gross income tax shall be applicable
 17 only to corporations having an adjusted gross income tax liability
 18 which, after application of the credit allowed by IC 6-3-3-2, shall
 19 exceed one thousand dollars (\$1,000) for its taxable year.

20 (g) If the department determines that a corporation's:

21 (1) estimated quarterly adjusted gross income tax liability for the
 22 current year; or

23 (2) average estimated quarterly adjusted gross income tax liability
 24 for the preceding year;

25 exceeds, *before January 1, 1998, twenty thousand dollars (\$20,000),*
 26 *and, after December 31, 1997, ten thousand thousand* dollars
 27 (\$10,000), after the credit allowed by IC 6-3-3-2, the corporation shall
 28 pay the estimated adjusted gross income taxes due by electronic funds
 29 transfer (as defined in IC 4-8.1-2-7) or by delivering in person or
 30 overnight by courier a payment by cashier's check, certified check, or
 31 money order to the department. The transfer or payment shall be made
 32 on or before the date the tax is due.

33 (h) If a corporation's adjusted gross income tax payment is made by
 34 electronic funds transfer, the corporation is not required to file an
 35 estimated adjusted gross income tax return.

36 SECTION 32. IC 8-1-2-103, AS AMENDED BY P.L.79-1997,
 37 SECTION 1, AND P.L.80-1997, SECTION 1, IS CORRECTED TO
 38 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103. (a)
 39 No public utility, or agent or officer thereof, or officer of any
 40 municipality constituting a public utility, as defined in this chapter,
 41 may charge, demand, collect, or receive from any person a greater or
 42 less compensation for any service rendered or to be rendered, or for any



1 service in connection therewith, than that prescribed in the published
2 schedules or tariffs then in force or established as provided herein, or
3 than it charges, demands, collects, or receives from any other person
4 for a like and contemporaneous service. A person who recklessly
5 violates this subsection commits a Class A misdemeanor.

6 (b) Notwithstanding subsection (a) of this section, if a city of less
7 than twenty thousand (20,000) in population according to the most
8 recent federal decennial census, constituting a public water utility, and
9 acting as a public utility prior to May 1, 1913, either as such city, or by
10 any commercial association, chamber of commerce, or committee with
11 the consent of such city, entered into any agreement with any person
12 engaged in manufacturing any articles of commerce to furnish free
13 water for a certain limited time as an inducement to such person so
14 engaged in manufacturing to locate the establishment or manufacturing
15 plant of such person within such city, such city may carry out such
16 agreement to furnish free water to such person for the period of time
17 remaining, as stipulated in such contract. This chapter does not prohibit
18 any public utility from supplying or furnishing free service or service
19 at special rates to any municipality, or any institution or agency of such
20 municipality, in cases where the supplying or furnishing of such free
21 service or service at special rates is stipulated in any provision of the
22 franchise under which such public utility was operating before May 16,
23 1919, or, in the event that such franchise shall have been surrendered,
24 from supplying or furnishing such free service or service at special
25 rates until such time as the franchise would have expired had it not
26 been surrendered under this chapter; and it shall be the duty of any
27 utility operating under any franchise, stipulating for free service or
28 service at special rates to municipality, or any institution or agency of
29 such municipality, to furnish such free service or service at special
30 rates.

31 (c) This subsection applies to a public utility that provides water for
32 public fire protection services in both a county containing a
33 consolidated city and in portions of counties that are adjacent to the
34 county containing a consolidated city. This subsection applies
35 throughout the territory served by the public utility. In the case of a
36 public utility furnishing water and beginning on January 1, 1994, the
37 charges for the production, storage, transmission, sale and delivery, or
38 furnishing of water for public fire protection purposes shall be included
39 in the basic rates of the customers of the public utility. However, the
40 construction cost of any fire hydrant installed after December 31, 1993,
41 at the request of a municipality, township, county, or other
42 governmental unit shall be paid for by or on behalf of the municipality,



1 township, county, or other governmental unit. The change in the
 2 recovery of current revenue authorized by this section shall be reflected
 3 in a new schedule of rates to be filed with the commission at least thirty
 4 (30) days before the time the new schedule of rates is to take effect.

5 The new schedule of rates shall:

6 (1) eliminate fire protection charges billed directly to
 7 governmental units, other than charges for the construction cost
 8 for new hydrants installed after December 31, 1993; and

9 (2) increase the rates charged each customer of the utility, based
 10 on equivalent meter size, by an amount equal to:

11 (A) the revenues lost from the elimination of such fire
 12 protection charges; divided by

13 (B) the current number of equivalent five-eighths (5/8) inch
 14 meters.

15 This change in the recovery of public fire protection costs shall not be
 16 considered to be a general increase in basic rates and charges of the
 17 public utility and is not subject to the notice and hearing requirements
 18 applicable to general rate proceedings. The commission shall approve
 19 the new schedule of rates that are to be effective January 1, 1994.

20 (d) This subsection applies to a public utility or a municipally
 21 owned water utility that is not subject to subsection (c). *Except as*
 22 *provided in subsection (e)*, in the case of a public utility or municipally
 23 owned water utility furnishing water, if the governing body of the
 24 governmental unit with the greatest number of customers of the utility
 25 adopts an ordinance providing that costs shall be recovered under this
 26 subsection, the charges for the production, storage, transmission, sale
 27 and delivery, or furnishing of water for public fire protection purposes
 28 shall be included in the basic rates of all customers of the utility.
 29 However, on or after a date specified in the ordinance, the construction
 30 cost of any fire hydrant installed at the request of a municipality,
 31 township, county, or other governmental unit that adopts an ordinance
 32 under this subsection shall be paid for by or on behalf of the
 33 municipality, township, county, or other governmental unit. The change
 34 in the recovery of current revenue authorized by the ordinance shall be
 35 reflected in a new schedule of rates to be filed with the commission at
 36 least thirty (30) days before the time the new schedule of rates is to take
 37 effect. The new schedule of rates shall:

38 (1) eliminate fire protection charges billed directly to
 39 governmental units, other than charges for the construction cost
 40 for new hydrants installed on and after the date specified in the
 41 ordinance; and

42 (2) increase the rates charged each customer of the utility, based



1 on equivalent meter size, by an amount equal to:

2 (A) the revenues lost from the elimination of such fire
3 protection charges; divided by

4 (B) the current number of equivalent five-eighths (5/8) inch
5 meters.

6 This change in the recovery of public fire protection costs shall not be
7 considered to be a general increase in basic rates and charges of the
8 utility and is not subject to the notice and hearing requirements
9 applicable to general rate proceedings. The commission shall approve
10 the new schedule of rates that are to be effective on a date specified in
11 the ordinance.

12 *(e) This subsection applies to a municipally owned water utility in
13 a city having a population of more than forty-three thousand (43,000)
14 but less than forty-three thousand seven hundred (43,700). The city
15 may adopt a plan to recover costs as described in subsection (d)
16 without passing an ordinance, if the plan applies only to customers of
17 the utility residing in a county having a population of more than two
18 hundred thousand (200,000) but less than three hundred thousand
19 (300,000). If the city wishes to adopt such a plan, the city shall file a
20 new schedule of rates with the commission, but is not subject to
21 commission approval of the rates.*

22 ~~(e)~~ **(f)** *In the case of a change in the method of recovering public
23 fire protection costs under an ordinance adopted under subsection (d):*

24 *(1) on or after July 1, 1997, a customer of the utility located
25 outside the limits of a municipality whose property is not located
26 within one thousand (1,000) feet of a fire hydrant (measured from
27 the hydrant to the nearest point on the property line of the
28 customer) must be excluded from the increase in rates
29 attributable to the change and must not be included in the number
30 of equivalent five-eighths (5/8) inch meters for purposes of
31 subsection (d)(2)(B); or*

32 *(2) before July 1, 1997, the commission may:*

33 *(A) in the context of a general rate proceeding initiated by the
34 utility; or*

35 *(B) upon petition of:*

36 *(i) the utility;*

37 *(ii) the governmental unit that passed the ordinance; or*

38 *(iii) an affected customer;*

39 *prospectively exclude public fire protection costs from the rates
40 charged to customers located outside the limits of any
41 municipality whose property is not located within one thousand
42 (1,000) feet of a fire hydrant (measured from the hydrant to the*



1 *nearest point on the property line of the customer) if the*
 2 *commission authorizes a simultaneous increase in the rates of the*
 3 *utility's other customers to the extent necessary to prevent a loss*
 4 *of revenues to the utility.*

5 *An increase in the rates of the utility's other customers under*
 6 *subdivision (2) may not be construed to be a general increase in basic*
 7 *rates and charges of the utility and is not subject to the hearing*
 8 *requirements applicable to general rate proceedings. This subsection*
 9 *does not prohibit the commission from adopting different methods of*
 10 *public fire protection cost recovery for unincorporated areas after*
 11 *notice and hearing within the context of a general rate proceeding or*
 12 *other appropriate proceeding.*

13 SECTION 33. IC 8-1.5-2-5, AS AMENDED BY P.L.3-1997,
 14 SECTION 425, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each appraiser appointed
 16 as provided by section 4 of this chapter must:

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

21 (2) be a disinterested person; and

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

23 (b) The appraisers shall:

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

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

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

30 (d) Not later than fifteen (15) days after the return of the appraisal
 31 by the appraisers to the legislative body, the notice of a hearing on an
 32 ordinance providing for sale or disposition of the property and the total
 33 valuation of the property as fixed by the appraisal shall be
 34 published in the manner prescribed by IC 5-3-1.

35 (e) The hearing on the ordinance providing for sale or disposition
 36 may not be held for thirty (30) days after notice is given as required by
 37 subsection (d).

38 (f) If, within this thirty (30) day period, at least the number of the
 39 registered voters of the municipality required under IC 3-8-6-3 for a
 40 petition to place a candidate on the ballot sign and present a petition to
 41 the legislative body opposing the sale, the legislative body shall submit
 42 the question as to whether the sale shall be made to the voters of the



1 municipality at a special or general election. In submitting the public
 2 question to the voters, the legislative body shall certify the question to
 3 the county election board of the county containing the greatest
 4 percentage of population of the municipality under IC 3-10-9-3. The
 5 county election board shall adopt a resolution setting forth the text of
 6 the public question and shall submit the question as to whether the sale
 7 shall be made to the voters of the municipality at a special or general
 8 election on a date specified by the ~~town~~ **municipal** legislative body.

9 (g) If a majority of the voters voting on the question vote for the
 10 sale, the legislative body shall proceed to sell the property as provided
 11 in the ordinance.

12 (h) If a majority of the voters voting on the question vote against the
 13 sale, the sale may not be made.

14 (i) If, after the expiration of thirty (30) days as provided in
 15 subsection (e), a petition is not filed, the municipal legislative body
 16 shall proceed to sell the property as provided in the ordinance.

17 SECTION 34. IC 8-1.5-2-16, AS AMENDED BY P.L.3-1997,
 18 SECTION 426, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A municipal legislative
 20 body may not adopt an ordinance:

21 (1) under section 7 of this chapter for the purpose of constructing
 22 or acquiring a utility, if a utility of the same character is already
 23 operating in the municipality; or

24 (2) under section 15 of this chapter for the purpose of
 25 condemning the property of a public utility;

26 without first submitting the question of the construction, acquisition,
 27 or condemnation to the voters of the municipality at a special or
 28 general election.

29 (b) In submitting the question to the voters of the municipality under
 30 section 16 of this chapter, the municipal legislative body shall certify
 31 the question under IC 3-10-9-3 to the county election board of the
 32 county containing the greatest percentage of population of the
 33 municipality. The county election board shall adopt a resolution setting
 34 forth the text of the public question and shall conduct an election on the
 35 question at a date specified by the ~~town~~ **municipal** legislative body.

36 (c) If a majority of the voters voting on the question vote for the
 37 proposal, the municipal legislative body may adopt the ordinance.

38 (d) If a majority of the voters voting on the question vote against the
 39 proposal, the municipal legislative body may not adopt the ordinance,
 40 and an election may not be held for the same purpose for a period of
 41 two (2) years from the date of the original election.

42 SECTION 35. IC 12-13-14-2, AS AMENDED BY P.L.49-1997,



1 SECTION 44, AND P.L.257-1997(ss), SECTION 11, IS CORRECTED
 2 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The
 3 division may do the following:

4 (1) Under:

5 (A) 7 U.S.C. 2016(I); *and*

6 (B) 7 CFR 272, 274, 276, 277, and 278; ~~*and*~~

7 ~~(C) 45 CFR 234.11;~~

8 make an application for approval from the Secretary ~~*and the*~~
 9 ~~*Department*~~ for implementation by the division of an EBT
 10 program in Indiana ~~*for food stamp assistance.*~~

11 (2) ~~*If required at any time by federal law or regulation, make an*~~
 12 ~~*application for approval from the Department for implementation*~~
 13 ~~*by the division of an EBT program in Indiana for assistance*~~
 14 ~~*under the Title IV-A assistance program as provided in 42 U.S.C.*~~
 15 ~~*601 et seq.*~~

16 ~~(2)~~ (3) ~~*After receiving approval from the Secretary and, if*~~
 17 ~~*required, the Department, implement a fully functional and*~~
 18 ~~*operating EBT program under this chapter to provide an*~~
 19 ~~*alternative method of delivering:*~~

20 (A) food stamp assistance; and

21 (B) assistance under the ~~*Aid to Families with Dependent*~~
 22 ~~*Children (AFDC) Title IV-A assistance program in Indiana.*~~
 23 ~~*after receiving approval for an EBT program in Indiana from*~~
 24 ~~*the Secretary and the Department.*~~

25 ~~(3)~~ (4) Contract with vendors for supplies and services to
 26 implement an EBT program according to ~~*IC 4-13.4-7-8:*~~
 27 ~~*IC 5-22-17.*~~

28 ~~(4)~~ (5) Adopt rules under IC 4-22-2 to implement the EBT
 29 program.

30 SECTION 36. IC 12-15-1.5-6, AS AMENDED BY P.L.3-1997,
 31 SECTION 437, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. ~~1-6~~ 6. A county director or
 33 designated employee may use any of the following methods to transmit
 34 voter registration applications or declinations under section 4 or 5 of
 35 this chapter:

36 (1) Hand delivery to the circuit court clerk or board of
 37 registration.

38 (2) Certified mail, return receipt requested.

39 (3) Electronic transfer, after approval by the co-directors of the
 40 election division.

41 SECTION 37. IC 12-15-39.6-10, AS ADDED BY P.L.24-1997,
 42 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 10. (a) As used in this section, "asset
2 disregard" means **one (1) of the following:**

3 **(1) A one dollar (\$1) increase in the amount of assets an**
4 **individual who:**

5 **(A) purchases a qualified long term care policy; and**

6 **(B) meets the requirements under section 8 of this chapter;**
7 **may retain under IC 12-15-3 for each one dollar (\$1) of benefit**
8 **paid out under the individual's long term care policy for long term**
9 **care services.**

10 **(2) The total assets an individual owns and may retain under**
11 **IC 12-15-3 and still qualify for benefits under IC 12-15 at the**
12 **time the individual applies for benefits if the individual:**

13 **(A) is the beneficiary of a qualified long term care policy**
14 **that provides maximum benefits at time of purchase of at**
15 **least one hundred forty thousand dollars (\$140,000) and**
16 **includes a provision under which the daily benefit**
17 **increases by at least five percent (5%) per year,**
18 **compounded at least annually;**

19 **(B) meets the requirements under section 8 of this chapter;**
20 **and**

21 **(C) has exhausted the benefits of the qualified long term**
22 **care policy.**

23 (b) When the office of Medicaid policy and planning determines
24 whether an individual is eligible for Medicaid under IC 12-15-3, the
25 office shall make an asset disregard adjustment for any individual who
26 purchases a qualified long term care policy. The asset disregard must
27 be available after benefits of the long term care policy have been
28 applied to the cost of long term care as required under this chapter.

29 **(c) The qualified long term care policy an individual must**
30 **purchase to be eligible for the asset disregard under subsection**
31 **(a)(2) must have maximum benefits at time of purchase equal to at**
32 **least one hundred forty thousand dollars (\$140,000) plus five**
33 **percent (5%) interest compounded annually beginning January 1,**
34 **1999.**

35 SECTION 38. [EFFECTIVE UPON PASSAGE] **An individual**
36 **who:**

37 **(1) owned, as of the effective date of this SECTION, a**
38 **qualified long term care policy as defined in IC 12-15-39.6-5;**
39 **and**

40 **(2) has not exhausted the benefits of the qualified long term**
41 **care policy described in subdivision (1);**

42 **is entitled to receive an asset disregard as provided in**



1 **IC 12-15-39.6-10, as amended by this act, as long as the long term**
 2 **care program under IC 12-15-39.6 remains in effect.**

3 SECTION 39. [EFFECTIVE UPON PASSAGE] (a) **By July 1,**
 4 **1998, the office of Medicaid policy and planning shall apply for**
 5 **approval from the federal Health Care Financing Administration**
 6 **to amend the state plan for medical assistance to implement**
 7 **IC 12-15-39.6 as amended by this act.**

8 (b) **Upon receiving approval for the amendment described in**
 9 **subsection (a), the office of Medicaid policy and planning shall**
 10 **amend the state plan for medical assistance to implement**
 11 **IC 12-15-39.6 as amended by this act.**

12 (c) **This SECTION expires July 1, 2000.**

13 SECTION 40. IC 12-29-3-6, AS AMENDED BY P.L.24-1997,
 14 SECTION 60, AND P.L.6-1997, SECTION 154, IS CORRECTED TO
 15 READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 6. (a) As
 16 used in this section, "community mental retardation and other
 17 developmental disabilities center" means a community center that is:

18 (1) incorporated under IC 23-7-1.1 (before its repeal August 1,
 19 1991) or IC 23-17;

20 (2) organized for the purpose of providing services for mentally
 21 retarded and other individuals with a developmental disability;

22 (3) approved by *and subject to the rules of* the division of
 23 disability, aging, and rehabilitative services; and

24 (4) ~~*in compliance with the Indiana Joint Standards for*~~
 25 ~~*Community Agencies Providing Habitation/Rehabilitation*~~
 26 ~~*Services, until the center is accredited by the Commission on*~~
 27 ~~*Accreditation of Rehabilitation Facilities accredited by CARF.*~~

28 (b) The county executive of a county may authorize the furnishing
 29 of financial assistance to a community mental retardation and other
 30 developmental disabilities center serving the county.

31 (c) Upon the request of the county executive, the county fiscal body
 32 may appropriate annually, from the general fund of the county, money
 33 to provide financial assistance in an amount not to exceed the amount
 34 that could be collected from the annual tax levy of ~~*two cents (\$0.02)*~~
 35 ~~*sixty-seven hundredths of one cent (\$0.0067)*~~ on each one hundred
 36 dollars (\$100) of taxable property.

37 SECTION 41. IC 13-11-2-42, AS ADDED BY P.L.1-1996,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 42. "Contaminant", for purposes of
 40 environmental management laws, means any solid, semi-solid, liquid,
 41 or gaseous matter, or any odor, radioactive material, pollutant (as
 42 defined in the federal Solid Waste Disposal Act (42 U.S.C. 6901 et



1 ~~seq.~~; by the Federal Water Pollution Control Act (33 U.S.C. 1251
 2 **et seq.**), as in effect on January 1, 1989), hazardous waste (as defined
 3 ~~by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)~~;
 4 **in the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)**, as
 5 in effect on January 1, 1989), any constituent of a hazardous waste, or
 6 any combination of the items described in this section, from whatever
 7 source, that:

- 8 (1) is injurious to human health, plant or animal life, or property;
- 9 (2) interferes unreasonably with the enjoyment of life or property;
- 10 or
- 11 (3) otherwise violates:
 - 12 (A) environmental management laws; or
 - 13 (B) rules adopted under environmental management laws.

14 SECTION 42. IC 13-11-2-82, AS ADDED BY P.L.1-1996,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 82. (a) "Final disposal facility", for purposes
 17 of **IC 13-20-3**, IC 13-20-5, **IC 13-20-22**, and IC 13-21, means any of
 18 the following:

- 19 (1) A landfill.
- 20 (2) An incinerator.
- 21 (3) A waste-to-energy facility.
- 22 (b) The term does not include a transfer station.

23 SECTION 43. IC 13-11-2-116, AS ADDED BY P.L.1-1996,
 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 116. (a) "Landfill", for purposes of
 26 IC 13-20-2, means a solid waste disposal facility at which solid waste
 27 is deposited on or beneath the surface of the ground as an intended
 28 place of final location.

29 (b) "Landfill", for purposes of IC 13-20-11, means a facility
 30 operated under a permit issued under IC 13-15-3 or IC 13-7-10 (before
 31 its repeal) at which solid waste is disposed of by placement on or under
 32 the surface of the ground.

33 (c) "Landfill", for purposes of **IC 13-11-2-82** and IC 13-21, means
 34 a solid waste management disposal facility at which solid waste is
 35 deposited on or in the ground as an intended place of final location.
 36 The term does not include the following:

- 37 (1) A site that is devoted solely to receiving one (1) or more of the
 38 following:
 - 39 (A) Fill dirt.
 - 40 (B) Vegetative matter subject to disposal as a result of:
 - 41 (i) landscaping;
 - 42 (ii) yard maintenance;



- 1 (iii) land clearing; or
 2 (iv) any combination of activities referred to in this clause.
 3 (2) A facility receiving waste that is regulated under the
 4 following:
 5 (A) IC 13-22-1 through IC 13-22-8.
 6 (B) IC 13-22-13 through IC 13-22-14.
 7 SECTION 44. IC 13-11-2-166, AS AMENDED BY P.L.124-1997,
 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 166. "Pollution prevention", for purposes of
 10 this title, means pollution prevention as defined by the United States
 11 Environmental Protection Agency under:
 12 (1) the federal Pollution Prevention Act (42 U.S.C. 13101 et
 13 seq.); and
 14 (2) the United States Environmental Protection Agency pollution
 15 prevention policy statement (June 15, 1993), as amended.
 16 SECTION 45. IC 13-14-9-5, AS AMENDED BY P.L.130-1997,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 5. (a) A board may not adopt a rule until all
 19 of the following occur:
 20 (1) The board holds a board meeting on the proposed rule.
 21 (2) The department, after approval of the proposed rule by the
 22 board under subsection (c), publishes the following in the Indiana
 23 Register as provided in IC 4-22-2-24(c):
 24 (A) The full text of the proposed rule, including any
 25 amendments arising from the comments received before or
 26 during the meeting held under subdivision (1).
 27 (B) A summary of the response of the department to all
 28 comments received at the meeting held under subdivision (1).
 29 (3) The board, after publication of the notice under subdivision
 30 (2), holds another board meeting on the proposed rule.
 31 (4) If a third public comment period is required under section 4.5
 32 of this chapter, the ~~board~~ **department** publishes notice of the
 33 third public comment period in the Indiana Register.
 34 (b) Board meetings held under subsection (a)(1) and (a)(3) shall be
 35 conducted in accordance with IC 4-22-2-26(b) through
 36 IC 4-22-2-26(d).
 37 (c) At a board meeting held under subsection (a)(1), the board shall
 38 determine whether the proposed rule will:
 39 (1) proceed to publication under subsection (a)(2);
 40 (2) be subject to additional comments under section 3 or 4 of this
 41 chapter, considering any written finding made by the
 42 commissioner under section 7 or 8 of this chapter; or



- 1 (3) be reconsidered at a subsequent board meeting in accordance
 2 with IC 4-22-2-26(d).
- 3 SECTION 46. IC 13-20-22-1, AS AMENDED BY P.L.45-1997,
 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 1. **(a) Unless the legislative body of a county
 6 having a consolidated city elects by ordinance to participate in the
 7 rules, ordinances, and governmental structures enacted or created
 8 under this chapter, the collection of fees on the disposal of solid
 9 waste in a final disposal facility located in that county are exempt
 10 until December 2, 2008, from regulation or control under this
 11 chapter.**
- 12 ~~(a)~~ **(b)** A fee is imposed on the disposal or incineration of solid
 13 waste in a final disposal facility in Indiana. Except as provided in
 14 section 14 of this chapter, the amount of the fee is as follows:
- 15 (1) For solid waste generated in Indiana and delivered to a final
 16 disposal facility in a motor vehicle having a registered gross
 17 vehicle weight greater than nine thousand (9,000) pounds, fifty
 18 cents (\$0.50) a ton.
- 19 (2) For solid waste generated outside Indiana and delivered to a
 20 final disposal facility in a motor vehicle having a registered gross
 21 vehicle weight greater than nine thousand (9,000) pounds:
- 22 (A) fifty cents (\$0.50) a ton; and
 23 (B) if the solid waste management board has adopted rules
 24 under subsection ~~(b)~~; **(c)**, an additional amount imposed under
 25 the rules.
- 26 (3) For solid waste generated in Indiana or outside Indiana and
 27 delivered to a final disposal facility in:
- 28 (A) a motor vehicle having a registered gross vehicle weight
 29 of not more than nine thousand (9,000) pounds; or
 30 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);
 31 fifty cents (\$0.50) for each load delivered by the motor vehicle.
- 32 ~~(b)~~ **(c)** The solid waste management board shall adopt rules to
 33 establish and impose a fee on the disposal or incineration of solid waste
 34 that is:
- 35 (1) generated outside Indiana; and
 36 (2) disposed of or incinerated in a final disposal facility in
 37 Indiana.
- 38 The fee shall be set at an amount necessary to offset the costs incurred
 39 by the state or a county, municipality, or township that can be attributed
 40 to the importation of the solid waste into Indiana and the presence of
 41 the solid waste in Indiana.
- 42 ~~(c)~~ **(d)** Revenue from fees collected under subsection ~~(a)~~~~(1)~~ **(b)(1)**



1 and ~~(a)(2)(A)~~ **(b)(2)(A)** shall be deposited in the state solid waste
 2 management fund established by section 2 of this chapter. Revenue
 3 from fees collected under subsection ~~(a)(2)(B)~~ **(b)(2)(B)** shall be
 4 deposited in the hazardous substances response trust fund established
 5 by IC 13-25-4-1, except that any part of the revenue that the board
 6 finds is necessary to offset costs incurred by counties, municipalities,
 7 and townships shall be distributed to solid waste management districts
 8 pro rata on the basis of the district's population.

9 ~~(d)~~ **(e)** If solid waste has been subject to a fee under this section, the
 10 total amount of the fee paid shall be credited against any other fee to
 11 which the solid waste may later be subject under this section.

12 ~~(e)~~ **(f)** A fee may not be imposed upon material used as alternate
 13 daily cover pursuant to a permit issued by the department under 329
 14 IAC 10-20-13.

15 SECTION 47. IC 13-21-3-12, AS AMENDED BY P.L.45-1997,
 16 SECTION 13, AND P.L.6-1997, SECTION 155, IS CORRECTED TO
 17 READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 12.
 18 Except as provided in section 14.5 of this chapter, the powers of a
 19 district include the following:

20 (1) The power to develop and implement a district solid waste
 21 management plan under IC 13-21-5.

22 (2) The power to impose district fees on the final disposal of solid
 23 waste within the district under IC 13-21-13.

24 (3) The power to receive and disburse money, *if the primary*
 25 *purpose of activities undertaken under this subdivision is to carry*
 26 *out the provisions of this article.*

27 (4) The power to sue and be sued.

28 (5) The power to plan, design, construct, finance, manage, own,
 29 lease, operate, and maintain facilities for solid waste
 30 management.

31 (6) The power to enter with any person into a contract or an
 32 agreement that is necessary or incidental to the management of
 33 solid waste. Contracts or agreements that may be entered into
 34 under this subdivision include those for the following:

35 (A) The design, construction, operation, financing, ownership,
 36 or maintenance of facilities by the district or any other person.

37 (B) The managing or disposal of solid waste.

38 (C) The sale or other disposition of materials or products
 39 generated by a facility.

40 Notwithstanding any other statute, the maximum term of a
 41 contract or an agreement described in this subdivision may not
 42 exceed forty (40) years.



- 1 (7) The power to enter into agreements for the leasing of facilities
 2 in accordance with IC 36-1-10 or IC 36-9-30.
- 3 (8) The power to purchase, lease, or otherwise acquire real or
 4 personal property for the management or disposal of solid waste.
- 5 (9) The power to sell or lease any facility or part of a facility to
 6 any person.
- 7 (10) The power to make and contract for plans, surveys, studies,
 8 and investigations necessary for the management or disposal of
 9 solid waste.
- 10 (11) The power to enter upon property to make surveys,
 11 soundings, borings, and examinations.
- 12 (12) The power to:
- 13 (A) accept gifts, grants, loans of money, other property, or
 14 services from any source, public or private; and
- 15 (B) comply with the terms of the gift, grant, or loan.
- 16 (13) The power to levy a tax within the district to pay costs of
 17 operation in connection with solid waste management, subject to
 18 the following:
- 19 (A) Regular budget and tax levy procedures.
- 20 (B) Section 16 of this chapter.
- 21 However, except as provided in section 15 of this chapter, a
 22 property tax rate imposed under this article may not exceed
 23 ~~twenty-five cents (\$0.25)~~ *eight and thirty-three hundredths cents*
 24 *(\$0.0833)* on each one hundred dollars (\$100) of assessed
 25 valuation of property in the district.
- 26 (14) The power to borrow in anticipation of taxes.
- 27 (15) The power to hire the personnel necessary for the
 28 management or disposal of solid waste in accordance with an
 29 approved budget and to contract for professional services.
- 30 (16) The power to otherwise do all things necessary for the:
- 31 (A) reduction, management, and disposal of solid waste; and
- 32 (B) recovery of waste products from the solid waste stream;
 33 *if the primary purpose of activities undertaken under this*
 34 *subdivision is to carry out the provisions of this article.*
- 35 (17) The power to adopt resolutions that have the force of law.
 36 However, a resolution is not effective in a municipality unless the
 37 municipality adopts the language of the resolution by ordinance
 38 or resolution.
- 39 (18) The power to do the following:
- 40 (A) Implement a household hazardous waste and conditionally
 41 exempt small quantity generator (as described in 40 CFR
 42 261.5(a)) collection and disposal project.



- 1 (B) Apply for a household hazardous waste collection and
 2 disposal project grant under IC 13-20-20 and carry out all
 3 commitments contained in a grant application.
- 4 (C) Establish and maintain a program of self-insurance for a
 5 household hazardous waste and conditionally exempt small
 6 quantity generator (as described in 40 CFR 261.5(a))
 7 collection and disposal project, so that at the end of the
 8 district's fiscal year the unused and unencumbered balance of
 9 appropriated money reverts to the district's general fund only
 10 if the district's board specifically provides by resolution to
 11 discontinue the self-insurance fund.
- 12 (D) Apply for a household hazardous waste project grant as
 13 described in IC 13-20-22-2 and carry out all commitments
 14 contained in a grant application.
- 15 (19) The power to enter into an interlocal cooperation agreement
 16 under IC 36-1-7 to obtain:
- 17 (A) fiscal;
 18 (B) administrative;
 19 (C) managerial; or
 20 (D) operational;
- 21 services from a county or municipality.
- 22 (20) The power to compensate advisory committee members for
 23 attending meetings at a rate determined by the board.
- 24 (21) The power to reimburse board and advisory committee
 25 members for travel and related expenses at a rate determined by
 26 the board.
- 27 (22) In a joint district, the power to pay a fee from district money
 28 to the counties in the district in which a final disposal facility is
 29 located.
- 30 (23) The power to make grants or loans of:
- 31 (A) money;
 32 (B) property; or
 33 (C) services;
- 34 to public or private recycling programs, composting programs, or
 35 any other programs that reuse any component of the waste stream
 36 as a material component of another product, *if the primary*
 37 *purpose of activities undertaken under this subdivision is to carry*
 38 *out the provisions of this article.*
- 39 (24) The power to establish by resolution a nonreverting capital
 40 fund. A district's board may appropriate money in the fund for:
- 41 (A) equipping;
 42 (B) expanding;



1 (C) modifying; or
 2 (D) remodeling;
 3 an existing facility. Expenditures from a capital fund established
 4 under this subdivision must further the goals and objectives
 5 contained in a district's solid waste management plan. Not more
 6 than five percent (5%) of the district's total annual budget for the
 7 year may be transferred to the capital fund that year. The balance
 8 in the capital fund may not exceed twenty-five percent (25%) of
 9 the district's total annual budget. If a district's board determines
 10 by resolution that a part of a capital fund will not be needed to
 11 further the goals and objectives contained in the district's solid
 12 waste management plan, that part of the capital fund may be
 13 transferred to the district's general fund, to be used to offset
 14 tipping fees, property tax revenues, or both tipping fees and
 15 property tax revenues.

16 (25) The power to conduct promotional or educational programs
 17 that include giving awards and incentives that further the district's
 18 solid waste management plan.

19 SECTION 48. IC 13-22-11.5-5, AS ADDED BY P.L.45-1997,
 20 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 5. The exemption from regulation provided
 22 in this chapter is in addition to any other exemption from regulation as
 23 a solid waste provided in rules adopted by the ~~commissioner~~ **board**.

24 SECTION 49. IC 13-23-8-4, AS AMENDED P.L.2-1997, SECTION
 25 48, AND P.L.131-1997, SECTION 2, IS CORRECTED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) *Except as*
 27 *provided under subsection (b), and* subject to section 4.5 of this
 28 chapter, an owner or operator may receive money from the excess
 29 liability fund under section 1(1) or 1(3) of this chapter only if the
 30 owner or operator is in substantial compliance (as defined in 328
 31 IAC 1-1-9) with the following requirements:

- 32 (1) The owner or operator has complied with the following:
 33 (A) This article or IC 13-7-20 (before its repeal).
 34 (B) Rules adopted under this article or IC 13-7-20 (before its
 35 repeal).
 36 (C) 42 U.S.C. 6991 through 6991i.
 37 (D) Regulations adopted under 42 U.S.C. 6991 through 6991i.

38 A release from an underground petroleum storage tank may not
 39 prevent an owner or operator from establishing compliance with
 40 this subdivision to receive money from the excess liability fund.

41 (2) *The owner or operator has paid all registration fees that are*
 42 *required under rules adopted under ~~IC 13-8-4.5~~ IC 13-23-8-4.5.*



1 ~~(2)~~ (3) The owner or operator has provided the commissioner with
 2 evidence of payment of the amount of liability the owner or
 3 operator is required to pay under section 2 of this chapter.

4 ~~(3)~~ (4) The owner or operator has not defaulted on a loan
 5 guaranteed under IC 13-23-10 or IC 13-7-20-33.3 (before its
 6 repeal).

7 ~~(4)~~ (5) A corrective action plan is approved by the commissioner
 8 or deemed approved under this subdivision. The corrective action
 9 plan for sites with a release from an underground petroleum
 10 storage tank that impacts soil or groundwater, or both, is
 11 automatically deemed approved only as long as:

12 (A) the owner or operator, or an agent of the owner or
 13 operator, conforms with:

14 (i) the department's initial site investigation report
 15 guidelines, including an investigation that completely
 16 defines the horizontal and vertical extent of any soil and
 17 groundwater contamination; and

18 (ii) the department's cleanup guidelines set forth in the
 19 Underground Storage Tank Branch Guidance Manual,
 20 including the department's risk-based corrective action plan
 21 standards when the standards become effective; and

22 (B) the soil and groundwater contamination is confined to the
 23 owner's or operator's property.

24 If the corrective action plan fails to satisfy any of the requirements
 25 of clause (A) or (B), the plan is automatically deemed
 26 disapproved. If a plan is disapproved, an owner or operator may
 27 supplement the corrective action plan. The corrective action plan
 28 is automatically deemed approved when the cause for the
 29 disapproval is corrected. For purposes of this subdivision, in the
 30 event of a conflict between compliance with an owner's or
 31 operator's corrective action plan and the department's cleanup
 32 guidelines or standards in clause (A), the department's cleanup
 33 guidelines or standards control. The department may audit any
 34 corrective action plan. If the commissioner denies the plan, a
 35 detailed explanation of all the deficiencies of the plan must be
 36 provided with the denial.

37 ***(b) An owner or operator is eligible to receive money from the fund***
 38 ***before the owner or operator has a corrective action plan approved or***
 39 ***deemed approved if:***

40 ***(1) the work for which payment is sought under IC 13-23-9-2 was***
 41 ***an immediate removal in response to a petroleum release that***
 42 ***created the need for emergency action to abate an immediate***



1 *threat of harm to human health, property, or the environment;*
 2 *(2) the work is for a site characterization completed in*
 3 *accordance with the Underground Storage Tank Branch*
 4 *Guidance Manual; or*
 5 *(3) the department has not acted upon a corrective action plan*
 6 *submitted under IC 13-23-9-2 within ninety (90) days after the*
 7 *date the department receives the:*

8 *(A) plan; or*

9 *(B) application to the fund;*

10 *whichever is later.*

11 *(c) The amount of money an owner or operator is eligible to receive*
 12 *from the fund under subsection (b) must be calculated in accordance*
 13 *with 328 IAC 1-3.*

14 SECTION 50. IC 13-23-11-7, AS AMENDED BY
 15 P.L.253-1997(ss), SECTION 16, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board
 17 shall do the following:

18 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry
 19 out the duties of the board under this article.

20 (2) Take testimony and receive a written report at every meeting
 21 of the board from the commissioner or the commissioner's
 22 designee regarding the financial condition and operation of the
 23 excess liability trust fund including:

24 (A) a detailed breakdown of contractual and administrative
 25 expenses the department is claiming from the excess liability
 26 trust fund under IC 13-23-7-1(5); and

27 (B) a claims statistics report consisting of the status and value
 28 of each claim submitted to the fund and claims payments made
 29 under IC 13-23-8-1.

30 The testimony and written report under this subdivision shall be
 31 provided at every meeting of the board. However, the testimony
 32 and written report are not required more than one (1) time during
 33 any thirty (30) day period.

34 ~~(2)~~ (3) Consult with the department on administration of the
 35 underground petroleum storage tank excess liability trust fund
 36 established by IC 13-23-7-1 in developing uniform policies and
 37 procedures for revenue collection and claims administration of the
 38 fund.

39 (b) The department shall consult with the board on administration
 40 of the underground petroleum storage tank excess liability trust fund.
 41 The consultation must include evaluation of alternative means of
 42 administering the fund in a cost effective and efficient manner.



1 SECTION 51. IC 13-23-12-1, AS ADDED BY P.L.1-1996,
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 1. (a) Each year the owner of an underground
 4 storage tank that has not been closed before July 1 of any year under:

- 5 (1) rules adopted under IC 13-23-1-2; or
- 6 (2) a requirement imposed by the commissioner before the
 7 adoption of rules under IC 13-23-1-2;

8 shall pay to the department of state revenue an annual registration fee.

9 (b) The annual registration fee required by this section is as follows:

10 (1) Two hundred ninety dollars (\$290) for each underground
 11 petroleum storage tank.

12 (2) **Two hundred** forty-five dollars (~~\$45~~) (**\$245**) for each
 13 underground storage tank containing regulated substances other
 14 than petroleum.

15 (c) If an underground storage tank consists of a combination of
 16 tanks, a separate fee shall be paid for each tank.

17 SECTION 52. IC 13-23-12-4, AS AMENDED BY P.L.9-1996,
 18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 4. The department of state revenue shall
 20 collect fees paid under this chapter and deposit the fees as follows:

21 (1) Fees paid in connection with underground petroleum storage
 22 tanks shall be deposited as follows:

23 (A) Two hundred forty-five dollars (\$245) shall be deposited
 24 in the excess liability trust fund.

25 (B) Forty-five dollars (\$45) shall be deposited in the petroleum
 26 trust fund.

27 (2) Fees paid in connection with underground storage tanks used
 28 to contain regulated substances other than petroleum shall be
 29 deposited **as follows**:

30 (A) **Forty-five dollars (\$45) shall be deposited in the**
 31 **hazardous substances response trust fund.**

32 (B) **Two hundred dollars (\$200) shall be deposited in the**
 33 **excess liability trust fund.**

34 SECTION 53. IC 13-24-1-3, AS ADDED BY P.L.1-1996,
 35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 3. (a) Remedial action undertaken or required
 37 under section 1 or 2 of this chapter may include an exposure
 38 assessment.

39 (b) The cost of:

40 (1) an exposure assessment;

41 (2) a removal; or

42 (3) a remedial action;



1 undertaken under section 2 of this chapter may be recovered under
2 ~~section 7~~ **section 4** of this chapter.

3 SECTION 54. IC 14-28-1-22, AS AMENDED BY P.L.2-1997,
4 SECTION 53, AND P.L.135-1997, SECTION 14, IS CORRECTED
5 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.

6 (a) As used in subsection (b)(1) with respect to a stream, "total length"
7 means the length of the stream, expressed in miles, from the confluence
8 of the stream with the receiving stream to the upstream or headward
9 extremity of the stream, as indicated by the solid or dashed, blue or
10 purple line depicting the stream on the most current edition of the
11 seven and one-half (7 1/2) minute topographic quadrangle map
12 published by the United States Geological Survey, measured along the
13 meanders of the stream as depicted on the map.

14 (b) This section does not apply to the following:

15 (1) A reconstruction or maintenance project (as defined in
16 IC 36-9-27) on a stream or an open regulated drain if the total
17 length of the stream or open drain is not more than ten (10) miles.

18 (2) A construction or reconstruction project on a state or county
19 highway bridge in a rural area that crosses a stream having an
20 upstream drainage area of not more than fifty (50) square miles
21 and the relocation of utility lines associated with the construction
22 or reconstruction project if confined to an area not more than one
23 hundred (100) feet from the limits of the highway construction
24 right-of-way.

25 (3) The performance of an activity described in subsection ~~(b)(1)~~
26 ~~or (b)(2)~~ (c)(1) or (c)(2) by a surface coal mining operation that
27 is operated under a permit issued under IC 14-34.

28 ~~(4) An activity authorized under IC 14-28-2.~~

29 ~~(5) (4)~~ Any other activity that is determined by the commission,
30 according to rules adopted under IC 4-22-2, to pose not more than
31 a minimal threat to floodway areas.

32 ~~(6) (5)~~ *An activity in a boundary river floodway to which section*
33 *26.5 of this chapter applies.*

34 (c) A person who desires to:

35 (1) erect, make, use, or maintain a structure, an obstruction, a
36 deposit, or an excavation; or

37 (2) suffer or permit a structure, an obstruction, a deposit, or an
38 excavation to be erected, made, used, or maintained;

39 in or on a floodway must file with the director a verified written
40 application for a permit accompanied by a nonrefundable fee of fifty
41 dollars (\$50).

42 (d) The application for a permit must set forth the material facts



1 together with plans and specifications for the structure, obstruction,
2 deposit, or excavation.

3 (e) An applicant must receive a permit from the director for the
4 work before beginning construction. The director shall issue a permit
5 only if in the opinion of the director the applicant has clearly proven
6 that the structure, obstruction, deposit, or excavation will not do any of
7 the following:

8 (1) Adversely affect the efficiency of or unduly restrict the
9 capacity of the floodway.

10 (2) Constitute an unreasonable hazard to the safety of life or
11 property.

12 (3) Result in unreasonably detrimental effects upon fish, wildlife,
13 or botanical resources.

14 (f) In deciding whether to issue a permit under this section, the
15 director shall consider the cumulative effects of the structure,
16 obstruction, deposit, or excavation. The director may incorporate in and
17 make a part of an order of authorization conditions and restrictions that
18 the director considers necessary for the purposes of this chapter.

19 (g) A permit issued under this section:

20 (1) is void if construction is not commenced within two (2) years
21 after the issuance of the permit; and

22 (2) to:

23 (A) the Indiana department of transportation or a county
24 highway department if there is any federal funding for the
25 project; or

26 (B) an electric utility for the construction of a power
27 generating facility;

28 is valid for five (5) years from the date of issuance and remains
29 valid indefinitely if construction is commenced within five (5)
30 years after the permit is issued.

31 (h) The director shall send a copy of each permit issued under this
32 section to each river basin commission organized under:

33 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

34 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

35 that is affected.

36 (i) The permit holder shall post and maintain a permit issued under
37 this section at the authorized site.

38 SECTION 55. IC 16-37-2-9, AS AMENDED BY P.L.257-1997(ss),
39 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 9. (a) The local health officer shall make a
41 permanent record of the following from a birth certificate:

42 (1) Name.



- 1 (2) Sex.
 2 (3) Date of birth.
 3 (4) Place of birth.
 4 (5) Name of the parents.
 5 (6) Birthplace of the parents.
 6 (7) The date of filing of the certificate of birth.
 7 (b) Except as provided in subsection (c), the permanent record shall
 8 be open to public inspection.
 9 ~~IC IC~~
 10 (c) The birth record of an adopted child remains subject to the
 11 confidentiality provisions of IC 31-19 regarding the release of adoption
 12 information.
 13 SECTION 56. IC 16-44-2-19, AS AMENDED BY P.L.1-1996,
 14 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 19. All money collected for inspections under
 16 this chapter shall be deposited in the underground petroleum storage
 17 tank excess liability **trust** fund established by IC 13-23-7-1.
 18 SECTION 57. IC 20-10.1-16-6, AS AMENDED BY P.L.158-1997,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 6. (a) The department shall develop
 21 educational proficiency statements for the following subject areas:
 22 (1) English/language arts.
 23 (2) Mathematics.
 24 (3) Social studies.
 25 (4) Science.
 26 (5) Other subject areas as determined by the department.
 27 (b) The department shall revise and update the educational
 28 proficiency statements in each subject area listed in subsection (a) at
 29 least once every six (6) years. This revision must occur on a cyclical
 30 basis that coincides with the textbook adoption cycle established in
 31 IC 20-10.1-9-4.
 32 (c) The state superintendent shall appoint a proficiency statements
 33 overview committee for a subject area during the period when the
 34 subject area is undergoing revision. A proficiency statements overview
 35 committee has fifteen (15) members selected as follows:
 36 (1) Eight (8) persons who are teachers practicing in the subject
 37 area being revised on the date of appointment.
 38 (2) Two (2) members who are parents of school age children.
 39 (3) Two (2) members, each of whom is a school superintendent,
 40 a school corporation curriculum director, or a principal.
 41 (4) Two (2) members who represent the business community.
 42 (5) One (1) member who is a member of the faculty in the subject



1 area being revised at an institution of higher education that
2 prepares teachers in the subject area.

3 (d) A proficiency statements overview committee shall do the
4 following:

5 (1) Advise the department on the revision process under this
6 section.

7 (2) Recommend changes to the educational proficiency statement
8 for the committee's subject area that enhance the goals identified
9 in the educational proficiency statement.

10 (3) Submit recommendations to the state standards task force for
11 the task force's review.

12 (e) In fulfilling its responsibilities under subsection (d), the
13 proficiency statements overview committee shall consider proficiency
14 statements developed by:

15 (1) other states;

16 (2) national organizations in the United States; and

17 (3) other countries.

18 (f) As necessary, the department shall revise and update the
19 educational proficiency statements of subject areas other than those
20 listed in subsection (a)(1) through (a)(4).

21 (g) The curriculum program of a school in a school corporation must
22 be consistent with the following:

23 (1) The educational proficiency statements.

24 ~~(2) The state standards adopted under IC 20-15.~~

25 ~~(3)~~ (2) The student competencies developed for the Core 40
26 college preparation curriculum models established under
27 IC 20-10.1-5.7.

28 SECTION 58. IC 20-10.1-25.5-1, AS ADDED BY
29 P.L.260-1997(ss), SECTION 75, IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
31 chapter, "council" refers to the educational technology council
32 established by ~~section 3~~ **section 2** of this chapter.

33 SECTION 59. IC 23-14-67-3.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Before March 1 of**
36 **each year, a county cemetery commission shall file an annual**
37 **report with the Indiana historical bureau established by**
38 **IC 4-23-7-3.**

39 (b) **An annual report filed under this section must include**
40 **information on the following:**

41 (1) **The budget of the county cemetery commission for the**
42 **preceding calendar year.**



1 **(2) Expenditures made by the county cemetery commission**
 2 **during the preceding calendar year.**

3 **(3) Activities of the county cemetery commission during the**
 4 **preceding calendar year.**

5 **(4) Plans of the county cemetery commission for the calendar**
 6 **year during which the report is filed.**

7 **(c) The Indiana historical bureau shall make reports filed under**
 8 **this section available for public inspection under IC 5-14-3.**

9 SECTION 60. IC 25-1-9-6.7, AS ADDED BY P.L.147-1997,
 10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 6.7. In addition to the actions listed under
 12 section 4 of this chapter that subject a practitioner to the exercise of
 13 disciplinary sanctions, a practitioner who is licensed under IC 25-23.6
 14 is subject to the exercise of disciplinary sanctions under section 9 of
 15 this chapter if, after a hearing, the board regulating the profession finds
 16 that the practitioner has:

17 (1) performed any therapy that, by the prevailing standards of the
 18 mental health professions in the community where the services
 19 were provided, would constitute experimentation on human
 20 subjects, without first obtaining full, informed, and written
 21 consent;

22 (2) failed to meet the minimum standards of performance in
 23 professional activities when measured against generally
 24 prevailing peer performance in professional activities, including
 25 the undertaking of activities that the practitioner is not qualified
 26 by training or experience to undertake;

27 (3) performed services, including any duties required of the
 28 individual under IC 31, in reckless disregard of the best interests
 29 of a patient, a client, or the public;

30 (4) without the consent of the child's parent, guardian, or
 31 custodian, knowingly participated in the child's removal or
 32 precipitated others to remove a child from the child's home
 33 unless:

34 (A) the child's physical health was endangered due to injury as
 35 a result of the act or omission of the child's parent, guardian,
 36 or custodian;

37 (B) the child had been or was in danger of being a victim of an
 38 offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2,
 39 IC 35-46-1-3, IC 35-49-2-2, or ~~IC 35-49-3-2~~; **IC 35-49-3-2**; or

40 (C) the child was in danger of serious bodily harm as a result
 41 of the inability, refusal, or neglect of the child's parent,
 42 guardian, or custodian to supply the child with necessary food,



- 1 shelter, or medical care, and a court order was first obtained;
 2 (5) willfully made or filed a false report or record, failed to file a
 3 report or record required by law, willfully impeded or obstructed
 4 the filing of a report or record, or induced another individual to:
 5 (A) make or file a false report or record; or
 6 (B) impede or obstruct the filing of a report or record; or
 7 (6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));
 8 (7) provided evidence in an administrative or judicial proceeding
 9 that had insufficient factual basis for the conclusions rendered by
 10 the practitioner;
 11 (8) willfully planted in the mind of the patient suggestions that are
 12 not based in facts known to the practitioner; or
 13 (9) performed services outside of the scope of practice of the
 14 license issued under IC 25-23.6.

15 SECTION 61. IC 25-20.5-1-13, AS AMENDED BY
 16 P.L.253-1997(ss), SECTION 24, IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. As used in this
 18 chapter, "supervision" means the review by a qualified supervisor of
 19 aspects of the therapeutic relationship between a student of hypnotism
 20 and a client in a face to face meeting for the purpose of improving the
 21 therapeutic skills of the student being supervised.

22 ~~(2) Pay the fee established by the board:~~

23 SECTION 62. IC 25-23.6-2-2, AS AMENDED BY P.L.255-1996,
 24 SECTION 17, AND P.L.147-1997, SECTION 29, IS CORRECTED
 25 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.

26 (a) The board consists of nine (9) members appointed by the governor
 27 for terms of three (3) years. The board must include the following:

- 28 (1) Two (2) marriage and family therapists who:
 29 (A) have at least a master's degree in marriage and family
 30 therapy or a related field from an institution of higher learning;
 31 (B) are licensed under this chapter; and
 32 (C) have five (5) years of experience in marriage and family
 33 therapy.
 34 (2) One (1) *certified* social worker who:
 35 (A) has at least a master's degree in social work from an
 36 institution of higher education accredited by the Council on
 37 Social Work Education;
 38 (B) is licensed under this article; and
 39 (C) has at least five (5) years of experience as a social worker.
 40 (3) One (1) social services director of a hospital with a social
 41 work degree who has at least three (3) years *of* experience in a
 42 hospital setting.



- 1 (4) Two (2) mental health counselors who:
 2 (A) have at least a master's degree in mental health
 3 counseling;
 4 (B) are licensed under this article; and
 5 (C) have at least five (5) years experience as a mental health
 6 counselor.
 7 (5) Two (2) consumers who have never been credentialed under
 8 this article.
 9 (6) One (1) physician licensed under IC 25-22.5 who has training
 10 in psychiatric medicine.

11 (b) Not more than five (5) members of the board may be from the
 12 same political party.

13 SECTION 63. IC 25-23.6-8-9, AS AMENDED BY P.L.147-1997,
 14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 9. (a) The board may reinstate an invalid
 16 license up to three (3) years after the expiration date of the license if
 17 the individual holding the invalid license:

- 18 (1) pays a penalty fee for late renewal;
 19 (2) pays the renewal fee under section 8(b) of this chapter; and
 20 (3) completes the continuing education requirement.

21 (b) If more than three (3) years have elapsed since the date a license
 22 expired, the individual holding the ~~certificate~~ **license** may renew the
 23 license by satisfying the requirements for renewal established by the
 24 board.

25 SECTION 64. IC 26-1-9-405, AS AMENDED BY P.L.34-1997,
 26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 405. (1) A financing statement may disclose
 28 an assignment of a security interest in the collateral described in the
 29 financing statement by indication in the financing statement of the
 30 name and address of the assignee or by an assignment itself or a copy
 31 thereof on the face or back of the financing statement. On presentation
 32 to the filing officer of such a financing statement the filing officer shall
 33 mark the same as provided in ~~section~~ section 403(4) of this chapter.

34 (2) A secured party may assign of record all or a part of his rights
 35 under a financing statement by the filing, in the place where the
 36 original financing statement was filed, of a separate written statement
 37 of assignment signed by the secured party of record and setting forth
 38 the name of the secured party of record, the debtor, the file number, the
 39 date of filing of the financing statement, the name and address of the
 40 assignee, and a description of the collateral assigned. A copy of the
 41 assignment is sufficient as a separate statement if it complies with the
 42 preceding sentence. On presentation to the filing officer of such a



1 separate statement, the filing officer shall mark such separate statement
 2 with the date and hour of the filing. He shall note the assignment on the
 3 index of the financing statement; or in the case of a fixture filing, a
 4 filing covering timber to be cut, covering minerals or the like
 5 (including oil and gas), or accounts subject to section 103(5) of this
 6 chapter, the filing officer shall index the assignment under the name of
 7 the assignor as grantor and, to the extent that the law of this state
 8 provides for indexing the assignment of a mortgage under the name of
 9 the assignee, the filing officer shall index the assignment of the
 10 financing statement under the name of the assignee. Notwithstanding
 11 the provisions of this subsection, an assignment of record of a security
 12 interest in a fixture contained in a mortgage effective as a fixture filing
 13 under section 402(5) of this chapter may be made only by an
 14 assignment of the mortgage in the manner provided by the law of this
 15 state other than IC 26-1.

16 (3) After the disclosure or filing of an assignment under this section,
 17 the assignee is the secured party of record.

18 SECTION 65. IC 27-13-1-27, AS ADDED BY P.L.26-1994,
 19 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 27. "~~Prepaid~~ "Limited **service** health **service**
 21 **maintenance** organization" has the meaning set forth in IC 27-13-34-4.

22 SECTION 66. IC 27-13-7-14, AS ADDED BY P.L.150-1997,
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 3: **14.** (a) This section applies to a contract
 25 with a health maintenance organization (as defined in IC 27-13-1-19)
 26 issued after June 30, 1997.

27 (b) This section applies to a mastectomy performed after June 30,
 28 1997, that is covered by a contract with a health maintenance
 29 organization under this chapter.

30 (c) As used in this section, "mastectomy" means the removal of all
 31 or part of the breast for reasons that are determined by a licensed
 32 physician to be medically necessary.

33 (d) A contract with a health maintenance organization under this
 34 chapter that provides coverage for a mastectomy must provide
 35 coverage for:

- 36 (1) prosthetic devices; and
- 37 (2) reconstructive surgery incident to the mastectomy including:
 - 38 (A) all stages of reconstruction of the breast on which the
 - 39 mastectomy has been performed; and
 - 40 (B) surgery and reconstruction of the other breast to produce
 - 41 symmetry;

42 in the manner determined by the attending physician and the



- 1 patient to be appropriate.
- 2 (e) Coverage for prosthetic devices and reconstructive surgery under
3 this section is subject to:
- 4 (1) the deductible and coinsurance provisions applicable to the
5 mastectomy; and
- 6 (2) all other terms and conditions applicable to other services
7 under the contract.
- 8 (f) Notwithstanding the provisions of this section, if a mastectomy
9 covered under this section is performed and there is no evidence of
10 malignancy, coverage may be limited to the provision of prosthetic
11 devices and reconstructive surgery for two (2) years following the
12 surgery.

13 SECTION 67. IC 31-9-2-50, AS AMENDED BY P.L.1-1997,
14 SECTION 2, AND P.L.196-1997, SECTION 2, IS CORRECTED TO
15 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 50.
16 "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3,
17 IC 31-19-16, IC 31-19-16.5, and the juvenile law, means an attorney,
18 a volunteer, or an employee of a county program designated under
19 IC 33-2.1-7-3.1 who is appointed by a court to:

- 20 (1) represent and protect the best interests of a child; and
21 (2) provide the child with services requested by the court,
22 including:
- 23 (A) researching;
24 (B) examining;
25 (C) advocating;
26 (D) facilitating; and
27 (E) monitoring;
28 the child's situation.

29 *A guardian ad litem who is not an attorney must complete the same*
30 *court approved training program that is required for a court appointed*
31 *special advocate under section 28 of this chapter.*

32 SECTION 68. IC 31-9-2-93, AS AMENDED BY P.L.1-1997,
33 SECTION 2, AND P.L.196-1997, SECTION 3, IS CORRECTED TO
34 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 93.
35 "Pre-adoptive sibling", for purposes of:

- 36 (1) ~~IC 31-18~~; IC 31-19-18;
37 (2) IC 31-19-16.5; and
38 ~~(2)~~ (3) ~~IC 31-25~~; IC 31-19-25;

39 means a sibling of an adoptee who is born before the date that the
40 adoptee's adoption is finalized.

41 SECTION 69. IC 31-9-2-94, AS AMENDED BY P.L.1-1997,
42 SECTION 2, AND P.L.197-1997, SECTION 2, IS CORRECTED AND



1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
2 PASSAGE]: Sec. 94. "Preliminary inquiry", for purposes of
3 ~~IC 31-34-2, IC 31-34-7, and IC 31-34-8, IC 31-37-8, IC 31-34~~ and
4 ~~IC 31-37-9, IC 31-37~~, means an informal investigation into the facts
5 and circumstances reported to the court.

6 SECTION 70. IC 31-19-16-9, AS ADDED BY P.L.196-1997,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 9. Postadoption contact privileges are
9 permissible without court approval in an adoption of a child who is less
10 than two (2) years of age upon the agreement of the adoptive parents
11 and a birth parent. However, postadoption contact privileges under this
12 ~~subsection~~ **section** may not include visitation. A postadoption contact
13 agreement under this ~~subsection~~ **section**:

14 (1) is not enforceable; and

15 (2) does not affect the finality of the adoption.

16 SECTION 71. IC 31-19-24-16, AS ADDED BY P.L.196, SECTION
17 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
18 PASSAGE]: Sec. 16. Failure of the confidential intermediary
19 **appointed under this chapter** to comply with a court order under
20 sections 2 through 11 of this chapter is punishable as contempt of
21 court. ~~appointed under this chapter~~.

22 SECTION 72. IC 31-33-7-6.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. Child abuse or neglect**
25 **information may be expunged under IC 31-39-8 if the probative**
26 **value of the information is so doubtful as to outweigh its validity.**
27 **Child abuse or neglect information shall be expunged if it is**
28 **determined to be unsubstantiated after:**

29 (1) **an investigation of a report of a child who may be a victim**
30 **of child abuse or neglect by the child protection service; or**

31 (2) **a court proceeding.**

32 SECTION 73. IC 32-8-38-4, AS AMENDED BY P.L.290-1985,
33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 4. (a) The recorder shall endorse on the claim
35 filed under ~~section 2~~ **section 3** of this chapter the date and hour of
36 filing.

37 (b) The recorder shall charge a fee for filing the claim in accordance
38 with the fee schedule established in IC 36-2-7-10.

39 SECTION 74. IC 35-37-6-2, AS AMENDED BY P.L.2-1997,
40 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 2. As used in this chapter, "covered act"
42 means any of the following offenses or an act that, if committed by a



1 person less than eighteen (18) years of age, would be any of the
2 following offenses if committed by an adult:

- 3 (1) A sex crime under IC 35-42-4.
4 (2) A battery against:
5 (A) a child under IC 35-42-2-1(2)(B);
6 (B) a disabled person under IC 35-42-2-1(2)(C);
7 (C) an endangered adult under ~~IC~~ IC 35-42-2-1(2)(F); or
8 (D) a spouse under IC 35-42-2-1.
9 (3) Neglect of a dependent under IC 35-46-1-4.
10 (4) Incest (IC 35-46-1-3).

11 SECTION 75. IC 35-46-1-14, AS AMENDED BY P.L.2-1997,
12 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 14. Any person acting in good faith who:

- 14 (1) makes or causes to be made a report of neglect, battery, or
15 exploitation under this chapter, IC 35-42-2-1(2)(C), or ~~IC~~
16 IC 35-42-2-1(2)(F);
17 (2) makes or causes to be made photographs or X-rays of a victim
18 of suspected neglect or battery of an endangered adult or a
19 dependent eighteen (18) years of age or older; or
20 (3) participates in any official proceeding or a proceeding
21 resulting from a report of neglect, battery, or exploitation of an
22 endangered adult or a dependent eighteen (18) years of age or
23 older relating to the subject matter of that report;

24 is immune from any civil or criminal liability that might otherwise be
25 imposed because of these actions. However, this section does not apply
26 to a person accused of neglect, battery, or exploitation of an
27 endangered adult or a dependent eighteen (18) years of age or older.

28 SECTION 76. IC 36-2-1-2, AS AMENDED BY P.L.3-1997,
29 SECTION 450, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the resident voters in
31 a specified territory in two (2) or more contiguous counties desire to
32 change the boundaries of their respective counties, they may file a
33 petition with the executives of their respective counties requesting that
34 the territory be transferred. The petition must:

- 35 (1) be signed by at least the number of voters resident in the
36 territory requested to be transferred required to place a candidate
37 on the ballot under IC 3-8-6-3;
38 (2) contain a clear, distinct description of the requested boundary
39 change; and
40 (3) not propose to decrease the area of any county below four
41 hundred (400) square miles in compliance with Article 15,
42 Section 7 of the Constitution of the State of Indiana.



1 (b) Whenever a petition under subsection (a) is filed with a county
2 executive, the executive shall determine, at its first meeting after the
3 petition is filed:

4 (1) whether the signatures on the petition are genuine; and

5 (2) whether the petition complies with subsection (a).

6 (c) If the determinations under subsection (b) are affirmative, the
7 executive shall certify the question to the county election board of each
8 affected county. The county election boards shall jointly order a special
9 election to be held, scheduling the election so that the election is held
10 on the same date in each county interested in the change, but not later
11 than thirty (30) days and not on the same date as a general election. The
12 election shall be conducted under IC 3-10-8-6. All voters of each
13 interested county are entitled to vote on the question. The question
14 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
15 must state "Shall the boundaries of _____ County and
16 _____ County change?".

17 (d) After an election under subsection (c), the clerk of each county
18 shall make a certified copy of the election returns and not later than
19 five (5) days after the election file the copy with the auditor of the
20 county. The auditor shall, ~~within~~ not later than **five** (5) days after the
21 filing of the returns in the auditor's office, make a true and complete
22 copy of the returns, certified under the auditor's hand and seal, and
23 deposit the copy with the auditor of every other county interested in the
24 change.

25 (e) After copies have been filed under subsection (d), the auditor of
26 each county shall call a meeting of the executive of the county, which
27 shall examine the returns. If a majority of the voters of each interested
28 county voted in favor of change, the executive shall:

29 (1) enter an order declaring their boundaries to be changed as
30 described in the petition; and

31 (2) if the county has received territory from the transfer, adopt
32 revised descriptions of:

33 (A) county commissioner districts under IC 36-2-2-4; and

34 (B) county council districts under IC 36-2-3-4;

35 so that the transferred territory is assigned to at least one (1) county
36 commissioner district and at least one (1) county council district.

37 (f) The executive of each county shall file a copy of the order
38 described in subsection (e)(1) with:

39 (1) the state certifying official designated under IC 3-6-4.2-11;
40 and

41 (2) the circuit court clerk of the county.

42 Except as provided in subsection (g), the transfer of territory becomes



1 effective when the last county order is filed under this subsection.

2 (g) An order declaring county boundaries to be changed may not
3 take effect during the year preceding a year in which a federal
4 decennial census is conducted. An order that would otherwise take
5 effect during the year preceding a year in which a federal decennial
6 census is conducted takes effect January 2 of the year in which a
7 federal decennial census is conducted.

8 (h) An election under this section may be held only once every three
9 (3) years.

10 SECTION 77. IC 36-7-14-7, AS AMENDED BY P.L.10-1997,
11 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 7. (a) Each redevelopment commissioner shall
13 serve for one (1) year from the first day of January after his
14 appointment and until his successor is appointed and has qualified,
15 except that the original commissioners shall serve from the date of their
16 appointment until the first day of January in the second year after their
17 appointment. If a vacancy occurs, a successor shall be appointed in the
18 same manner as the original commissioner, and the successor shall
19 serve for the remainder of the vacated term.

20 (b) Each redevelopment commissioner, before beginning his duties,
21 shall take and subscribe an oath of office in the usual form, to be
22 endorsed on the certificate of his appointment, which shall be promptly
23 filed with the clerk for the unit that he serves.

24 (c) Each redevelopment commissioner, before beginning his duties,
25 shall execute a bond payable to the state, with surety to be approved by
26 the executive of the unit. The bond must be in the penal sum of fifteen
27 thousand dollars (\$15,000) and must be conditioned on the faithful
28 performance of the duties of his office and the accounting for all
29 monies and property that may come into his hands or under his control.
30 The cost of the bond shall be paid by the special taxing district.

31 (d) A redevelopment commissioner must be at least eighteen (18)
32 years of age, and must be a resident of the unit that he serves.

33 (e) If a commissioner ceases to be qualified under this section, he
34 forfeits his office.

35 (f) Except as provided in subsection (g), redevelopment
36 commissioners are not entitled to salaries but are entitled to
37 reimbursement for expenses necessarily incurred in the performance of
38 their duties.

39 (g) A redevelopment commissioner who does not otherwise hold a
40 lucrative office for the purpose of Article 2, Section 5 9 of the Indiana
41 Constitution may receive:

42 (1) a salary; or



- 1 (2) a per diem;
 2 and is entitled to reimbursement for expenses necessarily incurred in
 3 the performance of the redevelopment commissioner's duties.
- 4 SECTION 78. IC 36-7-14.5-12.5, AS AMENDED BY P.L.49-1997,
 5 SECTION 78, AND P.L.255-1997(ss), SECTION 16, IS CORRECTED
 6 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12.5. (a)
 7 This section applies only to an authority in a county having a United
 8 States government military base that is scheduled for closing or is
 9 completely or partially inactive or closed.
- 10 (b) In order to accomplish the purposes set forth in section 11(b) of
 11 this chapter, an authority may create an economic development area:
 12 (1) by following the procedures set forth in IC 36-7-14-41 for the
 13 establishment of an economic development area by a
 14 redevelopment commission; and
 15 (2) with the same effect as if the economic development area was
 16 created by a redevelopment commission.
- 17 However, an authority may not include in an economic development
 18 area created under this section any area that was declared a blighted
 19 area, an urban renewal area, or an economic development area under
 20 IC 36-7-14.
- 21 (c) In order to accomplish the purposes set forth in section 11(b) of
 22 this chapter, an authority may do the following in a manner that serves
 23 an economic development area created under this section:
 24 (1) Acquire by purchase, exchange, gift, grant, condemnation, or
 25 lease, or any combination of methods, any personal property or
 26 interest in real property needed for the redevelopment of
 27 economic development areas located within the corporate
 28 boundaries of the unit.
 29 (2) Hold, use, sell (by conveyance by deed, land sale contract, or
 30 other instrument), exchange, lease, rent, or otherwise dispose of
 31 property acquired for use in the redevelopment of economic
 32 development areas on the terms and conditions that the authority
 33 considers best for the unit and the unit's inhabitants.
 34 (3) Sell, lease, or grant interests in all or part of the real property
 35 acquired for redevelopment purposes to any other department of
 36 the unit or to any other governmental agency for public ways,
 37 levees, sewerage, parks, playgrounds, schools, and other public
 38 purposes on any terms that may be agreed on.
 39 (4) Clear real property acquired for redevelopment purposes.
 40 (5) Repair and maintain structures acquired for redevelopment
 41 purposes.
 42 (6) Remodel, rebuild, enlarge, or make major structural



- 1 improvements on structures acquired for redevelopment purposes.
2 (7) Survey or examine any land to determine whether the land
3 should be included within an economic development area to be
4 acquired for redevelopment purposes and to determine the value
5 of that land.
6 (8) Appear before any other department or agency of the unit, or
7 before any other governmental agency in respect to any matter
8 affecting:
9 (A) real property acquired or being acquired for
10 redevelopment purposes; or
11 (B) any economic development area within the jurisdiction of
12 the authority.
13 (9) Institute or defend in the name of the unit any civil action, but
14 all actions against the authority must be brought in the circuit or
15 superior court of the county where the authority is located.
16 (10) Use any legal or equitable remedy that is necessary or
17 considered proper to protect and enforce the rights of and perform
18 the duties of the authority.
19 (11) Exercise the power of eminent domain in the name of and
20 within the corporate boundaries of the unit subject to the same
21 conditions and procedures that apply to the exercise of the power
22 of eminent domain by a redevelopment commission under
23 IC 36-7-14.
24 (12) Appoint an executive director, appraisers, real estate experts,
25 engineers, architects, surveyors, and attorneys.
26 (13) Appoint clerks, guards, laborers, and other employees the
27 authority considers advisable, except that those appointments
28 must be made in accordance with the merit system of the unit if
29 such a system exists.
30 (14) Prescribe the duties and regulate the compensation of
31 employees of the authority.
32 (15) Provide a pension and retirement system for employees of
33 the authority by using the public employees' retirement fund or a
34 retirement plan approved by the United States Department of
35 Housing and Urban Development.
36 (16) Discharge and appoint successors to employees of the
37 authority subject to subdivision (13).
38 (17) Rent offices for use of the department or authority, or accept
39 the use of offices furnished by the unit.
40 (18) Equip the offices of the authority with the necessary
41 furniture, furnishings, equipment, records, and supplies.
42 (19) Design, order, contract for, and construct, reconstruct,



- 1 improve, or renovate the following:
- 2 (A) Any local public improvement or structure that is
- 3 necessary for redevelopment purposes or economic
- 4 development within the corporate boundaries of the unit.
- 5 (B) Any structure that enhances development or economic
- 6 development.
- 7 (20) Contract for the construction, extension, or improvement of
- 8 pedestrian skyways (as defined in IC 36-7-14-12.2(c)).
- 9 (21) Accept loans, grants, and other forms of financial assistance
- 10 from, or contract with, the federal government, the state
- 11 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
- 14 or incidental to the performance of the duties of the authority and
- 15 the execution of the powers of the authority under this chapter.
- 16 (23) Take any action necessary to implement the purpose of the
- 17 authority.
- 18 (24) Provide financial assistance, in the manner that best serves
- 19 the purposes set forth in section 11(b) of this chapter, including
- 20 grants and loans, to enable private enterprise to develop,
- 21 redevelop, and reuse military base property or otherwise enable
- 22 private enterprise to provide social and economic benefits to the
- 23 citizens of the unit.
- 24 (d) An authority may designate all or a portion of an economic
- 25 development area created under this section as an allocation area by
- 26 following the procedures set forth in IC 36-7-14-39 for the
- 27 establishment of an allocation area by a redevelopment commission.
- 28 The allocation provision may modify the definition of "property taxes"
- 29 under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the
- 30 depreciable personal property located and taxable on the site of
- 31 operations of designated taxpayers in accordance with the procedures
- 32 applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3
- 33 applies to such a modification. An allocation area established by an
- 34 authority under this section is a special taxing district authorized by the
- 35 general assembly to enable the unit to provide special benefits to
- 36 taxpayers in the allocation area by promoting economic development
- 37 that is of public use and benefit. *For allocation areas established for*
- 38 *an economic development area created under this section after June*
- 39 *30, 1997, and to the expanded portion of an allocation area for an*
- 40 *economic development area that was established before June 30, 1997,*
- 41 *and that is expanded under this section after June 30, 1997, the net*
- 42 *assessed value of property that is assessed as residential property*



1 *under the rules of the state board of tax commissioners, as finally*
 2 *determined for any assessment date, must be allocated.* All of the
 3 provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5
 4 apply to an allocation area created under this section, except that the
 5 authority shall be vested with the rights and duties of a commission as
 6 referenced in those sections, and except that, notwithstanding
 7 IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation
 8 fund may be used by the authority only to do one (1) or more of the
 9 following:

10 (1) Pay the principal of and interest and redemption premium on
 11 any obligations incurred by the special taxing district or any other
 12 entity for the purpose of financing or refinancing military base
 13 reuse activities in or serving or benefitting that allocation area.

14 (2) Establish, augment, or restore the debt service reserve for
 15 obligations payable solely or in part from allocated tax proceeds
 16 in that allocation area or from other revenues of the authority
 17 (including lease rental revenues).

18 (3) Make payments on leases payable solely or in part from
 19 allocated tax proceeds in that allocation area.

20 (4) Reimburse any other governmental body for expenditures
 21 made by it for local public improvements or structures in or
 22 serving or benefitting that allocation area.

23 (5) Pay all or a portion of a property tax replacement credit to
 24 taxpayers in an allocation area as determined by the authority.
 25 This credit equals the amount determined under the following
 26 STEPS for each taxpayer in a taxing district (as defined in
 27 IC 6-1.1-1-20) that contains all or part of the allocation area:

28 STEP ONE: Determine that part of the sum of the amounts
 29 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 30 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 31 IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

32 STEP TWO: Divide:

33 (A) that part of the twenty percent (20%) of each county's
 34 total county tax levy payable that year as determined under
 35 IC 6-1.1-21-4 that is attributable to the taxing district; by

36 (B) the STEP ONE sum.

37 STEP THREE: Multiply:

38 (A) the STEP TWO quotient; by

39 (B) the total amount of the taxpayer's property taxes levied
 40 in the taxing district that have been allocated during that
 41 year to an allocation fund under this section.

42 If not all the taxpayers in an allocation area receive the credit in



- 1 full, each taxpayer in the allocation area is entitled to receive the
 2 same proportion of the credit. A taxpayer may not receive a credit
 3 under this section and a credit under IC 36-7-14-39.5 in the same
 4 year.
- 5 (6) Pay expenses incurred by the authority for local public
 6 improvements or structures that are in the allocation area or
 7 serving or ~~benefitting~~ *benefitting* the allocation area.
- 8 (7) Reimburse public and private entities for expenses incurred in
 9 training employees of industrial facilities that are located:
- 10 (A) in the allocation area; and
- 11 (B) on a parcel of real property that has been classified as
 12 industrial property under the rules of the state board of tax
 13 commissioners.
- 14 However, the total amount of money spent for this purpose in any
 15 year may not exceed the total amount of money in the allocation
 16 fund that is attributable to property taxes paid by the industrial
 17 facilities described in clause (B). The reimbursements under this
 18 subdivision must be made within three (3) years after the date on
 19 which the investments that are the basis for the increment
 20 financing are made. The allocation fund may not be used for
 21 operating expenses of the authority.
- 22 (e) In addition to other methods of raising money for property
 23 acquisition, redevelopment, or economic development activities in or
 24 directly serving or benefitting an economic development area created
 25 by an authority under this section, and in anticipation of the taxes
 26 allocated under subsection (d), other revenues of the authority, or any
 27 combination of these sources, the authority may, by resolution, issue
 28 the bonds of the special taxing district in the name of the unit. Bonds
 29 issued under this section may be issued in any amount without
 30 limitation. The following apply if such a resolution is adopted:
- 31 (1) The authority shall certify a copy of the resolution authorizing
 32 the bonds to the municipal or county fiscal officer, who shall then
 33 prepare the bonds. The seal of the unit must be impressed on the
 34 bonds, or a facsimile of the seal must be printed on the bonds.
- 35 (2) The bonds must be executed by the appropriate officer of the
 36 unit and attested by the unit's fiscal officer.
- 37 (3) The bonds are exempt from taxation for all purposes.
- 38 (4) Bonds issued under this section may be sold at public sale in
 39 accordance with IC 5-1-11 or at a negotiated sale.
- 40 (5) The bonds are not a corporate obligation of the unit but are an
 41 indebtedness of the taxing district. The bonds and interest are
 42 payable, as set forth in the bond resolution of the authority:



- 1 (A) from the tax proceeds allocated under subsection (d);
 2 (B) from other revenues available to the authority; or
 3 (C) from a combination of the methods stated in clauses (A)
 4 and (B).
- 5 (6) Proceeds from the sale of bonds may be used to pay the cost
 6 of interest on the bonds for a period not to exceed five (5) years
 7 from the date of issuance.
- 8 (7) Laws relating to the filing of petitions requesting the issuance
 9 of bonds and the right of taxpayers to remonstrate against the
 10 issuance of bonds do not apply to bonds issued under this section.
- 11 (8) If a debt service reserve is created from the proceeds of bonds,
 12 the debt service reserve may be used to pay principal and interest
 13 on the bonds as provided in the bond resolution.
- 14 (9) If bonds are issued under this chapter that are payable solely
 15 or in part from revenues to the authority from a project or
 16 projects, the authority may adopt a resolution or trust indenture or
 17 enter into covenants as is customary in the issuance of revenue
 18 bonds. The resolution or trust indenture may pledge or assign the
 19 revenues from the project or projects. The resolution or trust
 20 indenture may also contain any provisions for protecting and
 21 enforcing the rights and remedies of the bond owners as may be
 22 reasonable and proper and not in violation of law, including
 23 covenants setting forth the duties of the authority. The authority
 24 may establish fees and charges for the use of any project and
 25 covenant with the owners of any bonds to set those fees and
 26 charges at a rate sufficient to protect the interest of the owners of
 27 the bonds. Any revenue bonds issued by the authority that are
 28 payable solely from revenues of the authority shall contain a
 29 statement to that effect in the form of bond.
- 30 (f) Notwithstanding section 8(a) of this chapter, an ordinance
 31 adopted under section 11(b) of this chapter may provide, or be
 32 amended to provide, that the board of directors of the authority shall be
 33 composed of not fewer than three (3) nor more than seven (7)
 34 members, who must be residents of the unit appointed by the executive
 35 of the unit.
- 36 (g) The acquisition of real and personal property by an authority
 37 under this section is not subject to the provisions of ~~IC 36-1-9~~, IC 5-22,
 38 IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the
 39 purchase of property by public bodies or their agencies.
- 40 (h) An authority may negotiate for the sale, lease, or other
 41 disposition of real and personal property without complying with the
 42 provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other



1 statute governing the disposition of public property.

2 (i) Notwithstanding any other law, utility services provided within
 3 an economic development area established under this section are
 4 subject to regulation by the appropriate regulatory agencies unless the
 5 utility service is provided by a utility that provides utility service solely
 6 within the geographic boundaries of an existing or a closed military
 7 installation, in which case the utility service is not subject to regulation
 8 for purposes of rate making, regulation, service delivery, or issuance of
 9 bonds or other forms of indebtedness. However, this exemption from
 10 regulation does not apply to utility service if the service is generated,
 11 treated, or produced outside the boundaries of the existing or closed
 12 military installation.

13 SECTION 79. IC 36-9-25-27, AS AMENDED BY P.L.80-1997,
 14 SECTION 20, AND P.L.254-1997(ss), SECTION 34, IS CORRECTED
 15 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.

16 (a) To raise money to pay for the property and the construction, and in
 17 anticipation of the special tax to be levied as provided in sections 19
 18 and 29 of this chapter, the board ~~shall~~ *may* have issued, in the name of
 19 the municipality, the bonds of the district. The bonds may not exceed
 20 in amount the estimated cost of all land, rights-of-way, and other
 21 property to be acquired and the estimated cost of all construction as
 22 provided in the resolution, including all expenses necessarily incurred
 23 in connection with the proceedings, together with a sum sufficient to
 24 pay the cost of supervision and inspection during the period of
 25 construction. The expenses to be covered by the bond issue include all
 26 expenses of every kind actually incurred preliminary to acquisition of
 27 the property and the construction of the work, such as the cost of
 28 necessary records, engineering expenses, publication of notices,
 29 salaries, and other expenses.

30 (b) If different parcels of land are to be acquired, or if more than one
 31 (1) contract for work is let by the board at approximately the same
 32 time, whether under one (1) or more resolutions of the board, the
 33 estimated cost may be combined in one (1) bond issue. The bonds shall
 34 be issued in denominations of at least one thousand dollars (\$1,000)
 35 each ~~in not less than five (5) nor more than fifty (50) annual series of~~
 36 ~~amounts that the board determines. They are payable one (1) series~~
 37 ~~each year, beginning on a date after the receipt of taxes from a levy~~
 38 ~~made for that purpose: and shall have a final maturity of not later than~~
 39 ~~fifty (50) years from the date of issue.~~ The bonds are negotiable unless
 40 registered, but may be made registrable for principal only or principal
 41 and interest. The bonds may be made redeemable before the stated
 42 maturities on terms and conditions and at the premiums that the board



1 determines in the resolution authorizing the issuance of the bonds.

2 (c) Upon adoption of a resolution ordering bonds, the board shall
3 certify a copy of the resolution to the municipal fiscal officer, who shall
4 then prepare the bonds. The municipal executive shall execute the
5 bonds and the fiscal officer shall attest them. The bonds and interest are
6 exempt from taxation for all purposes, except the financial institutions
7 tax ~~and the~~ imposed under IC 6-5.5 or an inheritance tax imposed
8 under IC 6-4.1. All bonds issued by the board shall be sold by the fiscal
9 officer to the highest bidder, but not for less than par, after giving
10 notice of the sale by publication in accordance with IC 5-3-1.

11 (d) The bonds are not a corporate obligation or indebtedness of the
12 municipality, but constitute an indebtedness of the district as a special
13 taxing district. ~~The~~ Except as provided in section 29(c) of this chapter,
14 the bonds and interest are payable only out of a special tax levied upon
15 all the property of the district as provided in this chapter. The bonds
16 must recite these terms upon their face, together with the purpose for
17 which they are issued.

18 (e) ~~Instead of selling the bonds in series,~~ The board may sell bonds
19 of the district to run for a period of five (5) years from the date of sale.
20 The five (5) year bonds are exempt from taxation for all purposes
21 except for the financial institutions tax imposed under IC 6-5.5. The
22 board may sell bonds of the district in series for the purpose of
23 refunding at any time the five (5) year bonds. Actions questioning the
24 validity of the bonds issued or to prevent their issue may not be brought
25 after the date set for the sale of the bonds, and all bonds are
26 incontestable for any cause after that date.

27 (f) The total amount of the bond issue, including bonds already
28 issued and to be issued, may not exceed twelve percent (12%) of the
29 total assessed valuation (after deducting mortgage exemptions) of the
30 property within the district. All bonds issued in violation of this
31 subsection are void.

32 SECTION 80. IC 36-9-25-27, AS AMENDED BY P.L.80-1997,
33 SECTION 20, P.L.6-1997, SECTION 223, AND P.L.254-1997(ss),
34 SECTION 34, IS CORRECTED TO READ AS FOLLOWS
35 [EFFECTIVE MARCH 1, 2001]: Sec. 27. (a) To raise money to pay for
36 the property and the construction, and in anticipation of the special tax
37 to be levied as provided in sections 19 and 29 of this chapter, the board
38 ~~shall~~ may have issued, in the name of the municipality, the bonds of the
39 district. The bonds may not exceed in amount the estimated cost of all
40 land, rights-of-way, and other property to be acquired and the estimated
41 cost of all construction as provided in the resolution, including all
42 expenses necessarily incurred in connection with the proceedings,



1 together with a sum sufficient to pay the cost of supervision and
 2 inspection during the period of construction. The expenses to be
 3 covered by the bond issue include all expenses of every kind actually
 4 incurred preliminary to acquisition of the property and the construction
 5 of the work, such as the cost of necessary records, engineering
 6 expenses, publication of notices, salaries, and other expenses.

7 (b) If different parcels of land are to be acquired, or if more than one
 8 (1) contract for work is let by the board at approximately the same
 9 time, whether under one (1) or more resolutions of the board, the
 10 estimated cost may be combined in one (1) bond issue. The bonds shall
 11 be issued in denominations of at least one thousand dollars (\$1,000)
 12 each *in not less than five (5) nor more than fifty (50) annual series of*
 13 *amounts that the board determines. They are payable one (1) series*
 14 *each year, beginning on a date after the receipt of taxes from a levy*
 15 *made for that purpose; and shall have a final maturity of not later than*
 16 *fifty (50) years from the date of issue. The bonds are negotiable unless*
 17 registered, but may be made registrable for principal only or principal
 18 and interest. The bonds may be made redeemable before the stated
 19 maturities on terms and conditions and at the premiums that the board
 20 determines in the resolution authorizing the issuance of the bonds.

21 (c) Upon adoption of a resolution ordering bonds, the board shall
 22 certify a copy of the resolution to the municipal fiscal officer, who shall
 23 then prepare the bonds. The municipal executive shall execute the
 24 bonds and the fiscal officer shall attest them. The bonds and interest are
 25 exempt from taxation for all purposes, except the financial institutions
 26 tax ~~and the imposed under IC 6-5.5~~ or an inheritance tax imposed
 27 under IC 6-4.1. All bonds issued by the board shall be sold by the fiscal
 28 officer to the highest bidder, but not for less than par, after giving
 29 notice of the sale by publication in accordance with IC 5-3-1.

30 (d) The bonds are not a corporate obligation or indebtedness of the
 31 municipality, but constitute an indebtedness of the district as a special
 32 taxing district. *Except as provided in section 29(c) of this chapter,* the
 33 bonds and interest are payable only out of a special tax levied upon all
 34 the property of the district as provided in this chapter. The bonds must
 35 recite these terms upon their face, together with the purpose for which
 36 they are issued.

37 (e) ~~Instead of selling the bonds in series,~~ The board may sell bonds
 38 of the district to run for a period of five (5) years from the date of sale.
 39 The five (5) year bonds are exempt from taxation for all purposes
 40 except for the financial institutions tax imposed under IC 6-5.5. The
 41 board may sell bonds of the district in series for the purpose of
 42 refunding at any time the five (5) year bonds. Actions questioning the



1 validity of the bonds issued or to prevent their issue may not be brought
 2 after the date set for the sale of the bonds, and all bonds are
 3 incontestable for any cause after that date.

4 (f) The total amount of the bond issue, including bonds already
 5 issued and to be issued, may not exceed twelve percent (12%) of the
 6 total *assessed valuation (after deducting mortgage exemptions) of the*
 7 *property within the district adjusted value of taxable property in the*
 8 *district as determined under IC 36-1-15. All bonds issued in violation*
 9 *of this subsection are void.*

10 SECTION 81. IC 36-9-27-30, AS AMENDED BY P.L.2-1997,
 11 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 30. (a) Whenever the county surveyor is not
 13 registered under ~~IC 25-21.5~~ or IC 25-31 and that statute prohibits an
 14 unregistered person from performing any function that the county
 15 surveyor is directed to do under this chapter, the surveyor shall employ
 16 and fix the compensation of a person who is so registered to work with
 17 the surveyor in performing those functions. However, if the county
 18 surveyor does not employ a registered person within one (1) year of the
 19 acceptance of a petition for construction or reconstruction of a drain,
 20 the board may make the appointment of a registered person that this
 21 section requires.

22 (b) The person employed by the surveyor, who shall be known as a
 23 qualified deputy, shall file with the county surveyor the original of all
 24 plans, specifications, and other documents made by the person in
 25 performing the work for which the person was employed. Those plans,
 26 specifications, and other documents become a part of the permanent
 27 file of the surveyor's office, which the surveyor shall maintain for the
 28 use of the board as provided in section 109 of this chapter.

29 (c) The rate of compensation paid to a qualified deputy shall be
 30 assessed against the drainage project for which the deputy was
 31 employed.

32 (d) This subsection applies whenever the county surveyor is not
 33 registered under ~~IC 25-21.5~~ or IC 25-31. If the county has a full-time
 34 employee who is registered under ~~IC 25-21.5~~ or IC 25-31 the board
 35 may, subject to the approval of the county executive, designate that
 36 person to perform any function of the county surveyor under this
 37 chapter. If a designation is made and approved under this subsection,
 38 the county surveyor may not employ a registered person under
 39 subsection (a) to perform that same function.

40 SECTION 82. IC 36-9-27-71, AS AMENDED BY P.L.2-1997,
 41 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 71. (a) When, in the construction or



1 reconstruction of a regulated drain, the county surveyor determines that
 2 the proposed drain will cross a public highway or the right-of-way of
 3 a railroad company at a point where:

4 (1) there is no crossing; or

5 (2) the crossing will not adequately handle or will be endangered
 6 by the flow of water from the drain when completed;

7 the county surveyor shall include in the plans the grade and cross
 8 section requirements for a new crossing, or the requirements for
 9 altering, enlarging, repairing, or replacing the crossing. The surveyor
 10 shall mail a copy of the requirements addressed to the owner of the
 11 highway or right-of-way.

12 (b) When requested by the owner of the highway or right-of-way,
 13 the county surveyor shall meet with the owner at a time and place to be
 14 fixed by the surveyor. The surveyor shall hear objections to the
 15 requirements, and may then change the requirements as justice may
 16 require.

17 (c) When the board finds that in the construction, reconstruction, or
 18 maintenance of a regulated drain it is necessary to:

19 (1) alter, enlarge, repair, or replace a crossing; or

20 (2) construct a new crossing where none existed before;

21 the cost of the work on the crossing shall be paid by the owner of the
 22 public highway. This cost may not be considered by the county
 23 surveyor or by the board in determining the cost of the work on the
 24 drain or in assessing benefits and damages. However, if it is necessary
 25 for the owner of a public highway to construct a new crossing because
 26 of a cut-off for the purpose of shortening or straightening a regulated
 27 drain, the owner of the public highway shall pay one-half (1/2) of the
 28 cost of the new crossing, and the remainder shall be included in the
 29 cost of the work on the drain.

30 (d) A railroad company with a right-of-way that is:

31 (1) crossed by the construction of a regulated drain; or

32 (2) affected by the altering or enlarging of a crossing;

33 shall pay one-half (1/2) of the cost of the work on the crossing and the
 34 remainder shall be included in the cost of the work on the drain.

35 (e) If the county surveyor is registered under ~~IC 25-21.5~~ or IC 25-31,
 36 the county surveyor must review and approve or disapprove the plans
 37 and hydraulic data for an existing crossing that is to be altered,
 38 enlarged, repaired, or replaced, or the construction of a new crossing
 39 for a public highway or the right-of-way of a railroad company. The
 40 county surveyor shall disapprove the plans and hydraulic data if they
 41 do not show that the structure will meet structural and hydraulic
 42 requirements that will permit the drain to function properly. However,



1 if the county surveyor is not registered under ~~IC 25-21.5~~ or IC 25-31,
 2 a registered person who is selected under section 30 of this chapter
 3 shall:

- 4 (1) review and approve or disapprove the plans and specifications
 5 described in this subsection;
 6 (2) inform the county surveyor in writing of the approval or
 7 disapproval; and
 8 (3) submit all plans, specifications, and hydraulic data along with
 9 the approval or disapproval.

10 Approval of the plans and hydraulic data by a person who is registered
 11 under ~~IC 25-21.5~~ or IC 25-31 is required before the work may take
 12 place.

13 SECTION 83. P.L.124-1997, SECTION 24, IS AMENDED TO
 14 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 15 24. (a) All policies, minutes, and official documents of the pollution
 16 prevention board established under IC 13-27-3-1, as added by
 17 P.L.1-1996, SECTION 17, must be transferred to the clean
 18 manufacturing technology and safe materials board established under
 19 IC 13-27.5, as added by this act.

20 (b) All funds appropriated under any law to the pollution prevention
 21 and safe materials institute established under IC 13-27-4 shall be
 22 transferred and are appropriated to the clean manufacturing technology
 23 and safe materials institute established under IC 13-27.5, as added by
 24 this act.

25 (c) This SECTION expires July 1, 2000.

26 SECTION 84. IC 20-1-6-24 IS REPEALED [EFFECTIVE UPON
 27 PASSAGE].

28 SECTION 85. [EFFECTIVE UPON PASSAGE] (a) **This act is**
 29 **intended to resolve technical conflicts among acts enacted by the**
 30 **general assembly and to correct other technical errors. This act is**
 31 **not intended to change the intended effective date of any statute or**
 32 **otherwise result in any substantive change in the law.**

33 (b) **This act does not affect any:**

- 34 (1) **rights or liabilities accrued;**
 35 (2) **penalties incurred;**
 36 (3) **violations committed; or**
 37 (4) **proceedings begun;**

38 **before the effective date of this act. Those rights, liabilities,**
 39 **penalties, offenses, and proceedings continue and shall be imposed**
 40 **and enforced under prior law as if this act had not been enacted.**

41 (c) **Any reference in any statute or rule to a statute that is**
 42 **repealed and replaced in the same or a different form in this act**



1 **shall be treated after the effective date of the new provision as a**
2 **reference to the new provision.**
3 **SECTION 86. An emergency is declared for this act.**

