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# ENGROSSED SENATE BILL No. 101

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DIGEST OF SB0101 (Updated February 17, 1998 11:15 am - DI 76)

**Citations Affected:** Numerous provisions 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.

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## Kenley

(HOUSE SPONSORS — KUZMAN, FOLEY)

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January 6, 1998, read first time and referred to Committee on Judiciary.  
January 15, 1998, amended, reported favorably — Do Pass.  
January 20, 1998, read second time, ordered engrossed. Engrossed.  
January 22, 1998, read third time, passed. Yeas 49, nays 0.

### HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Judiciary.  
February 17, 1998, reported — Do Pass.

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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 ENROLLED ACT No. 101

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AN ACT to amend the Indiana Code concerning technical corrections.

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

SECTION 1. IC 2-2.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Procedures: Organization of the Senate. (a) The President of the Senate shall preside at the organizational meeting during the election of the President Pro Tempore and other officers of the Senate.

(b) The oath of office shall be administered to senators-elect by the Chief Justice of the Supreme Court of Indiana, or an associate justice designated by the Chief Justice.

(c) The President Pro Tempore and such other officers as may be determined by the standing rules and orders of the Senate shall be elected. The oath of office shall be administered to the ~~ppresident~~ **President** Pro Tempore by the Chief Justice, and to the other officers by the President of the Senate.

(d) In the event there is no President or he is absent or unable to serve, the Chief Justice of the Supreme Court or an associate justice designated by the Chief Justice shall preside during the election of the President Pro Tempore and, upon being elected and sworn, the President Pro Tempore shall take the chair and conduct the further business of the Senate until the vacancy in the office of President is

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filled, if there is no President, or until the President is able to serve, if he is absent or unable to serve.

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

- (1) The organization is not:
  - (A) affiliated with a political party; or
  - (B) a candidate's committee.
- (2) The organization proposes to influence:
  - (A) the election of a candidate for state, legislative, local, or school board office; or
  - (B) the outcome of a public question.
- (3) The organization accepts contributions or makes expenditures during a calendar year to influence the election of a candidate for state, legislative, local, or school board office or the outcome of a public question that will appear on the ballot in Indiana that in the aggregate exceed one hundred dollars (\$100).
- ~~(D)~~ (4) The organization is not any of the following:
  - (i) (A) An auxiliary party organization.
  - (ii) (B) A legislative caucus committee.
  - (iii) (C) A regular party committee.
  - (iv) (D) A candidate's committee.

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

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

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

- (1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

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- (A) the individual is not eligible to vote; or
  - (B) the individual declines to register to vote or fails to complete the voter registration part of the application.
- (2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application unless the individual refuses assistance, as provided in 42 U.S.C. ~~1973gg-5(a)(4)(ii)~~: **1973gg-5(a)(4)(A)(ii)**.
- (3) Check the completed voter registration form for legibility and completeness.
- (4) Deliver the completed registration form to the office administrator (or the employee designated by the administrator to be responsible for voter registration services) for transmittal to the appropriate circuit court clerk or board of registration.
- (5) Inform the individual that the individual will receive a mailing from the circuit court clerk or board of registration of the county where the individual resides concerning the disposition of the voter registration application.

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

- (b) A form used to apply for registration at:
- (1) a public assistance agency designated under IC 3-7-15;
  - (2) an agency serving persons with disabilities designated under IC 3-7-16;
  - (3) an additional office designated under IC 3-7-18, IC 3-7-19, or ~~IC 3-7-29~~; **IC 3-7-20**; or
  - (4) an office of the department of employment and training services designated under IC 3-7-20.5;

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

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

- (1) By hand.
- (2) By mail.
- (3) By electronic mail, if the appropriate office has the capacity to receive electronic mail.

(b) Reports must be filed as follows:

- (1) Hand delivered reports must be received by the appropriate



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office during regular office hours not later than noon seven (7) days after the date of the report.

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

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

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

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

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

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

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

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

- (1) interferes with a watcher;
- (2) prevents a watcher from performing the watcher's duties;
- (3) otherwise violates:
  - (A) IC 3-6-8-3;
  - (B) IC 3-6-8-4;
  - (C) IC 3-6-8-5;
  - (D) IC 3-6-8-6;
  - (E) IC 3-6-9; or

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(F) IC 3-6-10; or  
 (4) violates ~~IC 3-11-12-21(d)~~ IC 3-11-12-21(e) or  
 IC 3-11-13-44(d);  
 commits a Class D felony.

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

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

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

(d) Findings must be based exclusively upon the evidence of record in the proceeding and on matters officially noticed in that proceeding. Findings must be based upon the kind of evidence that is substantial and reliable. The administrative law judge's experience, technical competence, and specialized knowledge may be used in evaluating evidence.

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

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

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

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

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

- (1) Offers, promises, or gives anything of value or benefit:
  - (A) to a person who is connected with the owner of a riverboat, including an officer or an employee of a riverboat owner or holder of an occupational license; and
  - (B) under an agreement to influence or with the intent to influence:
    - (i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or
    - (ii) an official action of a commission member.
- (2) Solicits, accepts, or receives a promise of anything of value or benefit:
  - (A) while the person is connected with a riverboat, including an officer or employee of a licensed owner or a holder of an occupational license; and
  - (B) under an agreement to influence or with the intent to influence:
    - (i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or
    - (ii) an official action of a commission member.
- (3) Uses or possesses with the intent to use a device to assist in:
  - (A) projecting the outcome of the game;
  - (B) keeping track of the cards played;
  - (C) analyzing the probability of the occurrence of an event

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relating to the gambling game; or

(D) analyzing the strategy for ~~paying~~ **playing** or betting to be used in the game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

(A) is not available to all players; and

(B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) for the purpose of placing a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

(A) with the intent to defraud; or

(B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit chips or tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

(A) opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or a mechanical device connected with the gambling game; or

(B) removing coins, tokens, chips, or other contents of a gambling game.

This subdivision does not apply to a licensee or an employee of a licensee acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

SECTION 12. IC 5-2-5.1-5, AS AMENDED BY P.L.1-1997, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

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

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

- (1) a protective order issued under:
  - (A) IC 34-4-5.1-5(a)(1)(A);
  - (B) IC 34-4-5.1-5(a)(1)(B); or
  - (C) IC 34-4-5.1-5(a)(1)(C);
 that orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;
- (2) an emergency protective order issued under IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) that orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;
- (3) a temporary restraining order issued under IC 31-15-4-3(2), IC 31-15-4-3(3), IC 31-16-4-2(a)(2), or ~~IC 31-6-4-2(a)(3)~~ IC 31-16-4-2(a)(3) (or IC 31-1-11.5-7(b)(2) or IC 31-1-11.5-7(b)(3) before their repeal) that orders the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;
- (4) a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-5 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders a person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
- (5) an order issued as a condition of pretrial release or pretrial

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diversion that orders a person to refrain from any direct or indirect contact with another person;

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

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

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

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

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

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

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

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

- (1) regularly used or permanently located where it is situated; or
- (2) owned by a nonresident who does not have a principal office within this state.

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

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where the property is situated. If such a return was filed, the property shall be assessed where it is situated. If such a return was not filed, the assessor of the township where the owner resides shall notify the assessor of the township where the property is situated, and the property shall be assessed where it is situated. This subsection does not apply to a taxpayer who:

- (1) is required to file duplicate personal property returns under ~~section 7(b)~~ **section 7(c)** of this chapter and under regulations promulgated by the state board of tax commissioners with respect to that section; or
- (2) is required by the state board of tax commissioners to file a summary of the taxpayer's business tangible personal property returns.

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

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

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

- (1) the general reassessment of real property, including the computerization of assessment records;
- (2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;
- (3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;
- (4) the updating of plat books; and
- (5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist

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county assessors, members of a county property tax assessment board of appeals, and assessing officials.

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

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

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

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

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

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

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

(2) the tract does not exceed:

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

(i) an educational institution; or

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

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

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

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

(2) the tract does not exceed:

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

(i) an educational institution; or

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

(B) fifteen (15) acres in all other cases; and

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(3) not more than three (3) years after the property is purchased, and for each year after the three (3) year period, the owner demonstrates substantial progress towards the erection of the intended building and use of the tract for the exempt purpose. To establish that substantial progress is being made, the owner must prove the existence of factors such as the following:

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

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

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within three (3) years.

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

(E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within six (6) years considering the circumstances of the owner.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property which is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization which is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e).

(h) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-1 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

(1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and ~~IC 16-8-2-52.5(c)~~);

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**IC 16-18-2-52.5(c);** or

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

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

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

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

- (A) in a charitable manner;
- (B) by a nonprofit organization; and
- (C) to low income individuals who will:
  - (i) use the land as a family residence; and
  - (ii) not have an exemption for the land under this section;

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

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

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

- (A) Organization of and activity by a building committee or other oversight group.
- (B) Completion and filing of building plans with the appropriate local government authority.
- (C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within six (6) years of the initial exemption received under this subsection.
- (D) The breaking of ground and the beginning of actual construction.
- (E) Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:

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- (i) completed; and
- (ii) transferred to a low income individual who does not receive an exemption under this section; within six (6) years considering the circumstances of the owner.

(j) An exemption under subsection (i) terminates when the property is conveyed by the nonprofit organization to another owner. When the property is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

(k) If property is granted an exemption in any year under subsection (i) and the owner:

- (1) ceases to be eligible for the exemption under subsection (i)(4);
- (2) fails to transfer the tangible property within six (6) years after the assessment date for which the exemption is initially granted; or
- (3) transfers the tangible property to a person who:
  - (A) is not a low income individual; or
  - (B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1), (2), or (3) occurs.

(l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

- (1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.
- (2) Interest on the property taxes at the rate of ten percent (10%) per year.

(m) The liability imposed by subsection (l) is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection (l) shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected.

SECTION 18. IC 6-1.1-12-22, AS AMENDED BY P.L.6-1997,

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SECTION 54, and P.L.54-1997, SECTION 1, IS CORRECTED AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 22. (a) If the assessed value of property is increased because it has been rehabilitated *and the owner has paid at least ten thousand dollars (\$10,000) for the rehabilitation*, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent (50%) of the increase in assessed value resulting from the rehabilitation. The owner is entitled to this deduction annually for a five (5) year period. However, the maximum deduction which a property owner may receive under this section for a particular year is:

- (1) ~~twenty fifteen sixty~~ thousand dollars ~~(\$20,000) (\$15,000)~~ **(\$60,000)** for a single family dwelling unit; or
- (2) ~~one hundred seventy-five~~ **three hundred** thousand dollars ~~(\$100,000) (\$75,000)~~ **(\$300,000)** for any other type of property.

(b) For purposes of this section, the term "property" means a building or structure which was erected at least ~~fifty (50)~~ *ten (10)* years before the date of application for the deduction provided by this section. The term "property" does not include land.

(c) For purposes of this section the term "rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property. However, the enlargement or extension of the enclosed floor area of property shall, for computation of the deduction, be limited within a five (5) year period to a total additional enclosed floor area equal to the size of the enclosed floor area of the property on the date of completion of the first extension or enlargement completed after March 1, 1973.

SECTION 19. IC 6-1.1-12-35, AS AMENDED BY P.L.10-1997, SECTION 11, AND P.L.6-1997, SECTION 56, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 35. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, or 34 of this chapter must file a certified statement in duplicate, on forms prescribed by the state board of tax commissioners, and proof of certification under subsection (b) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection ~~(d)~~; (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and May 10, inclusive, of the assessment year. The person must file the statement in each year for which he desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which he desires to obtain the

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deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

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

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

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

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

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

- (1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance

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process by:

- (A) publication in accordance with IC 5-3-1; and
- (B) first class mail to the organizations described in section 3.1(1)(B) of this chapter.

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

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

- (A) petitions (described in subdivision (3)) in favor of the bonds or lease; and
- (B) remonstrances (described in subdivision (3)) against the bonds or lease;

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

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

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

Persons requesting forms may not be required to identify

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

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

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

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

(7) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law relating to bonds or leases designed to protect owners of real property within the political subdivision from the imposition of property taxes to pay

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debt service or lease rentals. However, the political subdivision must still receive the approval of the state board of tax commissioners required by IC 6-1.1-18.5-8 or IC 6-1.1-19-8.

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

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

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

(c) A taxing unit may receive a loan to replace lost revenue only for the first five (5) years in which the taxing unit loses revenue as a result of an act of the United States Congress described in ~~subdivision (1)~~: **subsection (b)(1)**.

SECTION 22. IC 6-1.1-37-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars (\$25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if he fails to file the personal property return within thirty (30) days after the due date. The amount of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

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

(c) The penalties prescribed under this section do not apply to an

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individual or his dependents if he:

- (1) is in the military or naval forces of the United States on the assessment date; and
- (2) is covered by the federal Soldiers' and Sailors' Civil Relief Act.

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

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

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

SECTION 23. IC 6-1.1-42-10, AS ADDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 10. A designating body that adopts a resolution under section 9 of this chapter, shall do the following:

- (1) Publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1.
- (2) File the following information with each taxing unit that has authority to levy property taxes in the geographic area where the zone is located:
  - (A) A copy of the notice required by subdivision (1).
  - (B) A statement containing substantially the same information as a statement of benefits filed with the designating body under section 6 of this chapter.

The notice must state that a description of the affected area is available

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

SECTION 24. IC 6-1.1-42-16, AS ADDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The procedures described in sections 17 through 26 of this chapter may be combined with the procedures required under ~~sections 4~~ **sections 5** through 15 of this chapter to designate an area as a zone.

SECTION 25. IC 6-1.1-42-19, AS ADDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. After the submission of a statement of benefits under ~~section 19~~ **section 18** of this chapter, the designating body may adopt a resolution to approve a deduction.

SECTION 26. IC 6-1.1-42-20, AS AMENDED BY P.L.253-1997(ss), SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 20. A designating body that adopts a resolution under section 19 of this chapter shall do the following:

- (1) Publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1.
- (2) File the following information with each taxing unit that has authority to levy property taxes in the geographic area where the zone is located:
  - (A) A copy of the notice required by subdivision (1).
  - (B) A statement containing substantially the same information as a statement of benefits filed with the designating body under section 18 of this chapter.

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

SECTION 27. IC 6-1.1-42-24, AS ADDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 24. (a) After considering the evidence, the designating body shall take final action determining whether the qualifications for deduction have been met and confirming, modifying and confirming, or rescinding the resolution. For each deduction granted by the designating body, the designating body shall state in the resolution ~~granted~~ **granting** the deduction whether the deduction is for three (3) six (6), or ten (10) years. This determination is final except that an appeal may be taken and heard as provided under sections 25 and 26 of this chapter.

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

- (1) as part of the resolution adopted under section 13 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

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

- (1) The date that the designating body determines that the applicant has failed to make reasonable progress towards the completion of the remediation. A designating body may not make a determination under this subdivision before a date that is at least two (2) years after the date an area is designated as a brownfield revitalization zone.
- (2) December 31 of the last year of the deduction.
  - (A) ~~files a certified deduction application under section 27 of this chapter; and~~
  - (B) ~~claims a deduction under this section.~~
- (3) The date the zone expires.
- (4) The date that the designating body determines that the applicant has failed to comply with the statement of benefits under section 30 of this chapter.

SECTION 28. IC 6-1.1-42-30, AS ADDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) Within forty-five (45) days after receipt of the information described in section 29 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits filed under sections 6 and 18 of this chapter.

(b) If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the

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failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:

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

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

(c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 24 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

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

- (1) the property owner;
- (2) the county auditor; and
- (3) the state board of tax commissioners if the deduction was granted under ~~section 4.5~~ **section 24** of this chapter.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the

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county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

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

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

SECTION 29. IC 6-1.1-42-32, AS ADDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Each calendar year, the county auditor shall publish the following in a newspaper of general interest and readership and not one of limited subject matter:

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

(A) The name and address of each person approved for or receiving a deduction that was filed for during the year.

(B) The amount of each deduction that was filed for during the year.

(C) The years for which each deduction that was filed for during the year will be available.

(D) The total amount for all deductions that were filed for and granted during the year.

(2) The total amount of all deductions for real property that were in effect under ~~section 3~~ **section 24** of this chapter during the year.

(3) The total amount of all deductions for personal property that were in effect under ~~section 4.5~~ **section 24** of this chapter during the year.

(b) The county auditor shall file the information described in subsection (a)(2) and (a)(3) with the state board of tax commissioners

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each calendar year.

SECTION 30. IC 6-1.1-42-33, AS AMENDED BY P.L.59-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) This section applies only to the following requirements under ~~section 3~~ of this chapter:

- (1) Failure to provide the completed statement of benefits form to the designating body before the hearing required under this chapter.
- (2) Failure to submit the completed statement of benefits form to the designating body before the initiation of the remediation and redevelopment or the location in the zone of the property for which the person desires to claim a deduction under this chapter.
- (3) Failure to designate an area as a brownfield revitalization zone before the initiation of the rehabilitation and redevelopment for which the person desires to claim a deduction under this chapter.
- (4) Failure to make the required findings of fact before designating an area as a brownfield revitalization zone or authorizing a deduction.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified in the resolution.

SECTION 31. IC 6-2.1-5-1.1, AS AMENDED BY P.L.28-1997, SECTION 6, AND P.L.260-1997(ss), SECTION 50, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 1.1. (a) ~~Notwithstanding section 1 of this chapter~~; This section applies to taxable years beginning after December 31, 1993. ~~and ending before January 1, 1998.~~

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

(c) With each return filed, with each payment by cashier's check,

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certified check, or money order delivered in person or by overnight courier, and with each electronic fund transfer made, a taxpayer shall pay to the department the remainder of:

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

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

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

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

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

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

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

SECTION 32. IC 6-3-4-4.1, AS AMENDED BY P.L.28-1997, SECTION 14, AND P.L.260-1997(ss), SECTION 51, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 4.1. (a) *Notwithstanding section 4 of this chapter*; This section applies to taxable years beginning after December 31, 1993. *and ending before January 1, 1998.*

(b) Any individual required by the Internal Revenue Code to file estimated tax returns and to make payments on account of such estimated tax shall file estimated tax returns and make payments of the tax imposed by this article to the department at the time or times and in the installments as provided by Section 6654 of the Internal Revenue Code. However, in applying Section 6654 of the Internal Revenue Code

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for the purposes of this article, "estimated tax" means the amount which the individual estimates as the amount of the adjusted gross income tax imposed by this article for the taxable year, minus the amount which the individual estimates as the sum of any credits against the tax provided by IC 6-3-3.

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

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

(e) The penalty prescribed by IC 6-8.1-10-2.1(b) shall be assessed by the department on corporations failing to make payments as required in subsection (d) or (g). However, no penalty shall be assessed as to any estimated payments of adjusted gross income tax plus supplemental net income tax plus gross income tax which equal or exceed:

- (1) twenty percent (20%) of the final tax liability for such taxable year; or
- (2) twenty-five percent (25%) of the final tax liability for the taxpayer's previous taxable year.

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

(f) The provisions of subsection (d) requiring the reporting and estimated payment of adjusted gross income tax shall be applicable only to corporations having an adjusted gross income tax liability

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which, after application of the credit allowed by IC 6-3-3-2, shall exceed one thousand dollars (\$1,000) for its taxable year.

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

- (1) estimated quarterly adjusted gross income tax liability for the current year; or
- (2) average estimated quarterly adjusted gross income tax liability for the preceding year;

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

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

SECTION 33. IC 8-1-2-103, AS AMENDED BY P.L.79-1997, SECTION 1, AND P.L.80-1997, SECTION 1, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103. (a) No public utility, or agent or officer thereof, or officer of any municipality constituting a public utility, as defined in this chapter, may charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered, or for any service in connection therewith, than that prescribed in the published schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person for a like and contemporaneous service. A person who recklessly violates this subsection commits a Class A misdemeanor.

(b) Notwithstanding subsection (a) of this section, if a city of less than twenty thousand (20,000) in population according to the most recent federal decennial census, constituting a public water utility, and acting as a public utility prior to May 1, 1913, either as such city, or by any commercial association, chamber of commerce, or committee with the consent of such city, entered into any agreement with any person engaged in manufacturing any articles of commerce to furnish free water for a certain limited time as an inducement to such person so engaged in manufacturing to locate the establishment or manufacturing plant of such person within such city, such city may carry out such agreement to furnish free water to such person for the period of time remaining, as stipulated in such contract. This chapter does not prohibit

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any public utility from supplying or furnishing free service or service at special rates to any municipality, or any institution or agency of such municipality, in cases where the supplying or furnishing of such free service or service at special rates is stipulated in any provision of the franchise under which such public utility was operating before May 16, 1919, or, in the event that such franchise shall have been surrendered, from supplying or furnishing such free service or service at special rates until such time as the franchise would have expired had it not been surrendered under this chapter; and it shall be the duty of any utility operating under any franchise, stipulating for free service or service at special rates to municipality, or any institution or agency of such municipality, to furnish such free service or service at special rates.

(c) This subsection applies to a public utility that provides water for public fire protection services in both a county containing a consolidated city and in portions of counties that are adjacent to the county containing a consolidated city. This subsection applies throughout the territory served by the public utility. In the case of a public utility furnishing water and beginning on January 1, 1994, the charges for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be included in the basic rates of the customers of the public utility. However, the construction cost of any fire hydrant installed after December 31, 1993, at the request of a municipality, township, county, or other governmental unit shall be paid for by or on behalf of the municipality, township, county, or other governmental unit. The change in the recovery of current revenue authorized by this section shall be reflected in a new schedule of rates to be filed with the commission at least thirty (30) days before the time the new schedule of rates is to take effect. The new schedule of rates shall:

- (1) eliminate fire protection charges billed directly to governmental units, other than charges for the construction cost for new hydrants installed after December 31, 1993; and
- (2) increase the rates charged each customer of the utility, based on equivalent meter size, by an amount equal to:
  - (A) the revenues lost from the elimination of such fire protection charges; divided by
  - (B) the current number of equivalent five-eighths (5/8) inch meters.

This change in the recovery of public fire protection costs shall not be considered to be a general increase in basic rates and charges of the public utility and is not subject to the notice and hearing requirements

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applicable to general rate proceedings. The commission shall approve the new schedule of rates that are to be effective January 1, 1994.

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

- (1) eliminate fire protection charges billed directly to governmental units, other than charges for the construction cost for new hydrants installed on and after the date specified in the ordinance; and
- (2) increase the rates charged each customer of the utility, based on equivalent meter size, by an amount equal to:
  - (A) the revenues lost from the elimination of such fire protection charges; divided by
  - (B) the current number of equivalent five-eighths (5/8) inch meters.

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

*(e) This subsection applies to a municipally owned water utility in a city having a population of more than forty-three thousand (43,000) but less than forty-three thousand seven hundred (43,700). The city may adopt a plan to recover costs as described in subsection (d) without passing an ordinance, if the plan applies only to customers of the utility residing in a county having a population of more than two*

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*hundred thousand (200,000) but less than three hundred thousand (300,000). If the city wishes to adopt such a plan, the city shall file a new schedule of rates with the commission, but is not subject to commission approval of the rates.*

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

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

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

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

*(B) upon petition of:*

*(i) the utility;*

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

*(iii) an affected customer;*

*prospectively exclude public fire protection costs from the rates charged to customers located outside the limits of any municipality whose property is not located within one thousand (1,000) feet of a fire hydrant (measured from the hydrant to the nearest point on the property line of the customer) if the commission authorizes a simultaneous increase in the rates of the utility's other customers to the extent necessary to prevent a loss of revenues to the utility.*

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

SECTION 34. IC 8-1.5-2-5, AS AMENDED BY P.L.3-1997, SECTION 425, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each appraiser appointed as provided by section 4 of this chapter must:

(1) by education and experience, have such expert and technical

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knowledge and qualifications as to make a proper appraisal and valuation of the property of the type and nature involved in the sale;

(2) be a disinterested person; and

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

(b) The appraisers shall:

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

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

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

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

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

(f) If, within this thirty (30) day period, at least the number of the registered voters of the municipality required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign and present a petition to the legislative body opposing the sale, the legislative body shall submit the question as to whether the sale shall be made to the voters of the municipality at a special or general election. In submitting the public question to the voters, the legislative body shall certify the question to the county election board of the county containing the greatest percentage of population of the municipality under IC 3-10-9-3. The county election board shall adopt a resolution setting forth the text of the public question and shall submit the question as to whether the sale shall be made to the voters of the municipality at a special or general election on a date specified by the ~~town~~ **municipal** legislative body.

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

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

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

SECTION 35. IC 8-1.5-2-16, AS AMENDED BY P.L.3-1997,

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SECTION 426, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A municipal legislative body may not adopt an ordinance:

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

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

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

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

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

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

SECTION 36. IC 8-22-3-25, AS AMENDED BY P.L.91-1997, SECTION 1, AND P.L.6-1997, SECTION 138, IS CORRECTED AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 25. (a) The board may provide a cumulative building fund in compliance with IC 6-1.1-41 to provide for the acquisition of real property, and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings, structures, runways, or other facilities for use in connection with the airport, and needed to carry out this chapter.

(b) The board may levy in compliance with IC 6-1.1-41 a tax not to exceed:

(1) *thirty-three hundredths of one cent (~~\$0.01~~) or (\$0.0033) on each one hundred dollars (\$100) of assessed value of taxable property within the district, if an eligible entity other than a city established the district or if the district was established jointly with an eligible entity that is not a city;*

(2) *four one and thirty-three hundredths cents (~~\$0.04~~) (\$0.0133) on each one hundred dollars (\$100) of assessed value of taxable*

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property within the district, if the authority was established under IC 19-6-3 (before its repeal on April 1, 1980); and  
 (3) for any other district not described in subdivision (1) or (2), the following:

<i>Total Assessed Property Valuation</i>	<i>Rate Per \$100 Of Assessed Valuation</i>
<del>\$100</del> <b>\$300 million or less</b>	<del>\$0.05</del> <b>\$0.0167</b>
<del>More than \$100</del> <b>\$300 million but not more than \$150</b> <b>\$450 million</b>	<del>\$0.04</del> <b>\$0.0133</b>
<del>More than \$150</del> <b>\$450 million but not more than \$200</b> <b>\$600 million</b>	<del>\$0.03</del> <b>\$0.01</b>
<del>More than \$200</del> <b>\$600 million but not more than \$300</b> <b>\$900 million</b>	<del>\$0.02</del> <b>\$0.0067</b>
<del>More than \$300</del> <b>\$900 million</b>	<del>\$0.01</del> <b>\$0.0033</b>

As the tax is collected it may be invested in negotiable United States bonds or other securities that the federal government has the direct obligation to pay. Any of the funds collected that are not invested in government obligations shall be deposited in accordance with IC 5-13-6 and shall be withdrawn in the same manner as money is regularly withdrawn from the general fund but without further or additional appropriation. The levy authorized by this section is in addition to the levies authorized by section 11 and section 23 of this chapter.

SECTION 37. IC 12-13-14-2, AS AMENDED BY P.L.49-1997, SECTION 44, AND P.L.257-1997(ss), SECTION 11, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. The division may do the following:

- (1) Under:
  - (A) 7 U.S.C. 2016(I); *and*
  - (B) 7 CFR 272, 274, 276, 277, and 278; *and*
  - ~~(C) 45 CFR 234.11;~~

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

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

~~(2)~~ (3) *After receiving approval from the Secretary and, if required, the Department, implement a fully functional and*



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operating EBT program under this chapter to provide an alternative method of delivering:

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

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

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

SECTION 38. IC 12-15-1.5-6, AS AMENDED BY P.L.3-1997, SECTION 437, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. ~~4-6:~~ 6. A county director or designated employee may use any of the following methods to transmit voter registration applications or declinations under section 4 or 5 of this chapter:

- (1) Hand delivery to the circuit court clerk or board of registration.
- (2) Certified mail, return receipt requested.
- (3) Electronic transfer, after approval by the co-directors of the election division.

SECTION 39. IC 12-15-39.6-10, AS ADDED BY P.L.24-1997, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section, "asset disregard" means **one (1) of the following:**

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

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

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

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

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



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**compounded at least annually;**

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

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

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

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

SECTION 40. [EFFECTIVE UPON PASSAGE] **An individual who:**

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

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

**is entitled to receive an asset disregard as provided in IC 12-15-39.6-10, as amended by this act, as long as the long term care program under IC 12-15-39.6 remains in effect.**

SECTION 41. [EFFECTIVE UPON PASSAGE] **(a) By July 1, 1998, the office of Medicaid policy and planning shall apply for approval from the federal Health Care Financing Administration to amend the state plan for medical assistance to implement IC 12-15-39.6 as amended by this act.**

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

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

SECTION 42. IC 12-17-2-21.5, AS ADDED BY P.L.257-1997(ss), SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. (a) Under 42 U.S.C. 666, the bureau has the authority, without a court order, to order genetic testing to establish paternity.

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(b) The bureau may not order genetic testing as provided under this section without a request from a local child support attorney where an order for child support is entered.

(c) The bureau shall recognize and enforce the authority of a state agency from another state to take an action as required under 42 U.S.C. ~~625(c)~~. **666(c)**.

(d) The bureau shall notify the appropriate circuit court clerk in any case where an action of the bureau results in income withholding or a change of payee of a child support order in a Title IV-D case.

(e) In accordance with 42 U.S.C. 654B(a)(3), the bureau shall provide a single address to which income withholding payments may be sent.

SECTION 43. IC 12-29-3-6, AS AMENDED BY P.L.24-1997, SECTION 60, AND P.L.6-1997, SECTION 154, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 6. (a) As used in this section, "community mental retardation and other developmental disabilities center" means a community center that is:

- (1) incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17;
- (2) organized for the purpose of providing services for mentally retarded and other individuals with a developmental disability;
- (3) approved by *and subject to the rules of* the division of disability, aging, and rehabilitative services; and
- (4) ~~in compliance with the Indiana Joint Standards for Community Agencies Providing Habitation/Rehabilitation Services, until the center is accredited by the Commission on Accreditation of Rehabilitation Facilities accredited by CARF.~~

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

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

SECTION 44. IC 13-11-2-42, AS ADDED BY P.L.1-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. "Contaminant", for purposes of environmental management laws, means any solid, semi-solid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined in the federal Solid Waste Disposal Act (42 U.S.C. 6901 et

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

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

SECTION 45. IC 13-11-2-82, AS ADDED BY P.L.1-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 82. (a) "Final disposal facility", for purposes of **IC 13-20-3**, IC 13-20-5, **IC 13-20-22**, and IC 13-21, means any of the following:

- (1) A landfill.
- (2) An incinerator.
- (3) A waste-to-energy facility.

(b) The term does not include a transfer station.

SECTION 46. IC 13-11-2-116, AS ADDED BY P.L.1-1996, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 116. (a) "Landfill", for purposes of IC 13-20-2, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

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

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

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

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- (iii) land clearing; or
- (iv) any combination of activities referred to in this clause.

(2) A facility receiving waste that is regulated under the following:

- (A) IC 13-22-1 through IC 13-22-8.
- (B) IC 13-22-13 through IC 13-22-14.

SECTION 47. IC 13-11-2-166, AS AMENDED BY P.L.124-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 166. "Pollution prevention", for purposes of this title, means pollution prevention as defined by the United States Environmental Protection Agency under:

- (1) the federal Pollution Prevention Act (42 U.S.C. 13101 et seq.); and
- (2) the United States Environmental Protection Agency pollution prevention policy statement (June 15, 1993), as amended.

SECTION 48. IC 13-14-9-5, AS AMENDED BY P.L.130-1997, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A board may not adopt a rule until all of the following occur:

- (1) The board holds a board meeting on the proposed rule.
- (2) The department, after approval of the proposed rule by the board under subsection (c), publishes the following in the Indiana Register as provided in IC 4-22-2-24(c):

- (A) The full text of the proposed rule, including any amendments arising from the comments received before or during the meeting held under subdivision (1).
- (B) A summary of the response of the department to all comments received at the meeting held under subdivision (1).

- (3) The board, after publication of the notice under subdivision (2), holds another board meeting on the proposed rule.
- (4) If a third public comment period is required under section 4.5 of this chapter, the ~~board~~ **department** publishes notice of the third public comment period in the Indiana Register.

(b) Board meetings held under subsection (a)(1) and (a)(3) shall be conducted in accordance with IC 4-22-2-26(b) through IC 4-22-2-26(d).

(c) At a board meeting held under subsection (a)(1), the board shall determine whether the proposed rule will:

- (1) proceed to publication under subsection (a)(2);
- (2) be subject to additional comments under section 3 or 4 of this

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chapter, considering any written finding made by the commissioner under section 7 or 8 of this chapter; or

(3) be reconsidered at a subsequent board meeting in accordance with IC 4-22-2-26(d).

SECTION 49. IC 13-20-22-1, AS AMENDED BY P.L.45-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008, from regulation or control under this chapter.**

~~(a)~~ **(b)** A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents (\$0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:

(A) fifty cents (\$0.50) a ton; and

(B) if the solid waste management board has adopted rules under subsection ~~(b)~~; **(c)**, an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123);

fifty cents (\$0.50) for each load delivered by the motor vehicle.

~~(b)~~ **(c)** The solid waste management board shall adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

The fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed

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to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

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

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

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

SECTION 50. IC 13-20-22-12, AS AMENDED BY P.L.45-1997, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Each month the department of state revenue shall deposit the following:

- (1) Not less than fifty percent (50%) of the revenue from the fee imposed under ~~section 1(a)(1)~~ **section 1(b)(1)** of this chapter into the Indiana recycling promotion and assistance fund established in IC 4-23-5.5-14.
- (2) Not more than fifty percent (50%) of the revenue from the fee imposed under ~~section 1(a)(1)~~ **section 1(b)(1)** of this chapter into the fund.
- (3) The revenue from the fee imposed under ~~section 1(a)(2)~~ **1(b)(2)** of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

SECTION 51. IC 13-20-22-14, AS ADDED BY P.L.1-1996, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If:

- (1) the:
  - (A) county executive of the county; or
  - (B) board of directors of the district;
 in which a final disposal facility is located has entered into an agreement concerning solid waste management with a governmental unit that is, or that is located within, a county that is contiguous to Indiana but within another state; and
- (2) the agreement provides for solid waste generated in that

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governmental unit to be disposed of in the final disposal facility; the fee imposed under this chapter upon the disposal in the final disposal facility of solid waste generated in that governmental unit is the fee set forth in ~~section 1(a)(1)~~ **1(b)(1)** of this chapter, not the fee set forth in ~~section 1(a)(2)~~ **section 1(b)(2)** of this chapter.

SECTION 52. IC 13-21-3-12, AS AMENDED BY P.L.45-1997, SECTION 13, AND P.L.6-1997, SECTION 155, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, *if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.*
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
  - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
  - (B) The managing or disposal of solid waste.
  - (C) The sale or other disposition of materials or products generated by a facility.

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

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
- (9) The power to sell or lease any facility or part of a facility to any person.
- (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of

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solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in section 15 of this chapter, a property tax rate imposed under this article may not exceed *twenty-five cents (\$0.25) eight and thirty-three hundredths cents (\$0.0833)* on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream; *if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.*

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the

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district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, *if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.*

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance

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in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

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

SECTION 53. IC 13-22-11.5-5, AS ADDED BY P.L.45-1997, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The exemption from regulation provided in this chapter is in addition to any other exemption from regulation as a solid waste provided in rules adopted by the ~~commissioner~~ **board**.

SECTION 54. IC 13-23-8-4, AS AMENDED P.L.2-1997, SECTION 48, AND P.L.131-1997, SECTION 2, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) *Except as provided under subsection (b), and subject to section 4.5 of this chapter, an owner or operator may receive money from the excess liability fund under section 1(1) or 1(3) of this chapter only if the owner or operator is in substantial compliance (as defined in 328 IAC 1-1-9) with the following requirements:*

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

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

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

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

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

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

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

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

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

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

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

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

*(1) the work for which payment is sought under IC 13-23-9-2 was an immediate removal in response to a petroleum release that created the need for emergency action to abate an immediate threat of harm to human health, property, or the environment;*

*(2) the work is for a site characterization completed in accordance with the Underground Storage Tank Branch Guidance Manual; or*



(3) *the department has not acted upon a corrective action plan submitted under IC 13-23-9-2 within ninety (90) days after the date the department receives the:*

(A) *plan; or*

(B) *application to the fund;*

*whichever is later.*

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

SECTION 55. IC 13-23-11-7, AS AMENDED BY P.L.253-1997(ss), SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board shall do the following:

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

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

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

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

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

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

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

SECTION 56. IC 13-23-12-1, AS ADDED BY P.L.1-1996, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each year the owner of an underground storage tank that has not been closed before July 1 of any year under:

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(1) rules adopted under IC 13-23-1-2; or  
(2) a requirement imposed by the commissioner before the adoption of rules under IC 13-23-1-2;  
shall pay to the department of state revenue an annual registration fee.

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

- (1) Two hundred ninety dollars (\$290) for each underground petroleum storage tank.
- (2) **Two hundred** forty-five dollars (~~\$45~~) (**\$245**) for each underground storage tank containing regulated substances other than petroleum.

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

SECTION 57. IC 13-23-12-4, AS AMENDED BY P.L.9-1996, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The department of state revenue shall collect fees paid under this chapter and deposit the fees as follows:

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

- (A) Two hundred forty-five dollars (\$245) shall be deposited in the excess liability trust fund.
- (B) Forty-five dollars (\$45) shall be deposited in the petroleum trust fund.

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

- (A) **Forty-five dollars (\$45) shall be deposited in the hazardous substances response trust fund.**
- (B) **Two hundred dollars (\$200) shall be deposited in the excess liability trust fund.**

SECTION 58. IC 13-24-1-3, AS ADDED BY P.L.1-1996, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Remedial action undertaken or required under section 1 or 2 of this chapter may include an exposure assessment.

- (b) The cost of:
  - (1) an exposure assessment;
  - (2) a removal; or
  - (3) a remedial action;

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

SECTION 59. IC 14-28-1-22, AS AMENDED BY P.L.2-1997,

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SECTION 53, AND P.L.135-1997, SECTION 14, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.

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

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

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

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

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

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

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

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

(c) A person who desires to:

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

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

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

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

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

- (1) Adversely affect the efficiency of or unduly restrict the capacity of the floodway.
- (2) Constitute an unreasonable hazard to the safety of life or property.
- (3) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

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

(g) A permit issued under this section:

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

(2) to:

- (A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or
- (B) an electric utility for the construction of a power generating facility;

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

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

- (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
- (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

that is affected.

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

SECTION 60. IC 16-37-2-9, AS AMENDED BY P.L.257-1997(ss), SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The local health officer shall make a permanent record of the following from a birth certificate:

- (1) Name.
- (2) Sex.

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- (3) Date of birth.
- (4) Place of birth.
- (5) Name of the parents.
- (6) Birthplace of the parents.
- (7) The date of filing of the certificate of birth.

(b) Except as provided in subsection (c), the permanent record shall be open to public inspection.

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(c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

SECTION 61. IC 16-44-2-19, AS AMENDED BY P.L.1-1996, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. All money collected for inspections under this chapter shall be deposited in the underground petroleum storage tank excess liability **trust** fund established by IC 13-23-7-1.

SECTION 62. IC 20-10.1-16-6, AS AMENDED BY P.L.158-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall develop educational proficiency statements for the following subject areas:

- (1) English/language arts.
- (2) Mathematics.
- (3) Social studies.
- (4) Science.
- (5) Other subject areas as determined by the department.

(b) The department shall revise and update the educational proficiency statements in each subject area listed in subsection (a) at least once every six (6) years. This revision must occur on a cyclical basis that coincides with the textbook adoption cycle established in IC 20-10.1-9-4.

(c) The state superintendent shall appoint a proficiency statements overview committee for a subject area during the period when the subject area is undergoing revision. A proficiency statements overview committee has fifteen (15) members selected as follows:

- (1) Eight (8) persons who are teachers practicing in the subject area being revised on the date of appointment.
- (2) Two (2) members who are parents of school age children.
- (3) Two (2) members, each of whom is a school superintendent, a school corporation curriculum director, or a principal.
- (4) Two (2) members who represent the business community.
- (5) One (1) member who is a member of the faculty in the

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

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

- (1) Advise the department on the revision process under this section.
- (2) Recommend changes to the educational proficiency statement for the committee's subject area that enhance the goals identified in the educational proficiency statement.
- (3) Submit recommendations to the state standards task force for the task force's review.

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

- (1) other states;
- (2) national organizations in the United States; and
- (3) other countries.

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

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

- (1) The educational proficiency statements.
- ~~(2) The state standards adopted under IC 20-15.~~
- ~~(3)~~ **(2)** The student competencies developed for the Core 40 college preparation curriculum models established under IC 20-10.1-5.7.

SECTION 63. IC 20-10.1-25.5-1, AS ADDED BY P.L.260-1997(ss), SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "council" refers to the educational technology council established by ~~section 3~~ **section 2** of this chapter.

SECTION 64. IC 23-14-67-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the Indiana historical bureau established by IC 4-23-7-3.**

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

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

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

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

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

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

SECTION 65. IC 25-1-9-6.7, AS ADDED BY P.L.147-1997, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

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

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

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

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

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

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

or

(C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's



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parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));  
 (7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

SECTION 66. IC 25-20.5-1-13, AS AMENDED BY P.L.253-1997(ss), SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. As used in this chapter, "supervision" means the review by a qualified supervisor of aspects of the therapeutic relationship between a student of hypnotism and a client in a face to face meeting for the purpose of improving the therapeutic skills of the student being supervised.

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

SECTION 67. IC 25-23.6-2-2, AS AMENDED BY P.L.255-1996, SECTION 17, AND P.L.147-1997, SECTION 29, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.  
 (a) The board consists of nine (9) members appointed by the governor for terms of three (3) years. The board must include the following:

(1) Two (2) marriage and family therapists who:

(A) have at least a master's degree in marriage and family therapy or a related field from an institution of higher learning;

(B) are licensed under this chapter; and

(C) have five (5) years of experience in marriage and family therapy.

(2) One (1) *certified* social worker who:

(A) has at least a master's degree in social work from an institution of higher education accredited by the Council on Social Work Education;

(B) is licensed under this article; and

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- (C) has at least five (5) years of experience as a social worker.
- (3) One (1) social services director of a hospital with a social work degree who has at least three (3) years *of* experience in a hospital setting.
- (4) Two (2) mental health counselors who:
- (A) have at least a master's degree in mental health counseling;
  - (B) are licensed under this article; and
  - (C) have at least five (5) years experience as a mental health counselor.
- (5) Two (2) consumers who have never been credentialed under this article.
- (6) One (1) physician licensed under IC 25-22.5 who has training in psychiatric medicine.
- (b) Not more than five (5) members of the board may be from the same political party.

SECTION 68. IC 25-23.6-8-9, AS AMENDED BY P.L.147-1997, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The board may reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license:

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

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

SECTION 69. IC 26-1-9-405, AS AMENDED BY P.L.34-1997, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 405. (1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the financing statement. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in ~~section~~ section 403(4) of this chapter.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing, in the place where the original financing statement was filed, of a separate written statement of assignment signed by the secured party of record and setting forth

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the name of the secured party of record, the debtor, the file number, the date of filing of the financing statement, the name and address of the assignee, and a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement; or in the case of a fixture filing, a filing covering timber to be cut, covering minerals or the like (including oil and gas), or accounts subject to section 103(5) of this chapter, the filing officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, the filing officer shall index the assignment of the financing statement under the name of the assignee. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing under section 402(5) of this chapter may be made only by an assignment of the mortgage in the manner provided by the law of this state other than IC 26-1.

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

SECTION 70. IC 27-13-1-27, AS ADDED BY P.L.26-1994, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. "~~Prepaid~~ "Limited ~~service~~ health ~~service~~ **maintenance** organization" has the meaning set forth in IC 27-13-34-4.

SECTION 71. IC 27-13-7-14, AS ADDED BY P.L.150-1997, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. ~~3~~. **14.** (a) This section applies to a contract with a health maintenance organization (as defined in IC 27-13-1-19) issued after June 30, 1997.

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

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

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

- (1) prosthetic devices; and
- (2) reconstructive surgery incident to the mastectomy including:

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(A) all stages of reconstruction of the breast on which the mastectomy has been performed; and

(B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the patient to be appropriate.

(e) Coverage for prosthetic devices and reconstructive surgery under this section is subject to:

(1) the deductible and coinsurance provisions applicable to the mastectomy; and

(2) all other terms and conditions applicable to other services under the contract.

(f) Notwithstanding the provisions of this section, if a mastectomy covered under this section is performed and there is no evidence of malignancy, coverage may be limited to the provision of prosthetic devices and reconstructive surgery for two (2) years following the surgery.

SECTION 72. IC 31-9-2-50, AS AMENDED BY P.L.1-1997, SECTION 2, AND P.L.196-1997, SECTION 2, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16, IC 31-19-16.5, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-2.1-7-3.1 who is appointed by a court to:

(1) represent and protect the best interests of a child; and  
 (2) provide the child with services requested by the court, including:

- (A) researching;
- (B) examining;
- (C) advocating;
- (D) facilitating; and
- (E) monitoring;

the child's situation.

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

SECTION 73. IC 31-9-2-93, AS AMENDED BY P.L.1-1997, SECTION 2, AND P.L.196-1997, SECTION 3, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 93. "Pre-adoptive sibling", for purposes of:

- (1) ~~IC 31-18~~; IC 31-19-18;
- (2) IC 31-19-16.5; and

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~~(2) (3) IC 31-25; IC 31-19-25;~~

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

SECTION 74. IC 31-9-2-94, AS AMENDED BY P.L.1-1997, SECTION 2, AND P.L.197-1997, SECTION 2, IS CORRECTED AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 94. "Preliminary inquiry", for purposes of ~~IC 31-34-2; IC 31-34-7, and IC 31-34-8; IC 31-37-8; IC 31-34 and IC 31-37-9; IC 31-37,~~ means an informal investigation into the facts and circumstances reported to the court.

SECTION 75. IC 31-15-7-9.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.1. (a) The orders concerning property disposition entered under this chapter (or IC 31-1-11.5-9 before its repeal) may not be revoked or modified, except in case of fraud.**

**(b) If fraud is alleged, the fraud must be asserted not later than six (6) years after the order is entered.**

SECTION 76. IC 31-19-16-9, AS ADDED BY P.L.196-1997, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Postadoption contact privileges are permissible without court approval in an adoption of a child who is less than two (2) years of age upon the agreement of the adoptive parents and a birth parent. However, postadoption contact privileges under this ~~subsection~~ **section** may not include visitation. A postadoption contact agreement under this ~~subsection:~~ **section:**

- (1) is not enforceable; and
- (2) does not affect the finality of the adoption.

SECTION 77. IC 31-19-24-16, AS ADDED BY P.L.196, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. Failure of the confidential intermediary **appointed under this chapter** to comply with a court order under sections 2 through 11 of this chapter is punishable as contempt of court. ~~appointed under this chapter:~~

SECTION 78. IC 31-33-7-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. Child abuse or neglect information may be expunged under IC 31-39-8 if the probative value of the information is so doubtful as to outweigh its validity. Child abuse or neglect information shall be expunged if it is determined to be unsubstantiated after:**

- (1) an investigation of a report of a child who may be a



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**victim of child abuse or neglect by the child protection service; or**

**(2) a court proceeding.**

SECTION 79. IC 32-8-38-4, AS AMENDED BY P.L.290-1985, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The recorder shall endorse on the claim filed under ~~section 2~~ **section 3** of this chapter the date and hour of filing.

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

SECTION 80. IC 35-37-6-2, AS AMENDED BY P.L.2-1997, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "covered act" means any of the following offenses or an act that, if committed by a person less than eighteen (18) years of age, would be any of the following offenses if committed by an adult:

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

SECTION 81. IC 35-46-1-14, AS AMENDED BY P.L.2-1997, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. Any person acting in good faith who:

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

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

SECTION 82. IC 36-2-1-2, AS AMENDED BY P.L.3-1997,

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SECTION 450, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

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

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

- (1) whether the signatures on the petition are genuine; and
- (2) whether the petition complies with subsection (a).

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

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

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

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

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

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

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

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

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

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

(2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

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

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

SECTION 83. IC 36-4-3-4, AS AMENDED BY P.L.255-1997(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

(1) Territory that is contiguous to the municipality.

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated airport or landing field.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However, if territory annexed under this subsection ceases to be used as a municipally owned or regulated sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk

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of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

- (1) more than seventy-three thousand (73,000) but less than seventy-five thousand (75,000);
- (2) more than sixty thousand (60,000) but less than sixty-five thousand (65,000);
- (3) more than forty-one thousand (41,000) but less than forty-two thousand five hundred (42,500);
- (4) more than thirty-eight thousand three hundred (38,300) but less than thirty-eight thousand five hundred (38,500);
- (5) more than thirty-five thousand four hundred (35,400) but less than thirty-six thousand (36,000);
- (6) more than twenty-four thousand eight hundred (24,800) but less than twenty-five thousand (25,000);
- (7) more than twenty-two thousand (22,000) but less than twenty-three thousand (23,000); or
- (8) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred

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thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or ~~(g)~~ (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a municipality having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000) that is located within a county having a population of more than seventy-three thousand (73,000) but less than seventy-five thousand (75,000). The legislative body of a municipality may, by ordinance, annex territory that:

(1) is not contiguous to the municipality;

(2) has its entire area not more than eight (8) miles from the municipality's boundary;

(3) does not extend more than:

(A) one and one-half (1 1/2) miles to the west;

(B) three-fourths (3/4) mile to the east;

(C) one-half (1/2) mile to the north; or

(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the municipality or by a property owner that consents to the annexation.

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SECTION 84. IC 36-7-14-7, AS AMENDED BY P.L.10-1997, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Each redevelopment commissioner shall serve for one (1) year from the first day of January after his appointment and until his successor is appointed and has qualified, except that the original commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner as the original commissioner, and the successor shall serve for the remainder of the vacated term.

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

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

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

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

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

(g) A redevelopment commissioner who does not otherwise hold a lucrative office for the purpose of Article 2, Section 59 of the Indiana Constitution may receive:

- (1) a salary; or
- (2) a per diem;

and is entitled to reimbursement for expenses necessarily incurred in the performance of the redevelopment commissioner's duties.

SECTION 85. IC 36-7-14.5-12.5, AS AMENDED BY P.L.49-1997, SECTION 78, AND P.L.255-1997(ss), SECTION 16, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12.5. (a) This section applies only to an authority in a county having a United States government military base that is scheduled for closing or is completely or partially inactive or closed.

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(b) In order to accomplish the purposes set forth in section 11(b) of this chapter, an authority may create an economic development area:

- (1) by following the procedures set forth in IC 36-7-14-41 for the establishment of an economic development area by a redevelopment commission; and
- (2) with the same effect as if the economic development area was created by a redevelopment commission.

However, an authority may not include in an economic development area created under this section any area that was declared a blighted area, an urban renewal area, or an economic development area under IC 36-7-14.

(c) In order to accomplish the purposes set forth in section 11(b) of this chapter, an authority may do the following in a manner that serves an economic development area created under this section:

- (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of economic development areas located within the corporate boundaries of the unit.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of economic development areas on the terms and conditions that the authority considers best for the unit and the unit's inhabitants.
- (3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.
- (4) Clear real property acquired for redevelopment purposes.
- (5) Repair and maintain structures acquired for redevelopment purposes.
- (6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
- (7) Survey or examine any land to determine whether the land should be included within an economic development area to be acquired for redevelopment purposes and to determine the value of that land.
- (8) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:

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(A) real property acquired or being acquired for redevelopment purposes; or

(B) any economic development area within the jurisdiction of the authority.

(9) Institute or defend in the name of the unit any civil action, but all actions against the authority must be brought in the circuit or superior court of the county where the authority is located.

(10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the authority.

(11) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit subject to the same conditions and procedures that apply to the exercise of the power of eminent domain by a redevelopment commission under IC 36-7-14.

(12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

(13) Appoint clerks, guards, laborers, and other employees the authority considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

(14) Prescribe the duties and regulate the compensation of employees of the authority.

(15) Provide a pension and retirement system for employees of the authority by using the public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(16) Discharge and appoint successors to employees of the authority subject to subdivision (13).

(17) Rent offices for use of the department or authority, or accept the use of offices furnished by the unit.

(18) Equip the offices of the authority with the necessary furniture, furnishings, equipment, records, and supplies.

(19) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:

(A) Any local public improvement or structure that is necessary for redevelopment purposes or economic development within the corporate boundaries of the unit.

(B) Any structure that enhances development or economic development.

(20) Contract for the construction, extension, or improvement of pedestrian skyways (as defined in IC 36-7-14-12.2(c)).

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(21) Accept loans, grants, and other forms of financial assistance from, or contract with, the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(22) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the authority and the execution of the powers of the authority under this chapter.

(23) Take any action necessary to implement the purpose of the authority.

(24) Provide financial assistance, in the manner that best serves the purposes set forth in section 11(b) of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the unit.

(d) An authority may designate all or a portion of an economic development area created under this section as an allocation area by following the procedures set forth in IC 36-7-14-39 for the establishment of an allocation area by a redevelopment commission. The allocation provision may modify the definition of "property taxes" under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of designated taxpayers in accordance with the procedures applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3 applies to such a modification. An allocation area established by an authority under this section is a special taxing district authorized by the general assembly to enable the unit to provide special benefits to taxpayers in the allocation area by promoting economic development that is of public use and benefit. *For allocation areas established for an economic development area created under this section after June 30, 1997, and to the expanded portion of an allocation area for an economic development area that was established before June 30, 1997, and that is expanded under this section after June 30, 1997, the net assessed value of property that is assessed as residential property under the rules of the state board of tax commissioners, as finally determined for any assessment date, must be allocated. All of the provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5 apply to an allocation area created under this section, except that the authority shall be vested with the rights and duties of a commission as referenced in those sections, and except that, notwithstanding IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation fund may be used by the authority only to do one (1) or more of the*

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following:

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

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

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

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

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

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

STEP TWO: Divide:

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

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

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

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under IC 36-7-14-39.5 in the same year.

(6) Pay expenses incurred by the authority for local public

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improvements or structures that are in the allocation area or serving or *benefitting* *benefiting* the allocation area.

(7) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (A) in the allocation area; and
- (B) on a parcel of real property that has been classified as industrial property under the rules of the state board of tax commissioners.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in clause (B). The reimbursements under this subdivision must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made. The allocation fund may not be used for operating expenses of the authority.

(e) In addition to other methods of raising money for property acquisition, redevelopment, or economic development activities in or directly serving or benefitting an economic development area created by an authority under this section, and in anticipation of the taxes allocated under subsection (d), other revenues of the authority, or any combination of these sources, the authority may, by resolution, issue the bonds of the special taxing district in the name of the unit. Bonds issued under this section may be issued in any amount without limitation. The following apply if such a resolution is adopted:

- (1) The authority shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.
- (2) The bonds must be executed by the appropriate officer of the unit and attested by the unit's fiscal officer.
- (3) The bonds are exempt from taxation for all purposes.
- (4) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.
- (5) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the authority:
  - (A) from the tax proceeds allocated under subsection (d);
  - (B) from other revenues available to the authority; or
  - (C) from a combination of the methods stated in clauses (A) and (B).

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(6) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(7) Laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers to remonstrate against the issuance of bonds do not apply to bonds issued under this section.

(8) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(9) If bonds are issued under this chapter that are payable solely or in part from revenues to the authority from a project or projects, the authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority. The authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the authority that are payable solely from revenues of the authority shall contain a statement to that effect in the form of bond.

(f) Notwithstanding section 8(a) of this chapter, an ordinance adopted under section 11(b) of this chapter may provide, or be amended to provide, that the board of directors of the authority shall be composed of not fewer than three (3) nor more than seven (7) members, who must be residents of the unit appointed by the executive of the unit.

(g) The acquisition of real and personal property by an authority under this section is not subject to the provisions of ~~IC 36-1-9~~, IC 5-22, IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the purchase of property by public bodies or their agencies.

(h) An authority may negotiate for the sale, lease, or other disposition of real and personal property without complying with the provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other statute governing the disposition of public property.

(i) Notwithstanding any other law, utility services provided within an economic development area established under this section are

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subject to regulation by the appropriate regulatory agencies unless the utility service is provided by a utility that provides utility service solely within the geographic boundaries of an existing or a closed military installation, in which case the utility service is not subject to regulation for purposes of rate making, regulation, service delivery, or issuance of bonds or other forms of indebtedness. However, this exemption from regulation does not apply to utility service if the service is generated, treated, or produced outside the boundaries of the existing or closed military installation.

SECTION 86. IC 36-9-25-27, AS AMENDED BY P.L.80-1997, SECTION 20, AND P.L.254-1997(ss), SECTION 34, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.

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

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

(c) Upon adoption of a resolution ordering bonds, the board shall certify a copy of the resolution to the municipal fiscal officer, who shall

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then prepare the bonds. The municipal executive shall execute the bonds and the fiscal officer shall attest them. The bonds and interest are exempt from taxation for all purposes, except the financial institutions tax ~~and the imposed under IC 6-5.5 or an inheritance tax imposed under IC 6-4.1~~. All bonds issued by the board shall be sold by the fiscal officer to the highest bidder, but not for less than par, after giving notice of the sale by publication in accordance with IC 5-3-1.

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

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

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

SECTION 87. IC 36-9-25-27, AS AMENDED BY P.L.80-1997, SECTION 20, P.L.6-1997, SECTION 223, AND P.L.254-1997(ss), SECTION 34, IS CORRECTED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 27. (a) To raise money to pay for the property and the construction, and in anticipation of the special tax to be levied as provided in sections 19 and 29 of this chapter, the board ~~shall~~ may have issued, in the name of the municipality, the bonds of the district. The bonds may not exceed in amount the estimated cost of all land, rights-of-way, and other property to be acquired and the estimated cost of all construction as provided in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the cost of supervision and inspection during the period of construction. The expenses to be covered by the bond issue include all expenses of every kind actually

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incurred preliminary to acquisition of the property and the construction of the work, such as the cost of necessary records, engineering expenses, publication of notices, salaries, and other expenses.

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

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

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

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

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

SECTION 88. IC 36-9-27-30, AS AMENDED BY P.L.2-1997, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) Whenever the county surveyor is not registered under ~~IC 25-21.5~~ or IC 25-31 and that statute prohibits an unregistered person from performing any function that the county surveyor is directed to do under this chapter, the surveyor shall employ and fix the compensation of a person who is so registered to work with the surveyor in performing those functions. However, if the county surveyor does not employ a registered person within one (1) year of the acceptance of a petition for construction or reconstruction of a drain, the board may make the appointment of a registered person that this section requires.

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

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

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

SECTION 89. IC 36-9-27-71, AS AMENDED BY P.L.2-1997, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 71. (a) When, in the construction or reconstruction of a regulated drain, the county surveyor determines that the proposed drain will cross a public highway or the right-of-way of a railroad company at a point where:

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- (1) there is no crossing; or
- (2) the crossing will not adequately handle or will be endangered by the flow of water from the drain when completed;

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

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

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

- (1) alter, enlarge, repair, or replace a crossing; or
- (2) construct a new crossing where none existed before;

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

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

- (1) crossed by the construction of a regulated drain; or
- (2) affected by the altering or enlarging of a crossing;

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

(e) If the county surveyor is registered under ~~IC 25-21.5~~ or IC 25-31, the county surveyor must review and approve or disapprove the plans and hydraulic data for an existing crossing that is to be altered, enlarged, repaired, or replaced, or the construction of a new crossing for a public highway or the right-of-way of a railroad company. The county surveyor shall disapprove the plans and hydraulic data if they do not show that the structure will meet structural and hydraulic requirements that will permit the drain to function properly. However, if the county surveyor is not registered under ~~IC 25-21.5~~ or IC 25-31, a registered person who is selected under section 30 of this chapter shall:

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

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

SECTION 90. P.L.124-1997, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 24. (a) All policies, minutes, and official documents of the pollution prevention board established under IC 13-27-3-1, as added by P.L.1-1996, SECTION 17, must be transferred to the clean manufacturing technology and safe materials board established under IC 13-27.5, as added by this act.

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

(c) This SECTION expires July 1, 2000.

SECTION 91. IC 20-1-6-24 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 92. [EFFECTIVE UPON PASSAGE] (a) **This act is intended to resolve technical conflicts among acts enacted by the general assembly and to correct other technical errors. This act is not intended to change the intended effective date of any statute or otherwise result in any substantive change in the law.**

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

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

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

(c) **Any reference in any statute or rule to a statute that is repealed and replaced in the same or a different form in this act shall be treated after the effective date of the new provision as a reference to the new provision.**

SECTION 93. **An emergency is declared for this act.**

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