

# SENATE BILL No. 40

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Technical corrections. Makes numerous technical corrections throughout the Indiana Code. Reconciles conflicting sections amended during the 1998 legislative session. (The introduced version of this bill was prepared by the Code Revision Commission.)

**Effective:** Upon passage; January 1, 2000; March 1, 2001; January 1, 2002.

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**Kenley**

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January 6, 1999, read first time and referred to Committee on Judiciary.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 40



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 3-11-1.5-35 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) This section  
3 applies to a county that has a precinct that crosses a boundary in  
4 violation of section 4(5), 4(6), or 4(7) of this chapter.

5 (b) Notwithstanding section 25 of this chapter, if the county does  
6 not issue a precinct establishment order that establishes precincts in  
7 compliance with section 4(5), 4(6), and 4(7) of this chapter by the  
8 January 31 following the last effective date described in section 25(3)  
9 of this chapter, the commission may issue an order establishing  
10 precincts as provided under subsection (c).

11 (c) An order issued by the commission under this section must:  
12 (1) comply with section 4(5), 4(6), and 4(7) of this chapter; and  
13 (2) be issued after January 31 and before February 16 of the year  
14 following the last effective date described in section ~~25(3)~~ **25(4)**  
15 of this chapter.

16 SECTION 2. IC 4-2-1-4 IS REPEALED [EFFECTIVE UPON  
17 PASSAGE].



1 SECTION 3. IC 4-13.6-4-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Any person  
 3 whose application is denied or is not acted upon within the time  
 4 specified under section 3 of this chapter may request a hearing before  
 5 the board under IC 4-21.5-3.

6 (b) The board shall conduct proceedings for the revocation of a  
 7 certificate under IC 4-21.5-3.

8 (c) Judicial review of an adverse decision in any hearing held under  
 9 this chapter shall be in accordance with IC 4-21.5-5.

10 SECTION 4. IC 4-15-10-7 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. An employee  
 12 may not be disciplined for absence from work if:

13 (1) the employee is a member of a volunteer fire ~~company~~  
 14 **department** under IC 36-8-12;

15 (2) the employee has notified his immediate supervisor in writing  
 16 that he is a member of a volunteer fire department;

17 (3) the employee presents a written statement to his immediate  
 18 supervisor from the chief or other officer in charge of the  
 19 volunteer fire ~~company~~ **department** that the employee was  
 20 engaged in emergency firefighting activity at the time of his  
 21 absence from work; and

22 (4) the employee secures authorization from his supervisor to  
 23 leave his duty station if the employee has already reported for  
 24 work.

25 SECTION 5. IC 5-2-12-8.6 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.6. (a) An  
 27 offender who is required to register under this chapter may not petition  
 28 for a change of name under ~~IC 34-4-6~~ **IC 34-28-2**.

29 (b) If an offender who is required to register under this chapter  
 30 changes the offender's name due to marriage, the offender must notify  
 31 the criminal justice institute not more than thirty (30) days after the  
 32 name change.

33 SECTION 6. IC 5-14-3-2 IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

35 "Copy" includes transcribing by handwriting, photocopying,  
 36 xerography, duplicating machine, duplicating electronically stored data  
 37 onto a disk, tape, drum, or any other medium of electronic data storage,  
 38 and reproducing by any other means.

39 "Direct cost" means one hundred five percent (105%) of the sum of  
 40 the cost of:

41 (1) the initial development of a program, if any;

42 (2) the labor required to retrieve electronically stored data; and

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1 (3) any medium used for electronic output;  
 2 for providing a duplicate of electronically stored data onto a disk, tape,  
 3 drum, or other medium of electronic data retrieval under section 8(g)  
 4 of this chapter, or for reprogramming a computer system under section  
 5 6(c) of this chapter.

6 "Electronic map" means copyrighted data provided by a public  
 7 agency from an electronic geographic information system.

8 "Enhanced access" means the inspection of a public record by a  
 9 person other than a governmental entity and that:

10 (1) is by means of an electronic device other than an electronic  
 11 device provided by a public agency in the office of the public  
 12 agency; or

13 (2) requires the compilation or creation of a list or report that does  
 14 not result in the permanent electronic storage of the information.

15 "Facsimile machine" means a machine that electronically transmits  
 16 exact images through connection with a telephone network.

17 "Inspect" includes the right to do the following:

18 (1) Manually transcribe and make notes, abstracts, or memoranda.

19 (2) In the case of tape recordings or other aural public records, to  
 20 listen and manually transcribe or duplicate, or make notes,  
 21 abstracts, or other memoranda from them.

22 (3) In the case of public records available:

23 (A) by enhanced access under section 3.5 of this chapter; or

24 (B) to a governmental entity under section 3(c)(2) of this  
 25 chapter;

26 to examine and copy the public records by use of an electronic  
 27 device.

28 (4) In the case of electronically stored data, to manually transcribe  
 29 and make notes, abstracts, or memoranda or to duplicate the data  
 30 onto a disk, tape, drum, or any other medium of electronic  
 31 storage.

32 "Investigatory record" means information compiled in the course of  
 33 the investigation of a crime.

34 "Patient" has the meaning set out in ~~IC 16-18-2-272(c)~~.  
 35 **IC 16-18-2-272(d).**

36 "Person" means an individual, a corporation, a limited liability  
 37 company, a partnership, an unincorporated association, or a  
 38 governmental entity.

39 "Provider" has the meaning set out in IC 16-18-2-295(b) and  
 40 includes employees of the state department of health or local boards of  
 41 health who create patient records at the request of another provider or  
 42 who are social workers and create records concerning the family



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1 background of children who may need assistance.

2 "Public agency" means the following:

3 (1) Any board, commission, department, division, bureau,  
4 committee, agency, office, instrumentality, or authority, by  
5 whatever name designated, exercising any part of the executive,  
6 administrative, judicial, or legislative power of the state.

7 (2) Any:

8 (A) county, township, school corporation, city, or town, or any  
9 board, commission, department, division, bureau, committee,  
10 office, instrumentality, or authority of any county, township,  
11 school corporation, city, or town;

12 (B) political subdivision (as defined by IC 36-1-2-13); or

13 (C) other entity, or any office thereof, by whatever name  
14 designated, exercising in a limited geographical area the  
15 executive, administrative, judicial, or legislative power of the  
16 state or a delegated local governmental power.

17 (3) Any entity or office that is subject to:

18 (A) budget review by either the state board of tax  
19 commissioners or the governing body of a county, city, town,  
20 township, or school corporation; or

21 (B) an audit by the state board of accounts.

22 (4) Any building corporation of a political subdivision that issues  
23 bonds for the purpose of constructing public facilities.

24 (5) Any advisory commission, committee, or body created by  
25 statute, ordinance, or executive order to advise the governing  
26 body of a public agency, except medical staffs or the committees  
27 of any such staff.

28 (6) Any law enforcement agency, which means an agency or a  
29 department of any level of government that engages in the  
30 investigation, apprehension, arrest, or prosecution of alleged  
31 criminal offenders, such as the state police department, the police  
32 or sheriff's department of a political subdivision, prosecuting  
33 attorneys, members of the excise police division of the alcoholic  
34 beverage commission, conservation officers of the department of  
35 natural resources, and the security division of the state lottery  
36 commission.

37 (7) Any license branch staffed by employees of the bureau of  
38 motor vehicles commission under IC 9-16.

39 (8) The state lottery commission, including any department,  
40 division, or office of the commission.

41 (9) The Indiana gaming commission established under IC 4-33,  
42 including any department, division, or office of the commission.



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1 (10) The Indiana horse racing commission established by IC 4-31,  
2 including any department, division, or office of the commission.

3 "Public record" means any writing, paper, report, study, map,  
4 photograph, book, card, tape recording, or other material that is  
5 created, received, retained, maintained, used, or filed by or with a  
6 public agency and which is generated on paper, paper substitutes,  
7 photographic media, chemically based media, magnetic or machine  
8 readable media, electronically stored data, or any other material,  
9 regardless of form or characteristics.

10 "Standard-sized documents" includes all documents that can be  
11 mechanically reproduced (without mechanical reduction) on paper  
12 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
13 and one-half (8 1/2) inches by fourteen (14) inches.

14 "Trade secret" has the meaning set forth in IC 24-2-3-2.

15 "Work product of an attorney" means information compiled by an  
16 attorney in reasonable anticipation of litigation and includes the  
17 attorney's:

- 18 (1) notes and statements taken during interviews of prospective  
19 witnesses; and
- 20 (2) legal research or records, correspondence, reports, or  
21 memoranda to the extent that each contains the attorney's  
22 opinions, theories, or conclusions.

23 This definition does not restrict the application of any exception under  
24 section 4 of this chapter.

25 SECTION 7. IC 5-15-5.1-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this  
27 chapter:

28 "Commission" means the commission on public records created by  
29 this chapter.

30 "Record" means all documentation of the informational,  
31 communicative or decisionmaking processes of state government, its  
32 agencies and subdivisions made or received by any agency of state  
33 government or its employees in connection with the transaction of  
34 public business or government functions, which documentation is  
35 created, received, retained, maintained, or filed by that agency or its  
36 successors as evidence of its activities or because of the informational  
37 value of the data in the documentation, and which is generated on:

- 38 (1) paper or paper substitutes;
- 39 (2) photographic or chemically based media;
- 40 (3) magnetic or machine readable media; or
- 41 (4) any other materials, regardless of form or characteristics.

42 "Nonrecord materials" means all identical copies of forms, records,

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1 reference books, and exhibit materials which are made, or acquired,  
2 and preserved solely for reference use, exhibition purposes, or  
3 publication and which are not included within the definition of record.

4 "Personal records" means:

5 (1) all documentary materials of a private or nonpublic character  
6 which do not relate to or have an effect upon the carrying out of  
7 the constitutional, statutory, or other official or ceremonial duties  
8 of a public official, including: diaries, journals, or other personal  
9 notes serving as the functional equivalent of a diary or journal  
10 which are not prepared or utilized for, or circulated or  
11 communicated in the course of, transacting government business;  
12 or

13 (2) materials relating to private political associations, and having  
14 no relation to or effect upon the carrying out of constitutional,  
15 statutory, or other official or ceremonial duties of a public official  
16 and are not deemed public records.

17 "Form" means every piece of paper, transparent plate, or film  
18 containing information, printed, generated, or reproduced by whatever  
19 means, with blank spaces left for the entry of additional information to  
20 be used in any transaction involving the state.

21 "Agency" means any state office, department, division, board,  
22 bureau, commission, authority, or other separate unit of state  
23 government established by the constitution, law, or by executive or  
24 legislative order.

25 "Public official" means an individual holding a state office created  
26 by the Constitution of Indiana, by act or resolution of the general  
27 assembly, or by the governor; all officers of the executive and  
28 administrative branch of state government; and all other officers,  
29 heads, presidents, or chairmen of agencies of state government.

30 "Indiana state archives" means the program maintained by the  
31 commission for the preservation of those records and other government  
32 papers that have been determined by the commission to have sufficient  
33 permanent values to warrant their continued preservation by the state.

34 "Forms management" means the program maintained by the  
35 commission to provide continuity of forms design procedures from the  
36 form's origin up to its completion as a record by determining the form's  
37 size, style and size of type; format; type of construction; number of  
38 ~~plies;~~ **plies;** quality, weight and type of paper and carbon; and by  
39 determining the use of the form for data entry as well as the  
40 distribution.

41 "Information management" means the program maintained by the  
42 commission for the application of management techniques to the

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1 purchase, creation, utilization, maintenance, retention, preservation,  
 2 and disposal of forms and records undertaken to improve efficiency and  
 3 reduce costs of recordkeeping; including management of filing and  
 4 microfilming equipment and supplies, filing and information retrieval  
 5 systems, files, correspondence, reports and forms management,  
 6 historical documentation, micrographic retention programming, and  
 7 critical records protection.

8 "Records center" means a program maintained by the commission  
 9 primarily for the storage, processing, retrieving, servicing, and security  
 10 of government records that must be retained for varying periods of time  
 11 but should not be maintained in an agency's office equipment or space.

12 "Critical records" means records necessary to resume or continue  
 13 governmental operations, the reestablishing of the legal and financial  
 14 responsibilities of government in the state, or to protect and fulfill  
 15 governmental obligations to the citizens of the state.

16 "Retention schedule" means a set of instructions prescribing how  
 17 long, where, and in what form a record series shall be kept.

18 "Records series" means documents or records that are filed in a  
 19 unified arrangement, and having similar physical characteristics or  
 20 relating to a similar function or activity.

21 "Records coordinator" means a person designated by an agency to  
 22 serve as an information liaison person between the agency and the  
 23 commission.

24 SECTION 8. IC 5-22-22-12 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section  
 26 applies to the following surplus property:

- 27 (1) Fire trucks.
- 28 (2) Emergency service vehicles.
- 29 (3) Firefighting or emergency services equipment.

30 (b) As used in this section, "volunteer fire **company department**"  
 31 has the meaning set forth in IC 36-8-12-2.

32 (c) Notwithstanding section 4 or 5 of this chapter, a governmental  
 33 body may transfer title of surplus property to a volunteer fire **company**  
 34 **department** for the volunteer fire **company's department's** use in  
 35 providing fire protection or emergency services.

36 (d) A volunteer fire **company department** located in the same  
 37 county as the governmental body offering the surplus property for  
 38 transfer has the right of first refusal for all surplus property offered.  
 39 Surplus property that is refused by the volunteer fire **companies**  
 40 **departments** located in the same county as the governmental body may  
 41 be transferred to any volunteer fire **company department** in Indiana.

42 (e) A governmental body may transfer title of surplus property to a

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1 volunteer fire ~~company~~ **department** under this section by:

- 2 (1) sale;  
 3 (2) gift; or  
 4 (3) another arrangement acceptable to the governmental body and  
 5 the volunteer fire ~~company~~ **department**.

6 SECTION 9. IC 6-1.1-24-1.2 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) Except as  
 8 provided in subsection (c), a tract or an item of real property may not  
 9 be removed from the list certified under section 1 of this chapter before  
 10 the tax sale unless all delinquent taxes, special assessments, penalties  
 11 due on the delinquency, interest, and costs directly attributable to the  
 12 tax sale have been paid in full.

13 (b) A county treasurer may accept partial payments of delinquent  
 14 property taxes, assessments, penalties, interest, or costs under  
 15 subsection (a) after the list of real property is certified under section 1  
 16 of this chapter.

17 (c) The county auditor in a county having a population of more than  
 18 four hundred thousand (400,000) but less than seven hundred thousand  
 19 (700,000) may remove a tract or an item of real property from the list  
 20 certified under section 1 of this chapter before the tax sale if the county  
 21 treasurer and the taxpayer agree to a mutually satisfactory arrangement  
 22 for the payment of the delinquent taxes.

23 (d) The county treasurer may remove the tract or item from the list  
 24 certified under section 1 of this chapter if the arrangement described in  
 25 subsection (c):

- 26 (1) is in writing;  
 27 (2) is signed by the taxpayer; and  
 28 (3) requires the taxpayer to pay the delinquent taxes in full within  
 29 one (1) year of the date the agreement is signed.

30 (e) If the taxpayer fails to make a payment under the arrangement  
 31 described in subsection (c), the county auditor shall immediately place  
 32 the tract or item of real property on the list of real property eligible for  
 33 sale at a tax sale.

34 (f) If the tract or item of real property subject to a payment  
 35 arrangement is within the jurisdiction of a:

- 36 (1) city having a population of more than one hundred ten  
 37 thousand (110,000) but less than one hundred twenty thousand  
 38 (120,000);  
 39 (2) city having a population of more than thirty-three thousand  
 40 eight hundred fifty (33,850) but less than thirty-five thousand  
 41 (35,000) **located in a county having a population of more than**  
 42 **four hundred thousand (400,000) but less than seven hundred**

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1           **thousand (700,000);** or  
 2           (3) city having a population of more than seventy-five thousand  
 3           (75,000) but less than ninety thousand (90,000);

4 the county auditor shall notify the mayor of the city of the arrangement.

5           SECTION 10. IC 6-1.1-24-5.6 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) This  
 7 section applies to:

8           (1) a city having a population of more than one hundred ten  
 9           thousand (110,000) but less than one hundred twenty thousand  
 10           (120,000);

11           (2) a city having a population of more than thirty-three thousand  
 12           eight hundred fifty (33,850) but less than thirty-five thousand  
 13           (35,000) **located in a county having a population of more than**  
 14           **four hundred thousand (400,000) but less than seven hundred**  
 15           **thousand (700,000);** and

16           (3) a city having a population of more than seventy-five thousand  
 17           (75,000) but less than ninety thousand (90,000).

18           (b) If:

19           (1) a tract or an item of real property within the jurisdiction of the  
 20           city is offered for sale under sections 1 through 5 of this chapter;  
 21           and

22           (2) an amount is not received that is at least equal to the minimum  
 23           sale price required under section 5(e) of this chapter;

24 the tract or an item of real property may be offered for sale a second  
 25 time consistent with the provisions of sections 1 through 5 of this  
 26 chapter or subsection (c).

27           (c) Notwithstanding any other law, if:

28           (1) a tract or an item of real property within the jurisdiction of the  
 29           city is offered for sale under sections 1 through 5 of this chapter;

30           (2) an amount is not received that is at least equal to the minimum  
 31           sale price required under section 5(e) of this chapter; and

32           (3) the county auditor and the mayor of the city jointly agree to an  
 33           expedited tax sale under this subsection;

34 the city may offer the tract or item of real property for sale a second  
 35 time on a date that is on or after January 1 and before March 31 of the  
 36 year immediately following the year in which the property was initially  
 37 offered for sale and at least ninety (90) days after the date of the initial  
 38 sale.

39           (d) All notice and judgment requirements set forth in this chapter  
 40           and IC 6-1.1-25 are applicable to the second expedited tax sale under  
 41           subsection (c).

42           (e) If the city offers a tract or item of real property for sale at an

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1 expedited sale under subsection (c), the county may not offer the tract  
2 or item of real property for sale under section 5.5 of this chapter.

3 (f) This section expires June 30, 2001.

4 SECTION 11. IC 6-1.1-24-6.6 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.6. (a) This  
6 section applies to:

7 (1) a city having a population of more than one hundred ten  
8 thousand (110,000) but less than one hundred twenty thousand  
9 (120,000);

10 (2) a city having a population of more than thirty-three thousand  
11 eight hundred fifty (33,850) but less than thirty-five thousand  
12 (35,000) **located in a county having a population of more than**  
13 **four hundred thousand (400,000) but less than seven hundred**  
14 **thousand (700,000);** and

15 (3) a city having a population of more than seventy-five thousand  
16 (75,000) but less than ninety thousand (90,000).

17 (b) When a tract or an item of real property is offered for sale under  
18 section 5.2 or 5.6 of this chapter and an amount is not received equal  
19 to or in excess of the minimum sale price prescribed in section 5(e) of  
20 this chapter, the city acquires a lien in the amount of the minimum sale  
21 price. This lien attaches on the day after the last date on which the tract  
22 or item was offered for sale under section 5.2 or 5.6 of this chapter.

23 (c) When a city acquires a lien under this section, the county auditor  
24 shall issue a tax sale certificate to the city in the manner provided in  
25 section 9 of this chapter. The county auditor shall date the certificate  
26 the day that the city acquires the lien. When a city acquires a certificate  
27 under this section, the city has the same rights as a purchaser.  
28 However, the city shall hold the property for the taxing units described  
29 in subsection (d).

30 (d) When a lien is acquired by the city under this section, no money  
31 shall be paid by the city. However, each of the taxing units having an  
32 interest in the taxes on the tract shall be credited with the full amount  
33 of all delinquent taxes due them.

34 (e) This section expires June 30, 2001.

35 SECTION 12. IC 6-1.1-25-4.2 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.2. (a) This  
37 section applies to:

38 (1) a city having a population of more than one hundred ten  
39 thousand (110,000) but less than one hundred twenty thousand  
40 (120,000);

41 (2) a city having a population of more than thirty-three thousand  
42 eight hundred fifty (33,850) but less than thirty-five thousand

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1 (35,000) **located in a county having a population of more than**  
 2 **four hundred thousand (400,000) but less than seven hundred**  
 3 **thousand (700,000); and**

4 (3) a city having a population of more than seventy-five thousand  
 5 (75,000) but less than ninety thousand (90,000).

6 (b) If a certificate of sale is issued to a purchaser under  
 7 IC 6-1.1-24-9 and the real property is not redeemed within one hundred  
 8 twenty (120) days after the date of sale under IC 6-1.1-24-5.2(b) or  
 9 IC 6-1.1-24-5.6(b), as extended by compliance with the notice  
 10 provisions in section 4.5 of this chapter, the county auditor shall, upon  
 11 receipt of the certificate and subject to the limitations contained in this  
 12 chapter, execute and deliver a deed for the property to the purchaser.

13 (c) If a certificate of sale is issued to the city under IC 6-1.1-24-9  
 14 and the real property is not redeemed within one hundred twenty (120)  
 15 days after the date of the sale, the county auditor shall, upon receipt of  
 16 the certificate and subject to the limitations in this chapter, issue a deed  
 17 for the property to the city.

18 (d) The county auditor shall execute deeds issued under this section  
 19 in the name of the state under the county auditor's name and seal. If a  
 20 certificate of sale is lost before the execution of a deed, the county  
 21 auditor shall, subject to the limitations in this chapter, execute and  
 22 deliver a deed if the court has made a finding that the certificate did  
 23 exist.

24 (e) When a deed for real property is executed under this section, the  
 25 county auditor shall cancel the certificate of sale and file the canceled  
 26 certificate in the office of the county auditor.

27 (f) When a deed is issued to the city under this section, the taxes and  
 28 special assessments for which the real property was offered for sale and  
 29 all subsequent taxes, special assessments, interest, penalties, and costs  
 30 of sale shall be removed from the tax duplicate in the same manner that  
 31 taxes are removed by certificate of error.

32 (g) A tax deed executed under this section vests in the grantee an  
 33 estate in fee simple absolute, free and clear of all liens and  
 34 encumbrances created or suffered before or after the tax sale except  
 35 those liens granted priority under federal law and the lien of the state  
 36 or a political subdivision for taxes and special assessments that accrue  
 37 subsequent to the sale and that are not removed under subsection (f).  
 38 However, the estate is subject to all easements, covenants, declarations,  
 39 and other deed restrictions and laws governing land use, including all  
 40 zoning restrictions and liens and encumbrances created or suffered by  
 41 the purchaser at the tax sale. The deed is prima facie evidence of:

42 (1) the regularity of the sale of the real property described in the

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1 deed;

2 (2) the regularity of all proper proceedings; and

3 (3) valid title in fee simple in the grantee of the deed.

4 (h) Notwithstanding the provisions of subsection (c), a county  
5 auditor is not required to execute a deed to the city under subsection (c)  
6 if the mayor determines that the property involved contains hazardous  
7 waste or another environmental hazard for which the cost of abatement  
8 or alleviation will exceed the fair market value of the property. The city  
9 may enter the property to conduct environmental investigations.

10 (i) This section expires September 30, 2001.

11 SECTION 13. IC 6-1.1-25-4.7 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.7. (a) A county  
13 auditor and county treasurer may enter into a mutual agreement for the  
14 county auditor to perform the following duties instead of the purchaser:

15 (1) Notification and title search under section 4.5 of this chapter.

16 (2) Notification and petition to the court for the tax deed under  
17 section 4.6 of this chapter.

18 (b) If a county auditor and county treasurer enter into an agreement  
19 under this section, notice shall be given under ~~IC 6-1.1-24-2(a)(10)~~. **IC**  
20 **6-1.1-24-2(a)(11)**.

21 SECTION 14. IC 6-1.1-25-9.5 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This  
23 section applies to:

24 (1) a city having a population of more than one hundred ten  
25 thousand (110,000) but less than one hundred twenty thousand  
26 (120,000);

27 (2) a city having a population of more than thirty-three thousand  
28 eight hundred fifty (33,850) but less than thirty-five thousand  
29 (35,000) **located in a county having a population of more than**  
30 **four hundred thousand (400,000) but less than seven hundred**  
31 **thousand (700,000); and**

32 (3) a city having a population of more than seventy-five thousand  
33 (75,000) but less than ninety thousand (90,000).

34 (b) Whenever a city acquires title to real property under IC 6-1.1-24  
35 and this chapter, the city may dispose of the real property under  
36 IC 36-1-11 or subsection (f). The proceeds of a sale under IC 36-1-11  
37 must be applied as follows:

38 (1) First, to the cost of the sale, including the cost of maintenance,  
39 preservation, and administration of the property before sale,  
40 including prior unpaid costs of sales, preparation of the property  
41 for sale, advertising, and appraisal.

42 (2) Second, to the payment of the taxes that were removed from

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1 the tax duplicate under section 4.2(f) of this chapter.  
 2 (3) Third, any surplus remaining must be deposited in the city's  
 3 general fund.  
 4 (c) The mayor or the mayor's designee shall file a report with the  
 5 ~~county~~ board of ~~county~~ commissioners before January 31. The report  
 6 must:  
 7 (1) list the real property acquired under IC 6-1.1-24 and this  
 8 chapter; and  
 9 (2) indicate if a person resides or conducts a business on the  
 10 property.  
 11 (d) The city shall mail a notice by certified mail before March 31 of  
 12 each year to each person listed in subsection (c)(2). The notice must  
 13 state that the city has acquired title to the tract the person occupies.  
 14 (e) If the city determines under IC 36-1-11 that real property  
 15 acquired under IC 6-1.1-24 or this chapter must be retained by the city,  
 16 the city may not dispose of the real property. The mayor or the mayor's  
 17 designee may repair, maintain, equip, alter, and construct buildings  
 18 upon the real property retained under this section in the same manner  
 19 prescribed for other city buildings.  
 20 (f) The city may transfer title to real property described in  
 21 subsection (b) to its redevelopment commission at no cost to the  
 22 commission for sale or grant under IC 36-7-14-22.1.  
 23 (g) This section expires December 31, 2001.  
 24 SECTION 15. IC 6-2.1-4-3 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) For purposes  
 26 of this section:  
 27 "Hazardous waste" has the meaning set forth in ~~IC~~ IC 13-11-2-99(a)  
 28 and includes a waste determined to be a hazardous waste under ~~IC~~ IC  
 29 13-22-2-3(b).  
 30 "Resource recovery system" means tangible property directly used  
 31 to dispose of solid waste or hazardous waste by converting it into  
 32 energy or other useful products.  
 33 "Solid waste" has the meaning prescribed by ~~IC~~ IC 13-11-2-205(a)  
 34 but does not include dead animals or any animal solid or semisolid  
 35 wastes.  
 36 (b) If for federal income tax purposes a taxpayer is allowed a  
 37 depreciation deduction for a particular taxable year with respect to a  
 38 resource recovery system, and if the resource recovery system  
 39 processes solid waste or hazardous waste, the taxpayer is entitled to a  
 40 deduction from his gross income for that same taxable year. The  
 41 amount of the deduction equals the total depreciation deductions that  
 42 the taxpayer is allowed, with respect to the system, for that taxable year

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1 under Sections 167 and 179 of the Internal Revenue Code.

2 (c) Notwithstanding subsection (b), a taxpayer is not entitled to the  
3 deduction provided by this section for a particular taxable year with  
4 respect to a resource recovery system that is directly used to dispose of  
5 hazardous waste if during that taxable year the taxpayer:

6 (1) is convicted of any violation under IC 13-7-13-3 (before its  
7 repeal), IC 13-7-13-4 (before its repeal), or IC 13-30-6; or

8 (2) is subject to an order or consent decree based upon a violation  
9 of a federal or state rule, regulation, or statute governing the  
10 treatment, storage, or disposal of hazardous wastes that had a  
11 major or moderate potential for harm.

12 SECTION 16. IC 6-6-5-1 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter,  
14 "vehicle" means a vehicle subject to annual registration as a condition  
15 of its operation on the public highways pursuant to the motor vehicle  
16 registration laws of the state.

17 (b) As used in this chapter, "mobile home" means a  
18 nonself-propelled vehicle designed for occupancy as a dwelling or  
19 sleeping place.

20 (c) As used in this chapter, "bureau" means the bureau of motor  
21 vehicles.

22 (d) As used in this chapter, "license branch" means a branch office  
23 of the bureau authorized to register motor vehicles pursuant to the laws  
24 of the state.

25 (e) As used in this chapter, "owner" means the person in whose  
26 name the vehicle or trailer is registered (as defined in IC 9-13-2).

27 (f) As used in this chapter, "motor home" means a self-propelled  
28 vehicle having been designed and built as an integral part thereof  
29 having living and sleeping quarters, including that which is commonly  
30 referred to as a recreational vehicle.

31 (g) As used in this chapter, "last preceding annual excise tax  
32 liability" means either:

33 (1) the amount of excise tax liability to which the vehicle was  
34 subject on the owner's last preceding regular annual registration  
35 date; or

36 (2) the amount of excise tax liability to which a vehicle that was  
37 registered after the owner's last preceding annual registration date  
38 would have been subject if it had been registered on that date.

39 (h) As used in this chapter, "trailer" means a device having a gross  
40 vehicle weight equal to or less than three thousand (3,000) pounds that  
41 is pulled behind a vehicle and that is subject to annual registration as  
42 a condition of its operation on the public highways pursuant to the

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1 motor vehicle registration laws of the state. The term includes any  
2 utility, boat, or other two (2) wheeled trailer.

3 (i) This chapter does not apply to the following:

4 (1) Vehicles owned, or leased and operated, by the United States,  
5 the state, or political subdivisions of the state.

6 (2) Mobile homes and motor homes.

7 (3) Vehicles assessed under IC 6-1.1-8.

8 (4) Vehicles subject to registration as trucks under the motor  
9 vehicle registration laws of the state, except trucks having a  
10 declared gross weight not exceeding eleven thousand (11,000)  
11 pounds, trailers, semitrailers, tractors, and buses.

12 (5) Vehicles owned, or leased and operated, by an institution of  
13 higher education (as defined in IC 6-3-3-5(d)).

14 (6) Vehicles owned, or leased and operated, by a volunteer fire  
15 **company department** (as defined in IC 36-8-12-2).

16 (7) Vehicles owned, or leased and operated, by a volunteer  
17 emergency ambulance service that:

18 (A) meets the requirements of IC 16-31; and

19 (B) has only members that serve for no compensation or a  
20 nominal annual compensation of not more than three thousand  
21 five hundred dollars (\$3,500).

22 (8) Vehicles that are exempt from the payment of registration fees  
23 under IC 9-18-3-1.

24 (9) Farm wagons.

25 SECTION 17. IC 6-7-3-14 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. All jeopardy  
27 assessments issued for nonpayment of tax shall be considered a  
28 secondary lien to the seizure and forfeiture provisions of IC 16-42-20,  
29 IC 34-24-1, ~~IC 34-24-1~~, **IC 34-24-2**, and any federal law.

30 SECTION 18. IC 7.1-1-2-13 IS REPEALED [EFFECTIVE UPON  
31 PASSAGE].

32 SECTION 19. IC 7.1-2-2-13 IS ADDED TO THE INDIANA CODE  
33 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: **Sec. 13. (a) The alcoholic beverage commission**  
35 **shall categorize salaries of enforcement officers within each rank**  
36 **based upon the rank held and the number of years of service in the**  
37 **commission through the tenth year. The salary ranges that the**  
38 **board assigns to each rank shall be divided into a base salary and**  
39 **ten (10) increments above the base salary with:**

40 (1) **the base salary in the rank paid to a person with less than**  
41 **one (1) year of service in the commission; and**

42 (2) **the highest salary in the rank paid to a person with at least**



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ten (10) years of service in the commission.

(b) For purposes of creating the salary matrix prescribed by this section, the alcoholic beverage commission may not approve salary ranges for any rank that are less than the salary ranges effective for that rank on January 1, 1995.

(c) The salary matrix prescribed by this section shall be reviewed and approved by the budget agency before implementation.

(d) The money needed to fund the salaries resulting from the matrix prescribed by this section shall come from the amounts appropriated from the professional and technical equity fund as augmented by the budget agency from the state general fund.

SECTION 20. IC 7.1-5-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Transportation of Untaxed Beverage Prohibited. It is a Class D felony for a person to transport an alcoholic beverage on a public highway, knowing that any of the taxes due the state on it are not paid. This section does not apply to a permittee, or a duly licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on it prior to the time that ~~is it~~ is withdrawn for sale.

SECTION 21. IC 8-21-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The department shall encourage the development of public use airports (as defined in 49 U.S.C. ~~2202~~ **47102**).

(b) The department shall encourage the utilization and preservation of necessary airport facilities that are included in the National Airport and Airways System Plan and the state airports system plan and that:

- (1) have been developed and maintained by private enterprise;
- (2) meet the requirements of section 10 of this chapter concerning certification of airports; and
- (3) have been established and are used by the public as a municipal purpose airport as described under IC 6-1.1-10-15.

(c) The department may participate and cooperate with the Federal Aviation Agency and with the sponsor (as defined in IC 8-21-8-1) and owner of a public use airport (as defined in 49 U.S.C. ~~2202~~ **47102**) by using airport development funds administered by the department.

(d) The sponsor of any approved airport development project must:

- (1) provide the sponsor's share of funds for the project; and
- (2) meet any other requirements for participation and operation of the airport.

(e) IC 8-21-8-1 applies to this section.

SECTION 22. IC 8-21-11-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Notwithstanding  
 2 IC 8-21-1-1, as used in this chapter, "airport" means a public use  
 3 airport (as defined in 49 U.S.C. ~~2202~~ **47102**).

4 SECTION 23. IC 8-22-3-25, AS AMENDED BY P.L.91-1997,  
 5 SECTION 1 (CURRENT VERSION), IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) The board  
 7 may provide a cumulative building fund in compliance with  
 8 IC 6-1.1-41 to provide for the acquisition of real property, and the  
 9 construction, enlarging, improving, remodeling, repairing, or equipping  
 10 of buildings, structures, runways, or other facilities for use in  
 11 connection with the airport, and needed to carry out this chapter.

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

14 (1) one cent (\$0.01) on each one hundred dollars (\$100) of  
 15 assessed value of taxable property within the district, if an eligible  
 16 entity other than a city established the district or if the district was  
 17 established jointly with an eligible entity that is not a city;

18 (2) four cents (\$0.04) on each one hundred dollars (\$100) of  
 19 assessed value of taxable property within the district, if the  
 20 authority was established under IC 19-6-3 (before its repeal on  
 21 April 1, 1980); and

22 (3) for any other district not described in subdivision (1) or (2),  
 23 the following:

Total Assessed Property Valuation	Rate Per \$100 Of Assessed Valuation
\$100 million or less	\$0.05
More than \$100 million but not more than \$150 million	\$0.04
More than \$150 million but not more than \$200 million	\$0.03
More than \$200 million but not more than \$300 million	\$0.02
More than \$300 million	\$0.01

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

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SECTION 24. IC 8-22-3-25, AS AMENDED BY P.L.2-1998, SECTION 36 (DELAYED VERSION), 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 (\$0.0033) 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) one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of assessed value of taxable 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:

Total Assessed Property Valuation	Rate Per \$100 Of Assessed Valuation
\$300 million or less	\$0.0167
More than \$300 million but not more than \$450 million	\$0.0133
More than \$450 million but not more than \$600 million	\$0.01
More than \$600 million but not more than \$900 million	\$0.0067
More than \$900 million	\$0.0033

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.

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1 SECTION 25. IC 9-18-3-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A vehicle that  
 3 is owned or leased and used for official business by the following must  
 4 be registered on a date selected by the bureau but is exempt from the  
 5 payment of registration fees:

- 6 (1) The state.  
 7 (2) A municipal corporation (as defined in IC 36-1-2-10).  
 8 (3) A volunteer fire ~~company~~ **department** (as defined in  
 9 IC 36-8-12-2).  
 10 (4) A volunteer emergency ambulance service that:  
 11 (A) meets the requirements of IC 16-31; and  
 12 (B) has only members that serve for no compensation or a  
 13 nominal annual compensation of not more than three  
 14 thousand five hundred dollars (\$3,500).  
 15 (5) A rehabilitation center funded under IC 12-12.  
 16 (6) A community action agency (IC 12-14-23).  
 17 (7) An area agency of aging and the aged (IC 12-10-1-6) and a  
 18 county council on aging that is funded through an area agency.  
 19 (8) A community mental health center (IC 12-29-2).

20 SECTION 26. IC 9-18-15-1, AS AMENDED BY P.L.118-1998,  
 21 SECTION 3 (DELAYED VERSION), IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) A person  
 23 who is the registered owner or lessee of a:

- 24 (1) passenger motor vehicle;  
 25 (2) motorcycle;  
 26 (3) recreational vehicle; or  
 27 (4) vehicle registered as a truck with a declared gross weight of  
 28 not more than:  
 29 (A) eleven thousand (11,000) pounds;  
 30 (B) nine thousand (9,000) pounds; or  
 31 (C) seven thousand (7,000) pounds;

32 registered with the bureau or who makes an application for an original  
 33 registration or renewal registration of a vehicle may apply to the bureau  
 34 for a personalized license plate to be affixed to the vehicle for which  
 35 registration is sought instead of the regular license plate.

- 36 (b) A person who:  
 37 (1) is the registered owner or lessee of a vehicle described in  
 38 subsection (a); and  
 39 (2) is eligible to receive a license plate for the vehicle under:  
 40 (A) IC 9-18-17 (prisoner of war license plates);  
 41 (B) IC 9-18-18 (disabled veteran license plates);  
 42 (C) IC 9-18-19 (purple heart license plates);



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- 1 (D) IC 9-18-20 (Indiana national guard license plates);  
 2 (E) IC 9-18-21 (Indiana guard reserve license plates);  
 3 (F) IC 9-18-22 (license plates for persons with disabilities);  
 4 (G) IC 9-18-23 (amateur radio operator license plates);  
 5 (H) IC 9-18-24 (civic event license plates);  
 6 (I) IC 9-18-25 (special group recognition license plates);  
 7 (J) IC 9-18-29 (environmental license plates);  
 8 (K) IC 9-18-30 (children's trust license plates);  
 9 (L) IC 9-18-31 (education license plates);  
 10 (M) ~~IC 9-18-32.3~~ **IC 9-18-32.2** (drug free Indiana trust  
 11 license plates);  
 12 (N) IC 9-18-33 (Indiana FFA trust license plates);  
 13 (O) IC 9-18-34 (Indiana firefighter license plates);  
 14 (P) IC 9-18-35 (Indiana food bank trust license plates);  
 15 (Q) IC 9-18-36 (Indiana girl scouts trust license plates);  
 16 (R) IC 9-18-37 (Indiana boy scouts trust license plates);  
 17 (S) IC 9-18-38 (Indiana retired armed forces member  
 18 license plates);  
 19 (T) IC 9-18-39 (Indiana antique car museum trust license  
 20 plates);  
 21 (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);  
 22 (V) IC 9-18-41 (Indiana arts trust license plates);  
 23 (W) IC 9-18-42 (Indiana health trust license plates);  
 24 (X) IC 9-18-43 (Indiana mental health trust license plates);  
 25 or  
 26 (Y) IC 9-18-44 (Indiana Native American Trust license  
 27 plates);

28 may apply to the bureau for a personalized license plate to be affixed  
 29 to the vehicle for which registration is sought instead of the regular  
 30 special recognition license plate.

31 SECTION 27. IC 9-18-25-14 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section  
 33 applies to an organization that receives a special group license plate  
 34 issued under this chapter before January 1, 1998.

35 (b) The bureau shall terminate the organization's qualification for  
 36 the special group license plate program and no further special group  
 37 recognition license plates shall be issued for the organization if less  
 38 than two thousand (2,000) of the organization's special group license  
 39 plates are sold or ~~renewed~~ **renewed** before January 1, ~~2001~~ **2000**. The  
 40 bureau shall notify the organization's representatives that the  
 41 organization will be ineligible to participate in the special group license  
 42 plate in a plate cycle beginning after December 31, 2000.



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1 (c) If at least two thousand (2,000) but not more than nine  
 2 thousand nine hundred ninety-nine (9,999) of the organization's special  
 3 group license plates are sold in the plate cycle between January 1,  
 4 1997, and December 31, 2000, the bureau shall redesign the  
 5 organization's special group license plate under sections 3 and 5 of this  
 6 chapter for the plate cycle beginning January 1, 2002. The bureau shall  
 7 confer with the representatives of the organization concerning the  
 8 design of the emblem prescribed by section 5 of this chapter.

9 (d) This section expires January 2, 2003.

10 SECTION 28. IC 9-18-25-15, AS ADDED BY P.L.118-1998,  
 11 SECTION 9 (DELAYED), IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JANUARY 1, 2002]: Sec. 15. The bureau shall terminate  
 13 an organization's qualification for the special group license plate  
 14 program and no further special group recognition license plates shall  
 15 be issued for an organization if less than two thousand (2,000) of the  
 16 organization's special group license plates are sold or ~~renewed~~ **renewed**  
 17 in the first four (4) years of the five (5) year period beginning the  
 18 earlier of January 1, 2002, or January 1 of the year in which the  
 19 organization's special group license plate is first issued. The bureau  
 20 shall reevaluate the organization's qualification for the special group  
 21 license plate program every five (5) years thereafter. The bureau shall  
 22 terminate the organization's qualification for the special group license  
 23 plate program and no further special group recognition license plates  
 24 shall be issued for an organization if less than two thousand (2,000) of  
 25 the organization's special group license plates are sold or renewed in  
 26 the first four (4) years of a subsequent five (5) year period.

27 SECTION 29. IC 9-19-1-3 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Sections 4  
 29 through 5 of this chapter and IC 9-19-4-3, IC 9-19-4-4, and  
 30 IC 9-19-5-7:

31 (1) do not apply to:

32 (A) machinery or equipment used in highway construction  
 33 or maintenance by the Indiana department of transportation,  
 34 counties, or municipalities;

35 (B) farm drainage machinery;

36 (C) implements of husbandry when used during farming  
 37 operations or when so constructed that they can be moved  
 38 without material damage to the highways; or

39 (D) firefighting apparatus owned or operated by a political  
 40 subdivision or a volunteer fire ~~company~~ **department** (as  
 41 defined in IC 36-8-12-1); and

42 (2) do not limit the width or height of farm vehicles when loaded



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with farm products.  
SECTION 30. IC 9-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Farm drainage machinery.

(3) Implements of husbandry when used during farming operations or when so constructed that the implements can be moved without material damage to the highways.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire ~~company~~ **department** (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 31. IC 9-21-8-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Farm drainage machinery.

(3) Implements of husbandry.

(4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire ~~company~~ **department** (as defined in IC 36-8-12-2).

(5) Farm vehicles loaded with farm products.

SECTION 32. IC 9-30-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If a court finds that a person:

(1) is a habitual violator under section 4(c) of this chapter;

(2) has not been previously placed on probation under this section by a court;

(3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:

(A) is substantially in excess of the mileage of an average driver; and

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- 1 (B) may have been a factor that contributed to the person's  
 2 poor driving record; and  
 3 (4) does not have:  
 4 (A) a judgment for a violation enumerated in section 4(a) of  
 5 this chapter; or  
 6 (B) at least three (3) judgments (singularly or in  
 7 combination and not arising out of the same incident) of the  
 8 violations enumerated in section 4(b) of this chapter;  
 9 the court may place the person on probation in accordance with  
 10 subsection (c).  
 11 (b) If a court finds that a person:  
 12 (1) is a habitual violator under section 4(b) of this chapter;  
 13 (2) has not been previously placed on probation under this  
 14 section by a court;  
 15 (3) does not have a judgment for any violation listed in section  
 16 4(a) of this chapter;  
 17 (4) has had the person's driving privileges suspended under this  
 18 chapter for at least five (5) consecutive years; and  
 19 (5) has not violated the terms of the person's suspension by  
 20 operating a vehicle;  
 21 the court may place the person on probation in accordance with  
 22 subsection (c). However, if the person has any judgments for operation  
 23 of a vehicle while intoxicated or with at least ten-hundredths percent  
 24 (0.10%) alcohol by weight in grams in one hundred (100) milliliters of  
 25 the blood, or two hundred ten (210) liters of the breath, the court,  
 26 before the court places a person on probation under subsection (c),  
 27 must find that the person has successfully fulfilled the requirements of  
 28 a rehabilitation program certified by the division of mental health.  
 29 (c) Whenever a court places a habitual violator on probation, the  
 30 court:  
 31 (1) shall record each of the court's findings under this section in  
 32 writing;  
 33 (2) shall obtain the person's driver's license or permit and send  
 34 the license or permit to the bureau;  
 35 (3) shall direct the person to apply to the bureau for a restricted  
 36 driver's license;  
 37 (4) shall order the bureau to issue the person an appropriate  
 38 license;  
 39 (5) shall place the person on probation for a fixed period of not  
 40 less than three (3) years and not more than ten (10) years;  
 41 (6) shall attach restrictions to the person's driving privileges,  
 42 including restrictions limiting the person's driving to:

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- 1 (A) commercial or business purposes or other employment  
 2 related driving;  
 3 (B) specific purposes in exceptional circumstances; and  
 4 (C) rehabilitation programs;  
 5 (7) shall order the person to file proof of financial responsibility  
 6 for three (3) years following the date of being placed on  
 7 probation; and  
 8 (8) may impose other appropriate conditions of probation.  
 9 (d) If a court finds that a person:  
 10 (1) is a habitual violator under section 4(b) or 4(c) of this  
 11 chapter;  
 12 (2) does not have any judgments for violations under section 4(a)  
 13 of this chapter;  
 14 (3) does not have any judgments or convictions for violations  
 15 under section 4(b) of this chapter, except for judgments or  
 16 convictions under section ~~4(b)(3)~~ **4(b)(4)** of this chapter that  
 17 resulted from driving on a suspended license that was suspended  
 18 for:  
 19 (A) the commission of infractions only; or  
 20 (B) previously driving on a suspended license;  
 21 (4) has not been previously placed on probation under this  
 22 section by a court; and  
 23 (5) has had the person's driving privileges suspended under this  
 24 chapter for at least three (3) consecutive years and has not  
 25 violated the terms of the person's suspension by operating a  
 26 vehicle for at least three (3) consecutive years;  
 27 the court may place the person on probation under subsection (c).  
 28 SECTION 33. IC 10-1-9-10 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section  
 30 applies to a person described in subsection (b) or (c).  
 31 (b) This section applies to a person convicted of a felony under  
 32 IC 35-42 (offenses against the person), IC 35-43-2-1 (burglary), **or**  
 33 IC 35-42-4-6 (child solicitation):  
 34 (1) after June 30, 1996, whether or not the person is sentenced  
 35 to a term of imprisonment; and  
 36 (2) before July 1, 1996, if the person is held in jail or prison on  
 37 or after July 1, 1996.  
 38 (c) This section applies to a person convicted of a criminal law in  
 39 effect before October 1, 1977, that penalized an act substantially  
 40 similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would  
 41 have been an included offense of a felony described in IC 35-42 or  
 42 IC 35-43-2-1, if the felony had been in effect:

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- 1 (1) after June 30, 1998, whether or not the person is sentenced
- 2 to a term of imprisonment; and
- 3 (2) before July 1, 1998, if the person is held in jail or prison on
- 4 or after July 1, 1998.

5 (d) A person described in subsection (b) or (c) shall provide a  
 6 DNA sample to the department of correction. A convicted person is not  
 7 required to submit a blood sample if doing so would present a  
 8 substantial and an unreasonable risk to the person's health.

9 SECTION 34. IC 12-10-15-8 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. An operator  
 11 shall provide the following information concerning the operator's  
 12 housing ~~for~~ **with** services establishment to the director with the  
 13 operator's disclosure document:

- 14 (1) The business name, street address, and mailing address of the
- 15 establishment.
- 16 (2) The name and mailing address of the owner or owners of the
- 17 establishment. If the owner or owners are not natural persons,
- 18 the operator must provide identification of the type of business
- 19 entity of the owner or owners, and the name and addresses of the
- 20 officers and members of the governing body, or comparable
- 21 persons for other types of business entities of the owner or
- 22 owners.
- 23 (3) The name and mailing address of the managing agent,
- 24 whether through management agreement or lease arrangement,
- 25 of the establishment, if different from the owner or owners, and
- 26 the name of the on-site manager, if any.
- 27 (4) The name and address of at least one (1) individual who is
- 28 responsible for dealing with the director on all matters subject to
- 29 this chapter.

30 SECTION 35. IC 13-17-9-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to  
 32 section 3 of this chapter, a person may open burn the following for  
 33 maintenance purposes:

- 34 (1) Vegetation from a farm, an orchard, a nursery, a tree farm, a
- 35 cemetery, or a drainage ditch.
- 36 (2) Wood products derived from pruning or clearing a roadside
- 37 by a county highway department.
- 38 (3) Wood products derived from the initial clearing of a public
- 39 utility right-of-way if the open burn occurs in an unincorporated
- 40 area.
- 41 (4) Undesirable:
- 42 (A) wood structures on real property; or

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1 (B) wood remnants of the demolition of a predominantly  
 2 wooden structure originally located on real property;  
 3 located in an unincorporated area.  
 4 (b) A person who is allowed to open burn under subsection (a) is  
 5 not required to obtain:  
 6 (1) a permit; or  
 7 (2) any other authorization;  
 8 from the department, a unit of local government, or a volunteer fire  
 9 ~~company~~ **department** before conducting the open burning.

10 SECTION 36. IC 13-20-13-5.5 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) A  
 12 certificate of registration issued by the department under this chapter  
 13 may be revoked or modified by the commissioner, or by a designated  
 14 staff member of the department, after notification in writing is sent by  
 15 certified mail to the holder of the certificate for:

- 16 (1) failure to disclose all relevant facts; ~~or~~
- 17 (2) **making** a misrepresentation ~~made~~ in obtaining the
- 18 registration; or
- 19 ~~(2)~~ (3) failure to correct, within the time established by the
- 20 department:

  - 21 (A) a violation of a condition of the registration; or
  - 22 (B) a violation of this chapter or a rule adopted by the board
  - 23 under section 11 of this chapter.

24 (b) A person aggrieved by the revocation or modification of a  
 25 certificate of registration may appeal the revocation or modification to  
 26 the office of environmental adjudication under IC 4-21.5-7. Pending  
 27 the decision resulting from a hearing under IC 4-21.5-3 concerning the  
 28 revocation or modification, the registration remains in force. However,  
 29 subsequent to revocation or modification, the commissioner may seek  
 30 injunctive relief concerning the activity described in the registration.

31 SECTION 37. IC 13-20-13-8 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as  
 33 provided in subsection (d)(2), (d)(3), ~~and~~ (d)(6), **and (d)(7)** the waste  
 34 tire management fund is established for the following purposes:

- 35 (1) Thirty-five percent (35%) of the money deposited in the fund
- 36 each year shall be used to assist the department:

  - 37 (A) in the removal and disposal of waste tires from sites
  - 38 where the waste tires have been disposed of improperly;
  - 39 (B) in operating the waste tire education program under
  - 40 section 15 of this chapter; and
  - 41 (C) to pay the expenses of administering the programs
  - 42 described in clause (B).

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- 1 (2) Sixty-five percent (65%) of the money deposited in the fund  
 2 each year shall be used to assist the department of commerce:  
 3 (A) in providing grants and loans to persons involved in  
 4 waste tire management activities under section 9 of this  
 5 chapter; and  
 6 (B) to pay the expenses of administering the programs  
 7 described in clause (A).  
 8 (b) The expenses of administering the fund shall be paid from  
 9 money in the fund.  
 10 (c) Money in the fund at the end of a state fiscal year does not  
 11 revert to the state general fund.  
 12 (d) Sources of money for the fund are the following:  
 13 (1) Fees paid under section 4(a)(6) of this chapter and  
 14 IC 13-20-14-5(e).  
 15 (2) Fees collected under section 7 of this chapter. All money  
 16 deposited in the fund under this subdivision may be used by the  
 17 department for waste reduction, recycling, removal, or  
 18 remediation projects.  
 19 (3) Costs and damages recovered from a person under section 14  
 20 of this chapter or IC 13-20-14-8. All money deposited in the  
 21 fund under this subdivision may be used by the department for  
 22 removal and remediation projects.  
 23 (4) Fees established by the general assembly for the purposes of  
 24 this chapter.  
 25 (5) Appropriations made by the general assembly.  
 26 (6) Gifts and donations intended for deposit in the fund. A gift  
 27 or donation deposited in the fund under this subdivision may be  
 28 specified to be entirely for the use of the department or the  
 29 department of commerce.  
 30 (7) Civil penalties collected under IC 13-30-4 for violations of:  
 31 (A) this chapter;  
 32 (B) IC 13-20-14; and  
 33 (C) rules adopted under section 11 of this chapter and  
 34 IC 13-20-14-6.  
 35 All money deposited in the fund under this subdivision may be  
 36 used by the department for waste tire removal and remediation  
 37 projects.  
 38 SECTION 38. IC 13-20-14-5.6 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) A  
 40 certificate of registration issued by the department under this chapter  
 41 may be revoked or modified by the commissioner, or by a designated  
 42 staff member of the department, after notification in writing is sent by



1 certified mail to the holder of the certificate, for:

2 (1) failure to ~~(1)~~ disclose all relevant facts, ~~or~~

3 (2) **making** a misrepresentation ~~made~~ in obtaining the  
4 registration; or

5 ~~(2)~~ (3) **failure to** correct, within the time established by the  
6 department, a violation of:

7 (A) a condition of the registration;

8 (B) this chapter; or

9 (C) a rule adopted by the board under section 6 of this  
10 chapter.

11 (b) A person aggrieved by the revocation or modification of a  
12 certificate of registration may appeal the revocation or modification to  
13 the office of environmental adjudication under IC 4-21.5-7. Pending  
14 the decision resulting from a hearing under IC 4-21.5-3 concerning the  
15 revocation or modification, the registration remains in force. However,  
16 subsequent to revocation or modification, the commissioner may seek  
17 injunctive relief concerning the activity described in the registration.

18 SECTION 39. IC 13-20-22-12 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Each month the  
20 department of state revenue shall deposit the following:

21 (1) Not less than fifty percent (50%) of the revenue from the fee  
22 imposed under section 1(b)(1) of this chapter into the Indiana  
23 recycling promotion and assistance fund established in  
24 IC 4-23-5.5-14.

25 (2) Not more than fifty percent (50%) of the revenue from the  
26 fee imposed under section 1(b)(1) of this chapter into the fund.

27 (3) The revenue from the fee imposed under **section** 1(b)(2) of  
28 this chapter into the hazardous substance response trust fund  
29 established by IC 13-25-4-1.

30 SECTION 40. IC 13-20-22-14 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If:

32 (1) the:

33 (A) county executive of the county; or

34 (B) board of directors of the district;

35 in which a final disposal facility is located has entered into an  
36 agreement concerning solid waste management with a  
37 governmental unit that is, or that is located within, a county that  
38 is contiguous to Indiana but within another state; and

39 (2) the agreement provides for solid waste generated in that  
40 governmental unit to be disposed of in the final disposal facility;  
41 the fee imposed under this chapter upon the disposal in the final  
42 disposal facility of solid waste generated in that governmental unit is



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1 the fee set forth in **section 1(b)(1)** of this chapter, not the fee set forth  
 2 in section 1(b)(2) of this chapter.

3 **SECTION 41. IC 14-34-5-8.1 IS AMENDED TO READ AS**  
 4 **FOLLOWS [EFFECTIVE UPON PASSAGE]:** Sec. 8.1. For purposes  
 5 of sections 7 and 8 of this chapter, a proposed revision of a permit is  
 6 significant if any of the following conditions exists:

7 (1) The changes may result in an adverse impact beyond that  
 8 previously considered, affecting cultural resources that are listed  
 9 on or eligible to be listed on:

10 (A) the National Register of Historic Places; or

11 (B) the register of Indiana historic sites and historic  
 12 structures established under IC 14-21-1.

13 (2) Blasting will be used in a manner that is likely to cause  
 14 adverse impacts beyond that previously considered to persons or  
 15 property outside the permit area.

16 (3) The changes may result in an adverse impact beyond that  
 17 previously considered, affecting a water supply to which  
 18 IC 14-25-4 applies.

19 (4) The changes:

20 (A) require the identification, disturbance, or handling of  
 21 toxic forming or acid forming materials different from those  
 22 previously considered; and

23 (B) have the potential for causing an additional impact not  
 24 previously considered.

25 (5) The changes may result in an adverse impact on fish,  
 26 wildlife, and related environmental values beyond that  
 27 previously considered.

28 (6) The addition of:

29 (A) a coal processing facility; or

30 (B) a permanent support facility;

31 is proposed, and the addition of the facility will cause an impact  
 32 not previously considered, except that the addition of a  
 33 temporary coal processing facility used exclusively for crushing  
 34 and screening need not be considered a significant revision.

35 (7) The changes will cause:

36 (A) a new or an updated probable hydrologic consequences  
 37 determination; or

38 (B) a cumulative hydrologic impact analysis to be required  
 39 under IC 14-34-3-3.

40 (8) A postmining land use will be changed to any of the  
 41 following:

42 (A) A residential land use.

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- 1 (B) A commercial or industrial land use.
- 2 (C) A recreational land use.
- 3 (D) Developed water resources as defined in rules adopted
- 4 by the commission under IC 14-34-2-1 that ~~meets~~ **meet** the
- 5 size criteria of 30 CFR 77.216(a).

6 SECTION 42. IC 15-2.1-23-6.5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) The  
 8 following definitions apply throughout this section:

- 9 (1) "DP" or "daily production" means the amount of milk,
- 10 measured by hundred weight, produced by the positive producer
- 11 in one (1) day, measured on the day in which the drug residue
- 12 violation occurred.
- 13 (2) "PR" or "producer reimbursement" means an amount
- 14 assessed against the positive producer to reimburse others for
- 15 milk contaminated by the positive producer's contaminated milk,
- 16 not including the value of the positive producer's contaminated
- 17 milk for which he or she was not paid.
- 18 (3) "Revocation period" means the period after a Grade A
- 19 producer's permit is revoked under this section that the producer
- 20 may not apply for a Grade A permit.

21 (b) A penalty established under this section may not be more  
 22 severe than the penalty standard for drug residue violations adopted by  
 23 the National Conference on Interstate Milk Shipments in its  
 24 Pasteurized Milk Ordinance adopted in accordance with the National  
 25 Conference's Memorandum of Understanding with the United States  
 26 Department of Health and Human Services, Food and Drug  
 27 Administration. The penalty imposed may not exceed one thousand  
 28 dollars (\$1,000) for a first offense or two thousand dollars (\$2,000) for  
 29 a subsequent offense.

30 (c) The board may impose a civil penalty for violations of laws  
 31 that prohibit drug residues in milk and milk products as described in  
 32 this section.

- 33 (d) Milk shall be screened for drug residue violations as follows:
- 34 (1) Except as provided in subdivision (2), milk shall be screened
- 35 for drug residues under Appendix N of the Pasteurized Milk
- 36 Ordinance (345 IAC 8-3-1).
- 37 (2) Milk from manufacturing grade dairy farms shall be tested
- 38 for drug residues under 345 IAC 8-2-3.
- 39 (3) All milk that tests positive for drug residues must be
- 40 disposed of in a manner that removes it from the human and
- 41 animal food chain or that acceptably reconditions the milk under
- 42 United States Health and Human Services - Food and Drug

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Administration compliance policy guidelines. In all cases of drug residue violations, a producer may not resume shipping milk until a drug test conducted by a certified laboratory shows the producer's milk is negative for drug residues and the test results are reported to the office of the state veterinarian.

(4) All positive drug residue test results must be called into the office of the state veterinarian immediately, and a written report of the test results must be faxed or delivered to the office of the state veterinarian within twenty-four (24) hours of the test. The producer whose milk tested positive must be notified of the positive drug residue test immediately. The company that conducted the test is responsible for the reporting requirements in this subdivision.

(5) A producer whose milk tests positive for drug residues shall pay a civil penalty and participate in drug residue education activities as follows:

(A) The following is imposed on a producer for the first positive test for drug residues within a twelve (12) month period:

(i) The positive producer must pay a civil penalty to the board equal to the result of the following equation: (DP times two (2) days times three dollars (\$3)) minus PR.

However, if the result is less than five dollars (\$5) then the civil penalty is five dollars (\$5).

(ii) The positive producer must, in conjunction with the producer's veterinarian and an official of the board, complete the "Milk and Dairy Beef Residue Prevention Protocol" and provide proof of completion to the board of animal health - office of the state veterinarian within thirty (30) days of the drug residue violation. Failure to complete the Protocol and submit proof of completion within thirty (30) days will result in action to suspend the producer's permit.

(B) The following is imposed for a second positive test for drug residues within a twelve (12) month period:

(i) The positive producer must pay a civil penalty to the board equal to the result of the following equation: DP times four (4) days times three dollars (\$3).

However, if the result is less than five dollars (\$5) then the civil penalty is five dollars (\$5).

(ii) The positive producer must, in conjunction with the

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1 producer's veterinarian and an official of the board,  
2 complete the "Milk and Dairy Beef Residue Prevention  
3 Protocol" and provide proof of completion to the board  
4 of animal health - office of the state veterinarian within  
5 thirty (30) days of the drug residue violation. Failure to  
6 complete the Protocol and provide proof of completion  
7 will result in action to suspend the producer's permit.  
8 (iii) The producer must attend a producer education  
9 program or meeting designated by the state  
10 veterinarian. The producer is responsible for paying  
11 registration and material fees and other costs  
12 associated with attending the education program or  
13 meeting. The producer must provide proof of  
14 attendance to the state veterinarian within ten (10) days  
15 of completion of the program or meeting.  
16 (C) The third positive test result for drug residues within a  
17 twelve (12) month period shall result in the following:  
18 (i) The board revoking a producer's Grade A permit if  
19 the producer has a permit.  
20 (ii) The sanctions for a second offense set forth in  
21 clause (B) are imposed.  
22 (iii) The producer must submit to the state veterinarian  
23 a set of written procedures that the producer will  
24 follow to prevent future drug residue violations. The  
25 procedures must be submitted with the proof of  
26 completion required in clause (B) and must be specific,  
27 practical, and reasonably likely to lessen the possibility  
28 of a drug residue violation when followed by the  
29 producer.  
30 (iv) After a producer's Grade A permit is revoked for a  
31 third offense violation under this statute, the producer  
32 may not receive a new Grade A permit for a revocation  
33 period of thirty (30) days from the date of the  
34 revocation. After the revocation period, the state  
35 veterinarian must issue a conditional Grade A permit  
36 to a producer that has applied for a permit if the  
37 producer has met all of the requirements of this section  
38 at the time of application and the producer meets all  
39 other requirements of the board for obtaining a Grade  
40 A permit. The permit must be issued on the condition  
41 that all of the requirements of this section must be  
42 completed within the time set forth in this section. A

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1 permit issued under this item automatically becomes  
2 unconditional after the producer fully complies with all  
3 of the provisions of this section.

4 (D) For each drug residue violation in a twelve (12) month  
5 period in excess of three (3) the producer is subject to the  
6 penalties for a third offense in clause (C), ~~are imposed~~; but  
7 for Grade A producers the revocation period will begin on  
8 the date the producer's permit is revoked and run for a  
9 period equal to two (2) times the length of the revocation  
10 period imposed after the producer's last drug residue  
11 violation.

12 (e) The state veterinarian may, by special permit, allow a producer  
13 that objects to the imposition of a civil penalty to dump two (2) days of  
14 milk production on a first offense and four (4) days of milk production  
15 on the second or third offense instead of paying a civil penalty if  
16 payment of a civil penalty would impose undue hardship on a producer.  
17 The state veterinarian may set the conditions under which the milk is  
18 to be dumped and may require documentation from the producer  
19 showing the circumstances under which the milk was dumped.

20 (f) Civil penalties collected under this section shall be deposited  
21 in the dairy drug residue abatement fund established under section 17  
22 of this chapter.

23 SECTION 43. IC 16-18-2-367 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 367. "Volunteer  
25 fire ~~company~~ **department**", for purposes of IC 16-31-3, has the  
26 meaning set forth in IC 16-31-3-6(a).

27 SECTION 44. IC 16-31-3-6 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in  
29 this section, "volunteer fire ~~company~~ **department**" has the meaning set  
30 forth in IC 36-8-12-2.

31 (b) As used in this section, "volunteer firefighter" has the meaning  
32 set forth in IC 36-8-12-2.

33 (c) A certificate is not required for a volunteer fire ~~company~~  
34 **department** or volunteer firefighter to engage in extrication or rescue  
35 services.

36 SECTION 45. IC 16-37-1-10 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as  
38 provided in subsection (b), the records and files of the division of the  
39 state department concerning vital statistics are subject to this article  
40 and rules of the state department. Data contained in the records and  
41 files may be disclosed only as follows:

42 (1) The state registrar shall permit inspection of the records or

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1 issue a certified copy of a certificate or part of a certificate only  
2 if the state registrar is satisfied of the following:

3 (A) That the applicant has a direct interest in the matter  
4 recorded.

5 (B) That the information is necessary for the determination  
6 of personal or property rights or for compliance with state  
7 or federal law.

8 The state registrar's decision is subject to review by the state  
9 department or a court under this section.

10 (2) The state department may permit the use of data contained in  
11 vital statistical records for research purposes only, but no  
12 identifying use may be made of the data.

13 (3) In any extraordinary case that the state registrar determines  
14 is a direct tangible and legitimate public interest.

15 ~~IC~~  
16 (b) The birth record of an adopted child remains subject to the  
17 confidentiality provisions of IC 31-19 regarding the release of adoption  
18 information.

19 SECTION 46. IC 16-39-2-6 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Without the  
21 consent of the patient, the patient's mental health record may only be  
22 disclosed as FOLLOWS [EFFECTIVE JULY 1, 1998] follows:

23 (1) To individuals who meet the following conditions:

- 24 (A) Are employed by:
  - 25 (i) the provider at the same facility or agency;
  - 26 (ii) a managed care provider (as defined in  
27 IC 12-7-2-127(b)); or
  - 28 (iii) a health care provider or mental health care  
29 provider, if the mental health records are needed to  
30 provide health care or mental health services to the  
31 patient.

32 (B) Are involved in the planning, provision, and monitoring  
33 of services.

34 (2) To the extent necessary to obtain payment for services  
35 rendered or other benefits to which the patient may be entitled,  
36 as provided in IC 16-39-5-3.

37 (3) To the patient's court appointed counsel and to the Indiana  
38 protection and advocacy services commission.

39 (4) For research conducted in accordance with IC 16-39-5-3 and  
40 the rules of the division of mental health, the rules of the division  
41 of disability, aging, and rehabilitative services, or the rules of the  
42 provider.

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- 1 (5) To the division of mental health for the purpose of data  
 2 collection, research, and monitoring managed care providers (as  
 3 defined in IC 12-7-2-127(b)) who are operating under a contract  
 4 with the division of mental health.
- 5 (6) To the extent necessary to make reports or give testimony  
 6 required by the statutes pertaining to admissions, transfers,  
 7 discharges, and guardianship proceedings.
- 8 (7) To a law enforcement agency if any of the following  
 9 conditions are met:
- 10 (A) A patient escapes from a facility to which the patient is  
 11 committed under IC 12-26.
- 12 (B) The superintendent of the facility determines that failure  
 13 to provide the information may result in bodily harm to the  
 14 patient or another individual.
- 15 (C) A patient commits or threatens to commit a crime on  
 16 facility premises or against facility personnel.
- 17 (D) A patient is in the custody of a law enforcement officer  
 18 or agency for any reason and:
- 19 (i) the information to be released is limited to  
 20 medications currently prescribed for the patient or to  
 21 the patient's history of adverse medication reactions;  
 22 and
- 23 (ii) the provider determines that the release of the  
 24 medication information will assist in protecting the  
 25 health, safety, or welfare of the patient.
- 26 Mental health records released under this clause must be  
 27 maintained in confidence by the law enforcement agency  
 28 receiving them.
- 29 (8) To a coroner or medical examiner, in the performance of the  
 30 individual's duties.
- 31 (9) To a school in which the patient is enrolled if the  
 32 superintendent of the facility determines that the information  
 33 will assist the school in meeting educational needs of a person  
 34 with a disability under 20 U.S.C. 1400 et seq.
- 35 (10) To the extent necessary to satisfy reporting requirements  
 36 under the following statutes:
- 37 (A) IC 12-10-3-10.
- 38 (B) IC 12-17-2-16.
- 39 (C) IC 12-24-17-5.
- 40 (D) IC 16-41-2-3.
- 41 (E) IC 31-33-5-4.
- 42 (F) IC 34-30-16-2.

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- 1 (G) IC 35-46-1-13.
- 2 (11) To the extent necessary to satisfy release of information
- 3 requirements under the following statutes:
- 4 (A) IC 12-24-11-2.
- 5 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
- 6 (C) IC 12-26-11.
- 7 (12) To another health care provider in a health care emergency.
- 8 (13) For legitimate business purposes as described in
- 9 IC 16-39-5-3.
- 10 (14) Under a court order under IC 16-39-3.
- 11 (15) With respect to records from a mental health or
- 12 developmental disability facility, to the United States Secret
- 13 Service if the following conditions are met:
- 14 (A) The request does not apply to alcohol or drug abuse
- 15 records described in 42 U.S.C. 290dd-2 unless authorized
- 16 by a court order under 42 U.S.C. 290dd-2(b)(2)(c).
- 17 (B) The request relates to the United States Secret Service's
- 18 protective responsibility and investigative authority under
- 19 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
- 20 (C) The request specifies an individual patient.
- 21 (D) The director or superintendent of the facility determines
- 22 that disclosure of the mental health record may be necessary
- 23 to protect a person under the protection of the United States
- 24 Secret Service from serious bodily injury or death.
- 25 (E) The United States Secret Service agrees to only use the
- 26 mental health record information for investigative purposes
- 27 and not disclose the information publicly.
- 28 (F) The mental health record information disclosed to the
- 29 United States Secret Service includes only:
- 30 (i) the patient's name, age, and address;
- 31 (ii) the date of the patient's admission to or discharge
- 32 from the facility; and
- 33 (iii) any information that indicates whether or not the
- 34 patient has a history of violence or presents a danger to
- 35 the person under protection.
- 36 (b) After information is disclosed under subsection (a)(15) and if
- 37 the patient is evaluated to be dangerous, the records shall be interpreted
- 38 in consultation with a licensed mental health professional on the staff
- 39 of the United States Secret Service.
- 40 (c) A person who discloses information under subsection (a)(7) or
- 41 (a)(15) in good faith is immune from civil and criminal liability.
- 42 SECTION 47. IC 16-41-7-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as  
 2 ~~otherwise~~ provided in **IC 35-42-1-9**, a person who recklessly violates  
 3 or fails to comply with this chapter commits a Class B misdemeanor.

4 (b) Each day a violation continues constitutes a separate offense.

5 SECTION 48. IC 20-10.1-5.1-4 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A governing  
 7 body may do the following:

8 (1) Develop and periodically update a local plan to provide  
 9 appropriate educational experiences to high ability students **in**  
 10 **the school corporation in** kindergarten through grade 12. The  
 11 plan must include the following components:

12 (A) ~~Establish~~ **The establishment of** a broad-based planning  
 13 committee that meets periodically to review the LEA plan  
 14 for high ability students. The committee must have  
 15 representatives from diverse groups representing the school  
 16 and community.

17 (B) Student assessment.

18 (C) Professional development.

19 (D) Development and implementation of a local program  
 20 for high ability students.

21 (E) Evaluation of the local program for high ability  
 22 students.

23 (2) Provide a local program for high ability students in  
 24 accordance with the plan that the governing body develops under  
 25 subdivision (1) for the high ability students in the school  
 26 corporation in kindergarten through grade 12.

27 SECTION 49. IC 20-12-9.5-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this  
 29 chapter, "obligations" means bonds, notes, or other ~~evidence~~ **evidences**  
 30 of indebtedness or other ~~obligation~~ **obligations** issued by a corporation.

31 SECTION 50. IC 20-14-12-7 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A person  
 33 who:

34 (1) desires to be certified as a librarian in any designated  
 35 division, grade, or type of public library service; and

36 (2) possesses the qualifications prescribed in the rules of the  
 37 board as essential to enable a person to apply for a certificate;

38 may apply to the board for a certificate in any grade or grades of public  
 39 library service.

40 (b) The application must be:

41 (1) made on a ~~blank~~ form prescribed and supplied by the board;

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1 (2) accompanied by the fee set by the board under section 11 of  
2 this chapter.

3 (c) If the application is found to be satisfactory, the applicant is  
4 entitled to a certificate in the grade or grades of public library service  
5 for which applied.

6 SECTION 51. IC 21-3-1.7-8 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Notwithstanding  
8 IC 21-3-1.6 and subject to section 9 of this chapter, the state  
9 distribution for a calendar year for tuition support for basic programs  
10 for each school corporation equals the result determined using the  
11 following formula:

12 STEP ONE: Determine the greater of the following:

13 (A) The product of:

14 (i) the school corporation's target revenue per ADM;  
15 multiplied by

16 ~~(B)~~ (ii) the school corporation's adjusted current ADM.

17 (B) The product of:

18 (i) the school corporation's previous year revenue;  
19 multiplied by

20 (ii) one and three-hundredths (1.03).

21 STEP TWO: Determine the remainder of:

22 (A) the STEP ONE amount; minus

23 (B) the sum of:

24 (i) the school corporation's tuition support levy; plus

25 (ii) the school corporation's excise tax revenue for the  
26 year that precedes the current year by one (1) year.

27 If the state tuition support determined for a school corporation under  
28 this section is negative, the school corporation is not entitled to any  
29 state tuition support. In addition, the school corporation's maximum  
30 general fund levy under IC 6-1.1-19-1.5 shall be reduced by the amount  
31 of the negative result.

32 SECTION 52. IC 21-3-1.7-9.7 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.7. In addition to  
34 the distributions under sections 8, 9.5, and 9.8 of this chapter for 1997  
35 and thereafter, a school corporation is eligible for an amount for at-risk  
36 programs in the amount determined in STEP SIX of the following  
37 formula:

38 ~~STEP~~ STEP ONE: Determine the greater of the following:

39 (A) The result determined under item (ii) of the following  
40 formula:

41 (i) Determine the result of the school corporation's  
42 at-risk index minus two-tenths (0.2).



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- 1 (ii) Multiply the item (i) result by seven-hundredths  
 2 (0.07).  
 3 (B) Zero (0).  
 4 STEP TWO: Determine the greater of the following:  
 5 (A) The result determined under item (ii) of the following  
 6 formula:  
 7 (i) Determine the result of the school corporation's  
 8 at-risk index minus fifteen-hundredths (0.15).  
 9 (ii) Multiply the item (i) result by eighteen-hundredths  
 10 (0.18).  
 11 (B) Zero (0).  
 12 STEP THREE: Add the STEP ONE result and the STEP TWO  
 13 result.  
 14 STEP FOUR: Multiply the STEP THREE sum by the school  
 15 corporation's current ADM. Round the result to the nearest  
 16 one-hundredth (0.01).  
 17 STEP FIVE: Multiply the STEP FOUR product by two thousand  
 18 nine hundred fifty dollars (\$2,950) in 1998 and three thousand  
 19 one hundred thirty-five dollars (\$3,135) in 1999.  
 20 SECTION 53. IC 22-2-2-4 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Every  
 22 employer employing four (4) or more employees during a work week  
 23 shall:  
 24 (1) in any work week beginning on or after July 1, 1968, in  
 25 which he is subject to the provisions of this chapter, pay each of  
 26 his employees wages of not less than one dollar and twenty-five  
 27 cents (\$1.25) per hour;  
 28 (2) in any work week beginning on or after July 1, 1977, in  
 29 which he is subject to this chapter, pay each of his employees  
 30 wages of not less than one dollar and fifty cents (\$1.50) per hour;  
 31 (3) in any work week beginning on or after January 1, 1978, in  
 32 which he is subject to this chapter, pay each of his employees  
 33 wages of not less than one dollar and seventy-five cents (\$1.75)  
 34 per hour; and  
 35 (4) in any work week beginning on or after January 1, 1979, in  
 36 which he is subject to this chapter, pay each of his employees  
 37 wages of not less than two dollars (\$2) per hour.  
 38 (b) Except as provided in subsection (c), every employer  
 39 employing at least two (2) employees during a work week shall, in any  
 40 work week in which the employer is subject to this chapter, pay each  
 41 of the employees in any work week beginning on and after July 1,  
 42 1990, and before October 1, 1998, wages of not less than three dollars

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1 and thirty-five cents (\$3.35) per hour.

2 (c) An employer subject to subsection (b) is permitted to apply a  
3 "tip credit" in determining the amount of cash wage paid to tipped  
4 employees. In determining the wage an employer is required to pay a  
5 tipped employee, the amount paid the employee by the employee's  
6 employer shall be an amount equal to:

7 (1) the cash wage paid the employee which for purposes of the  
8 determination shall be not less than the cash wage required to be  
9 paid to employees covered under the federal Fair Labor  
10 Standards Act of 1938, as amended (~~29 U.S.C. 210(m)(1)~~) (**29**  
11 **U.S.C. 203(m)(1)**) on August 20, 1996, which amount is two  
12 dollars and thirteen cents (\$2.13) an hour; and

13 (2) an additional amount on account of the tips received by the  
14 employee, which amount is equal to the difference between the  
15 wage specified in subdivision (1) and the wage in effect under  
16 subsections (b), (f), and (g).

17 An employer is responsible for supporting the amount of tip credit  
18 taken through reported tips by the employees.

19 (d) No employer having employees subject to any provisions of  
20 this section shall discriminate, within any establishment in which  
21 employees are employed, between employees on the basis of sex by  
22 paying to employees in such establishment a rate less than the rate at  
23 which he pays wages to employees of the opposite sex in such  
24 establishment for equal work on jobs the performance of which  
25 requires equal skill, effort, and responsibility, and which are performed  
26 under similar working conditions, except where such payment is made  
27 pursuant to:

28 (1) a seniority system;

29 (2) a merit system;

30 (3) a system which measures earnings by quantity or quality of  
31 production; or

32 (4) a differential based on any other factor other than sex.

33 (e) An employer who is paying a wage rate differential in violation  
34 of subsection (d) shall not, in order to comply with subsection (d),  
35 reduce the wage rate of any employee, and no labor organization, or its  
36 agents, representing employees of an employer having employees  
37 subject to subsection (d) shall cause or attempt to cause such an  
38 employer to discriminate against an employee in violation of  
39 subsection (d).

40 (f) Except as provided in subsection (c), every employer  
41 employing at least two (2) employees during a work week shall, in any  
42 work week in which the employer is subject to this chapter, pay each

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1 of the employees in any work week beginning on or after October 1,  
 2 1998, and before March 1, 1999, wages of not less than four dollars  
 3 and twenty-five cents (\$4.25) per hour.

4 (g) Except as provided in subsections (c) and (i), every employer  
 5 employing at least two (2) employees during a work week shall, in any  
 6 work week in which the employer is subject to this chapter, pay each  
 7 of the employees in any work week beginning on or after March 1,  
 8 1999, wages of not less than five dollars and fifteen cents (\$5.15) an  
 9 hour.

10 (h) This section does not apply if an employee:

11 (1) provides companionship services to the aged and infirm (as  
 12 defined in 29 CFR 552.6); and

13 (2) is employed by an employer or agency other than the family  
 14 or household using the companionship services, as provided in  
 15 29 CFR 552.109 (a).

16 (i) This subsection applies only to an employee who has not  
 17 attained the age of twenty (20) years. Instead of the rates prescribed by  
 18 subsections (c), (f), and (g), an employer may pay an employee of the  
 19 employer, during the first ninety (90) consecutive calendar days after  
 20 the employee is initially employed by the employer, a wage which is  
 21 not less than four dollars and twenty-five cents (\$4.25) per hour,  
 22 effective March 1, 1999. However, no employer may take any action  
 23 to displace employees (including partial displacements such as  
 24 reduction in hours, wages, or employment benefits) for purposes of  
 25 hiring individuals at the wage authorized in this subsection.

26 (j) Except as otherwise provided in this section, no employer shall  
 27 employ any employee for a workweek longer than forty (40) hours  
 28 unless the employee receives compensation for employment in excess  
 29 of the hours above specified at a rate not less than one and one-half  
 30 (1.5) times the regular rate at which he is employed.

31 (k) For purposes of this section the following apply:

32 (1) "Overtime compensation" means the compensation required  
 33 by subsection (j).

34 (2) "Compensatory time" and "compensatory time off" mean  
 35 hours during which an employee is not working, which are not  
 36 counted as hours worked during the applicable workweek or  
 37 other work period for purposes of overtime compensation, and  
 38 for which the employee is compensated at the employee's regular  
 39 rate.

40 (3) "Regular rate" means the rate at which an employee is  
 41 employed is considered to include all remuneration for  
 42 employment paid to, or on behalf of, the employee, but is not

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- 1 considered to include the following:
- 2 (A) Sums paid as gifts, payments in the nature of gifts made
- 3 at Christmas time or on other special occasions, as a reward
- 4 for service, the amounts of which are not measured by or
- 5 dependent on hours worked, production, or efficiency.
- 6 (B) Payments made for occasional periods when no work is
- 7 performed due to vacation, holiday, illness, failure of the
- 8 employer to provide sufficient work, or other similar cause,
- 9 reasonable payments for traveling expenses, or other
- 10 expenses, incurred by an employee in the furtherance of his
- 11 employer's interests and properly reimbursable by the
- 12 employer, and other similar payments to an employee which
- 13 are not made as compensation for his hours of employment.
- 14 (C) Sums paid in recognition of services performed during
- 15 a given period if:
- 16 (i) both the fact that payment is to be made and the
- 17 amount of the payment are determined at the sole
- 18 discretion of the employer at or near the end of the
- 19 period and not pursuant to any prior contract,
- 20 agreement, or promise causing the employee to expect
- 21 the payments regularly;
- 22 (ii) the payments are made pursuant to a bona fide
- 23 profit sharing plan or trust or bona fide thrift or savings
- 24 plan, meeting the requirements of the administrator set
- 25 forth in appropriately issued regulations, having due
- 26 regard among other relevant factors, to the extent to
- 27 which the amounts paid to the employee are
- 28 determined without regard to hours of work,
- 29 production, or efficiency; or
- 30 (iii) the payments are talent fees paid to performers,
- 31 including announcers, on radio and television
- 32 programs.
- 33 (D) Contributions irrevocably made by an employer to a
- 34 trustee or third person pursuant to a bona fide plan for
- 35 providing old age, retirement, life, accident, or health
- 36 insurance or similar benefits for employees.
- 37 (E) Extra compensation provided by a premium rate paid
- 38 for certain hours worked by the employee in any day or
- 39 workweek because those hours are hours worked in excess
- 40 of eight (8) in a day or in excess of the maximum workweek
- 41 applicable to the employee under subsection ~~(h)~~ (j) or in
- 42 excess of the employee's normal working hours or regular

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working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight hours) or workweek (not exceeding the maximum workweek applicable to the employee under subsection ~~(a)~~ (j)) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or workweek.

(I) No employer shall be considered to have violated subsection (j) by employing any employee for a workweek in excess of that specified in subsection ~~(a)~~ (j) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum

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1 workweek applicable to the employee under subsection ~~(a)~~ (j) or  
 2 two thousand eighty (2,080) in that period at rates not less than  
 3 one and one-half (1.5) times the regular rate at which the  
 4 employee is employed; or

5 (m) No employer shall be considered to have violated subsection  
 6 (j) by employing any employee for a workweek in excess of the  
 7 maximum workweek applicable to the employee under subsection ~~(a)~~  
 8 (j) if the employee is employed pursuant to a bona fide individual  
 9 contract, or pursuant to an agreement made as a result of collective  
 10 bargaining by representatives of employees, if the duties of the  
 11 employee necessitate irregular hours of work, and the contract or  
 12 agreement includes the following:

13 (1) Specifies a regular rate of pay of not less than the minimum  
 14 hourly rate provided in subsections (c), (f), (g), and (i)  
 15 (whichever is applicable) and compensation at not less than one  
 16 and one-half (1.5) times that rate for all hours worked in excess  
 17 of the maximum workweek.

18 (2) Provides a weekly guaranty of pay for not more than sixty  
 19 hours based on the rates so specified.

20 (n) No employer shall be considered to have violated subsection  
 21 (j) by employing any employee for a workweek in excess of the  
 22 maximum workweek applicable to the employee under that subsection  
 23 if, pursuant to an agreement or understanding arrived at between the  
 24 employer and the employee before performance of the work, the  
 25 amount paid to the employee for the number of hours worked by him  
 26 in the workweek in excess of the maximum workweek applicable to the  
 27 employee under that subsection:

28 (1) in the case of an employee employed at piece rates, is  
 29 computed at piece rates not less than one and one-half (1.5)  
 30 times the bona fide piece rates; applicable to the same work  
 31 when performed during nonovertime hours; or

32 (2) in the case of an employee performing two (2) or more kinds  
 33 of work for which different hourly or piece rates have been  
 34 established, is computed at rates not less than one and one-half  
 35 (1.5) times those bona fide rates; applicable to the same work  
 36 when performed during nonovertime hours; or

37 (3) is computed at a rate not less than one and one-half (1.5)  
 38 times the rate established by the agreement or understanding as  
 39 the basic rate to be used in computing overtime compensation  
 40 thereunder, provided that the rate so established shall be  
 41 substantially equivalent to the average hourly earnings of the  
 42 employee, exclusive of overtime premiums, in the particular

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1 work over a representative period of time;  
2 and if the employee's average hourly earnings for the workweek  
3 exclusive of payments described in this section are not less than the  
4 minimum hourly rate required by applicable law, and extra overtime  
5 compensation is properly computed and paid on other forms of  
6 additional pay required to be included in computing the regular rate.

7 (o) Extra compensation paid as described in this section shall be  
8 creditable toward overtime compensation payable pursuant to this  
9 section.

10 (p) No employer shall be considered to have violated subsection  
11 (j) by employing any employee of a retail or service establishment for  
12 a workweek in excess of the applicable workweek specified therein, if:

13 (1) the regular rate of pay of the employee is in excess of one  
14 and one-half (1.5) times the minimum hourly rate applicable to  
15 the employee under section 2 of this chapter; and

16 (2) more than half of the employee's compensation for a  
17 representative period (not less than one (1) month) represents  
18 commissions on goods or services.

19 In determining the proportion of compensation representing  
20 commissions, all earnings resulting from the application of a bona fide  
21 commission rate shall be considered commissions on goods or services  
22 without regard to whether the computed commissions exceed the draw  
23 or guarantee.

24 (q) No employer engaged in the operation of a hospital or an  
25 establishment which is an institution primarily engaged in the care of  
26 the sick, the aged, or the mentally ill or defective who reside on the  
27 premises shall be considered to have violated subsection (j) if, pursuant  
28 to an agreement or understanding arrived at between the employer and  
29 the employee before performance of the work, a work period of  
30 fourteen (14) consecutive days is accepted in lieu of the workweek of  
31 seven (7) consecutive days for purposes of overtime computation and  
32 if, for his employment in excess of eight (8) hours in any workday and  
33 in excess of eighty (80) hours in that fourteen (14) day period, the  
34 employee receives compensation at a rate not less than one and  
35 one-half (1.5) times the regular rate at which the employee is  
36 employed.

37 (r) No employer shall employ any employee in domestic service  
38 in one (1) or more households for a workweek longer than forty (40)  
39 hours unless the employee receives compensation for that employment  
40 in accordance with subsection (j).

41 (s) In the case of an employee of an employer engaged in the  
42 business of operating a street, suburban or interurban electric railway,

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1 or local trolley or motorbus carrier (regardless of whether or not the  
 2 railway or carrier is public or private or operated for profit or not for  
 3 profit), in determining the hours of employment of such an employee  
 4 to which the rate prescribed by subsection (j) applies there shall be  
 5 excluded the hours the employee was employed in charter activities by  
 6 the employer if both of the following apply:

7 (1) The employee's employment in the charter activities was  
 8 pursuant to an agreement or understanding with the employer  
 9 arrived at before engaging in that employment.

10 (2) If employment in the charter activities is not part of the  
 11 employee's regular employment.

12 (t) Any employer may employ any employee for a period or  
 13 periods of not more than ten (10) hours in the aggregate in any  
 14 workweek in excess of the maximum workweek specified in subsection  
 15 (j) without paying the compensation for overtime employment  
 16 prescribed in subsection (j), if during that period or periods the  
 17 employee is receiving remedial education that:

18 (1) is provided to employees who lack a high school diploma or  
 19 educational attainment at the eighth grade level;

20 (2) is designed to provide reading and other basic skills at an  
 21 eighth grade level or below; and

22 (3) does not include job specific training.

23 (u) Subsection (j) does not apply to an employee of a motion  
 24 picture theater.

25 SECTION 54. IC 22-12-1-12 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. "Fire  
 27 department" means a paid fire department or volunteer fire ~~company~~  
 28 **department** that renders fire prevention or fire protection services to  
 29 a political subdivision.

30 SECTION 55. IC 22-12-1-18.7 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.7. "Qualified  
 32 entity" means:

33 (1) a volunteer fire ~~company~~ **department** (as defined in  
 34 IC 36-8-12-2);

35 (2) the executive of a township providing fire protection under  
 36 IC 36-8-13-3(a)(1); or

37 (3) a municipality providing fire protection to a township under  
 38 IC 36-8-13-3(a)(2) or IC 36-8-13-3(a)(3).

39 SECTION 56. IC 22-12-2-2 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The  
 41 commission consists of eighteen (18) voting members and two (2)  
 42 nonvoting members. The governor shall appoint sixteen (16) voting



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1 members to the commission, each to serve a term of four (4) years. The  
 2 state health commissioner or the commissioner's designee shall serve  
 3 as a voting member of the commission, and the commissioner of labor  
 4 or the commissioner's designee shall serve as a voting member of the  
 5 commission. The state fire marshal and the state building commissioner  
 6 shall serve as nonvoting members of the commission.

7 (b) Each appointed member of the commission must have a  
 8 recognized interest, knowledge, and experience in the field of fire  
 9 prevention, fire protection, building safety, or other related matters.

10 (c) The appointed members of the commission must include the  
 11 following:

- 12 (1) One (1) member of a professional, paid fire department.
- 13 (2) One (1) member of a volunteer fire **company department**.
- 14 (3) One (1) individual in the field of fire insurance.
- 15 (4) One (1) individual in the fire service industry.
- 16 (5) One (1) individual in the manufactured housing industry.
- 17 (6) One (1) individual in the field of fire protection engineering.
- 18 (7) One (1) professional engineer.
- 19 (8) One (1) building contractor.
- 20 (9) One (1) individual in the field of building one (1) and two (2)  
 21 family dwellings.
- 22 (10) One (1) registered architect.
- 23 (11) One (1) individual engaged in the design or construction of  
 24 heating, ventilating, air conditioning, or plumbing systems.
- 25 (12) One (1) individual engaged in the design or construction of  
 26 regulated lifting devices.
- 27 (13) One (1) building commissioner of a city, town, or county.
- 28 (14) One (1) individual in an industry that operates regulated  
 29 amusement devices.
- 30 (15) One (1) individual who is knowledgeable in accessibility  
 31 requirements and who has personal experience with a disability.
- 32 (16) One (1) individual who represents owners, operators, and  
 33 installers of underground and aboveground motor fuel storage  
 34 tanks and dispensing systems.

35 (d) Not more than nine (9) of the appointed members of the  
 36 commission may be affiliated with the same political party.

37 (e) An appointed member of the commission may not serve more  
 38 than two (2) consecutive terms. However, any part of an unexpired  
 39 term served by a member filling a vacancy does not count toward this  
 40 limitation.

41 SECTION 57. IC 25-6.1-7-1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) An individual

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1 may not act as an auctioneer without first having obtained and having  
2 in full force and effect the license required under this article.

3 (b) Except as provided in IC 25-6.1-3-3, a person may not operate  
4 an auction house without having obtained and having in full force and  
5 effect the license for the auction house as required under this article.

6 (c) A person (except a person who shall have become exempt, by  
7 reason of compliance with the provisions of ~~section 4 of chapter 3 of~~  
8 ~~this article, IC 25-6.1-3-4~~, from the auction company licensing  
9 requirements of this article) may not operate an auction company  
10 without first having obtained and having in full force and effect the  
11 auction company license required under this article.

12 (d) A person who knowingly or intentionally violates the  
13 provisions of this section commits a Class A misdemeanor.

14 SECTION 58. IC 27-1-15.5-8, AS AMENDED BY P.L.82-1998,  
15 SECTION 3, AND P.L.91-1998, SECTION 6, IS CORRECTED AND  
16 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
17 PASSAGE]: Sec. 8. (a) The commissioner may suspend, revoke, refuse  
18 to continue, renew, or issue any license issued under this chapter, or  
19 impose any of the disciplinary sanctions under subsection (f) if, after  
20 notice to the licensee and to the insurer represented and a hearing, the  
21 commissioner finds as to the licensee any one (1) or more of the  
22 following conditions:

- 23 (1) Any materially untrue statement in the license application.  
24 (2) Any cause for which issuance of the license could have been  
25 refused had it then existed and been known to the commissioner  
26 at the time of issuance.  
27 (3) Violation of or noncompliance with any insurance laws,  
28 violation of any provision of IC 28 concerning the sale of a life  
29 insurance policy or an annuity contract, or violation of any  
30 lawful rule, regulation, or order of the commissioner or of a  
31 commissioner of another state.  
32 (4) Obtaining or attempting to obtain any such license through  
33 misrepresentation or fraud.  
34 (5) Improperly withholding, misappropriating, or converting to  
35 the licensee's own use any money belonging to policyholders,  
36 insurers, beneficiaries, or others received in the course of the  
37 licensee's insurance business.  
38 (6) Misrepresentation of the terms of any actual or proposed  
39 insurance contract.  
40 (7) A:  
41 (A) conviction of; or  
42 (B) plea of guilty, no contest, or nolo contendere to;



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- 1 a felony or misdemeanor involving moral turpitude.
- 2 (8) The licensee has been found guilty of any unfair trade
- 3 practice or of fraud.
- 4 (9) In the conduct of the licensee's affairs under the license, the
- 5 licensee has used fraudulent, coercive, or dishonest practices, or
- 6 has shown himself to be incompetent, untrustworthy, or
- 7 financially irresponsible, or not performing in the best interests
- 8 of the insuring public.
- 9 (10) The licensee's license has been suspended or revoked in any
- 10 *other* state, province, district, or territory.
- 11 (11) The licensee has forged another's name to an application for
- 12 insurance.
- 13 (12) An applicant has been found to have been cheating on an
- 14 examination for an insurance license.
- 15 (13) The applicant or licensee is on the most recent tax warrant
- 16 list supplied to the commissioner by the department of state
- 17 revenue.
- 18 (14) The licensee has failed to satisfy the continuing education
- 19 requirements under section 7.1 of this chapter.
- 20 (15) *The licensee has violated section 24 of this chapter.*
- 21 (b) The commissioner shall refuse to:
- 22 (1) issue a license; or
- 23 (2) renew a license issued;
- 24 under this chapter to any person who is the subject of an order issued
- 25 by a court under IC 31-14-12-7 or IC 31-16-12-10 (or
- 26 IC 31-1-11.5-13(m) or IC 31-6-6.1-16(m) before their repeal).
- 27 (c) In the event that the action by the commissioner is to not renew
- 28 or to deny an application for a license, the commissioner shall notify
- 29 the applicant or licensee and advise, in writing, the applicant or
- 30 licensee of the reasons for the denial or nonrenewal of the applicant's
- 31 or licensee's license. Not later than sixty (60) days after receiving a
- 32 notice from the commissioner under this subsection, the applicant or
- 33 licensee may make written demand upon the commissioner for a
- 34 hearing to determine the reasonableness of the commissioner's action.
- 35 Such hearing shall be held within thirty (30) days from the date of
- 36 receipt of the written demand of the applicant.
- 37 (d) The license of a corporation may be suspended, revoked, or
- 38 refused if the commissioner finds, after hearing, that an individual
- 39 licensee's violation was known or should have been known by one (1)
- 40 or more of the officers or managers acting on behalf of the corporation
- 41 and such violation was not reported to the insurance department nor
- 42 corrective action taken in relation to the violation.

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1 (e) In addition to or in lieu of any applicable denial, suspension,  
 2 or revocation of a license, any person violating this chapter may, after  
 3 hearing, be subject to a civil penalty of not less than fifty dollars (\$50)  
 4 nor more than ten thousand dollars (\$10,000). Such a penalty may be  
 5 enforced in the same manner as civil judgments.

6 (f) The commissioner may impose any of the following sanctions,  
 7 singly or in combination, when the commissioner finds that a licensee  
 8 is guilty of any offense under subsection (a):

9 (1) Permanently revoke (as defined in subsection (i)) a licensee's  
 10 certificate.

11 (2) Revoke a licensee's certificate with a stipulation that the  
 12 licensee may not reapply for a certificate for a period fixed by  
 13 the commissioner. The fixed period may not exceed ten (10)  
 14 years.

15 (3) Suspend a licensee's certificate.

16 (4) Censure a licensee.

17 (5) Issue a letter of reprimand.

18 (6) Place a licensee on probation status and require the licensee  
 19 to:

20 (A) report regularly to the commissioner upon the matters  
 21 that are the basis of probation;

22 (B) limit practice to those areas prescribed by the  
 23 commissioner; or

24 (C) continue or renew professional education under a  
 25 licensee approved by the commissioner until a satisfactory  
 26 degree of skill has been attained in those areas that are the  
 27 basis of the probation.

28 The commissioner may withdraw the probation if the  
 29 commissioner finds that the deficiency that required disciplinary  
 30 action has been remedied.

31 (g) *The commissioner may order the licensee to make restitution*  
 32 *if the commissioner finds that the licensee has violated:*

33 (1) *subsection (a)(5);*

34 (2) *subsection (a)(8);*

35 (3) *subsection (a)(9); or*

36 (4) *section 24 of this chapter.*

37 (h) The insurance commissioner shall notify the securities  
 38 commissioner when an administrative action or civil proceeding is filed  
 39 under this section and when an order is issued under this section  
 40 denying, suspending, or revoking a license.

41 ~~(h)~~ (i) For purposes of subsection (f), "permanently revoke" means  
 42 that the licensee's certificate shall never be reinstated and the licensee

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1 shall not be eligible to submit an application for a certificate to the  
2 department.

3 SECTION 59. IC 27-8-11-3 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An insurer  
5 may:

6 (1) enter into agreements with providers relating to terms and  
7 conditions of reimbursement for health care services that may be  
8 rendered to insureds of the insurer, including agreements  
9 relating to the amounts to be charged the insured for services  
10 rendered or the terms and conditions for activities intended to  
11 reduce inappropriate care;

12 (2) issue or administer policies in this state that include  
13 incentives for the insured to utilize the services of a provider that  
14 has entered into an agreement with the insurer under subdivision  
15 (1); and

16 (3) issue or administer policies in this state that provide for  
17 reimbursement for expenses of health care services only if the  
18 services have been rendered by a provider that has entered into  
19 an agreement with the insurer under subdivision (1).

20 (b) Before entering into any agreement under subsection (a)(1), an  
21 insurer shall establish terms and conditions that must be met by  
22 providers wishing to enter into an agreement with the insurer under  
23 subsection (a)(1). These terms and conditions may not discriminate  
24 unreasonably against or among providers. For the purposes of this  
25 subsection, neither differences in prices among hospitals or other  
26 institutional providers produced by a process of individual negotiation  
27 nor price differences among other providers in different geographical  
28 areas or different specialties constitutes unreasonable discrimination.  
29 Upon request by a provider seeking to enter into an agreement with an  
30 insurer under subsection (a)(1), the insurer shall make available to the  
31 provider a written statement of the terms and conditions that must be  
32 met by providers wishing to enter into an agreement with the insurer  
33 under subsection (a)(1).

34 (c) No hospital, physician, pharmacist, or other provider  
35 designated in IC 27-8-6-1 willing to meet the terms and conditions of  
36 agreements described in this section ~~or section 3-1 of this chapter~~ may  
37 be denied the right to enter into an agreement under subsection (a)(1).  
38 ~~or section 3-1 of this chapter~~. When an insurer denies a provider the  
39 right to enter into an agreement with the insurer under subsection (a)(1)  
40 ~~or section 3-1 of this chapter~~ on the grounds that the provider does not  
41 satisfy the terms and conditions established by the insurer for providers  
42 entering into agreements with the insurer, the insurer shall provide the

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1 provider with a written notice that:

2 (1) explains the basis of the insurer's denial; and

3 (2) states the specific terms and conditions that the provider, in  
4 the opinion of the insurer, does not satisfy.

5 (d) In no event may an insurer deny or limit reimbursement to an  
6 insured under this chapter on the grounds that the insured was not  
7 referred to the provider by a person acting on behalf of or under an  
8 agreement with the insurer.

9 (e) No cause of action shall arise against any person or insurer for:

10 (1) disclosing information as required by this section; or

11 (2) the subsequent use of the information by unauthorized  
12 individuals.

13 Nor shall such a cause of action arise against any person or provider for  
14 furnishing personal or privileged information to an insurer. However,  
15 this subsection provides no immunity for disclosing or furnishing false  
16 information with malice or willful intent to injure any person, provider,  
17 or insurer.

18 (f) Nothing in this chapter abrogates the privileges and immunities  
19 established in IC 34-30-15 (or IC 34-4-12.6 before its repeal).

20 SECTION 60. IC 27-8-11-3.1 IS REPEALED [EFFECTIVE  
21 UPON PASSAGE].

22 SECTION 61. IC 27-8-11-4 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Policies issued  
24 under section 3(a)(3) or section 3.1 of this chapter (**before its repeal**)  
25 may not contain terms or conditions that would operate unreasonably  
26 to restrict the access and availability of health care services for the  
27 insured. The commissioner of insurance may, under IC 4-22-2, adopt  
28 rules binding upon insurers prescribing reasonable standards relating  
29 to the accessibility and availability of health care services for persons  
30 insured under policies described in section 3(a)(3) or section 3.1 of this  
31 chapter (**before its repeal**).

32 SECTION 62. IC 31-34-21-5.5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) In  
34 determining the extent to which reasonable efforts to reunify or  
35 preserve a family are appropriate under this chapter, the child's health  
36 and safety are of paramount concern.

37 (b) Except as provided in section 5.6 of this chapter, a county  
38 office of family and children shall make reasonable efforts to preserve  
39 and reunify families as follows:

40 (1) If a child has not been removed from the child's home, to  
41 prevent or eliminate the need for removing the child from the  
42 child's home.

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- 1 (2) If a child has been removed from the child's home, ~~as soon as~~  
 2 ~~possible~~ to make it possible for the child to return safely to the  
 3 child's home **as soon as possible**.
- 4 SECTION 63. IC 31-34-21-7 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The court  
 6 shall hold a permanency hearing:
- 7 (1) not more than thirty (30) days after a court finds that  
 8 reasonable efforts to reunify or preserve a child's family are not  
 9 required as described in section 5.6 of this chapter;  
 10 (2) every twelve (12) months after:  
 11 (A) the date of the original dispositional decree; or  
 12 (B) a child in need of services was removed from the child's  
 13 parent, guardian, or custodian;  
 14 whichever comes first; or  
 15 (3) more often if ordered by the juvenile court.
- 16 (b) The court shall:  
 17 (1) make the determination and findings required by section 5 of  
 18 this chapter;  
 19 (2) consider the question of continued jurisdiction and whether  
 20 the dispositional decree should be modified;  
 21 (3) consider recommendations of persons listed under ~~section 4~~  
 22 **section 4** of this chapter, before approving a permanency plan  
 23 under subdivision (4);  
 24 (4) consider and approve a permanency plan for the child that  
 25 complies with the requirements set forth in section 7.5 of this  
 26 chapter;  
 27 (5) determine whether an existing permanency plan must be  
 28 modified; and  
 29 (6) examine procedural safeguards used by the county office of  
 30 family and children to protect parental rights.
- 31 (c) There is a rebuttable presumption that jurisdiction over the  
 32 child in a child in need of services proceeding continues for not longer  
 33 than twelve (12) months after the date of the original dispositional  
 34 decree or twelve (12) months after the child in need of services was  
 35 removed from the child's parent, guardian, or custodian, whichever  
 36 occurs first. The state may rebut the presumption and show that  
 37 jurisdiction should continue by proving that the objectives of the  
 38 dispositional decree have not been accomplished, that a continuation  
 39 of the decree with or without any modifications is necessary, and that  
 40 it is in the child's best interests for the court to maintain its jurisdiction  
 41 over the child. If the county office of family and children does not  
 42 sustain its burden for continued jurisdiction, the court shall:



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- 1 (1) direct the county office of family and children to establish a  
 2 permanency plan within thirty (30) days; or; or  
 3 (2) discharge the child and the child's parent, guardian, or  
 4 custodian.

5 The court may retain jurisdiction to the extent necessary to carry out  
 6 any orders under subdivision (1).

7 SECTION 64. IC 33-4-11-17 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) A  
 9 prospective juror who fails to appear as directed by the jury  
 10 commissioner under section 16 of this ~~section~~ **chapter** must be ordered  
 11 by the supervising judge to appear and show cause for the failure to  
 12 appear as directed. If the prospective juror fails to appear under the  
 13 supervising judge's order or fails to show good cause for the failure to  
 14 appear as directed by the jury commissioner, the prospective juror is  
 15 guilty of criminal contempt.

16 (b) A person who knowingly misrepresents a material fact on a  
 17 juror qualification form for the purpose of avoiding or securing service  
 18 as a juror commits a Class C misdemeanor.

19 SECTION 65. IC 33-4-11-22 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. After the period  
 21 of service for which names were drawn from the master jury list has  
 22 expired, and all persons ~~elected~~ **selected** to serve as jurors have been  
 23 discharged, all records and papers compiled and maintained by the jury  
 24 commissioner or the clerk must be preserved by the clerk of the courts  
 25 for the period prescribed by rule of the Indiana supreme court. The  
 26 records and papers must be available for public inspection at all  
 27 reasonable times.

28 SECTION 66. IC 33-5.1-4 IS REPEALED [EFFECTIVE UPON  
 29 PASSAGE].

30 SECTION 67. IC 34-6-2-51 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998 (RETROACTIVE)]: Sec. 51.  
 32 (a) "Gratuitously renders emergency care", for purposes of  
 33 IC 34-30-12-1, means the giving of emergency care (**including the use**  
 34 **of an automatic external defibrillator**):

- 35 (1) that was volunteered without legal obligation on the part of  
 36 the person rendering the emergency care; and  
 37 (2) for which the person rendering the emergency care does not  
 38 expect remuneration.

39 (b) Emergency care may not be considered to be gratuitously  
 40 rendered emergency care solely because of the failure to send a bill for  
 41 the emergency care.

42 SECTION 68. IC 34-13-3-22 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) For  
 2 purposes of this chapter, the following shall be treated as political  
 3 subdivisions:

- 4 (1) A community action agency (as defined in IC 12-14-23-2).  
 5 (2) An individual or corporation rendering public transportation  
 6 services under a contract with a commuter transportation district  
 7 created under IC 8-5-15.  
 8 (3) A volunteer fire ~~company~~ **department** (as defined in  
 9 IC 36-8-12-2) that is acting under:  
 10 (A) a contract with a unit or a fire protection district; or  
 11 (B) IC 36-8-17.

12 (b) The treatment provided for under subsection (a)(2) shall be  
 13 accorded only in relation to a loss that occurs in the course of rendering  
 14 public transportation services under contract with a commuter  
 15 transportation district.

16 SECTION 69. IC 34-18-3-5, AS AMENDED BY P.L.91-1998,  
 17 SECTION 21, AND P.L.111-1998, SECTION 5, IS CORRECTED  
 18 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 19 PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), the  
 20 receipt of proof of financial responsibility and the surcharge constitutes  
 21 compliance with section 2 of this chapter:

- 22 (1) as of the date on which they are received; or  
 23 (2) as of the effective date of the policy;

24 if this proof is filed with and the surcharge paid to the department of  
 25 insurance not later than ninety (90) days after the effective date of the  
 26 insurance policy.

27 (b) If an insurer files proof of financial responsibility and makes  
 28 payment of the surcharge to the department of insurance at least  
 29 ninety-one (91) days but not more than one hundred eighty (180) days  
 30 after the policy effective date, the health care provider ~~complies~~ *is in*  
 31 *compliance* with section 2 of this chapter if the insurer demonstrates to  
 32 the satisfaction of the commissioner that the insurer:

- 33 (1) received the premium and surcharge in a timely manner; and  
 34 (2) erred in transmitting the surcharge in a timely manner.

35 (c) If the commissioner accepts a filing as timely under subsection  
 36 (b), the filing must, in addition to any penalties under IC 34-18-5-3, be  
 37 accompanied by a penalty amount as follows:

- 38 (1) Ten percent (10%) of the surcharge, if the proof of financial  
 39 responsibility and surcharge are received by the commissioner  
 40 at least ninety-one (91) days and not more than one hundred  
 41 twenty (120) days after the original effective date of the policy.  
 42 (2) Twenty percent (20%) of the surcharge, if the proof of

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1 financial responsibility and surcharge are received by the  
 2 commissioner at least one hundred twenty-one (121) days and  
 3 not more than one hundred fifty (150) days after the original  
 4 effective date of the policy.

5 (3) Fifty percent (50%) of the surcharge, if the proof of financial  
 6 responsibility and surcharge are received by the commissioner  
 7 at least one hundred fifty-one (151) days and not more than one  
 8 hundred eighty (180) days after the original effective date of the  
 9 policy.

10 SECTION 70. IC 34-19-3-14 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. Except as  
 12 provided in ~~sections 11 and section~~ 13 of this chapter, the court may  
 13 order appropriate relief under this chapter without proof that a  
 14 defendant knew of the existence of the nuisance.

15 SECTION 71. IC 34-20-8-1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In a product  
 17 liability action, the fault of the person suffering the physical harm, as  
 18 well as the fault of all others who caused or contributed to cause the  
 19 harm, shall be compared by the trier of fact in accordance with  
 20 ~~IC 34-57-2-7, IC 34-57-2-8, or IC 34-57-2-9.~~ **IC 34-51-2-7,**  
 21 **IC 34-51-2-8, or IC 34-51-2-9.**

22 (b) In assessing percentage of fault, the jury shall consider the  
 23 fault of all persons who contributed to the physical harm, regardless of  
 24 whether the person was or could have been named as a party, as long  
 25 as the nonparty was alleged to have caused or contributed to cause the  
 26 physical harm.

27 SECTION 72. IC 34-28-2-3, AS ADDED BY P.L.1-1998,  
 28 SECTION 24, AND AMENDED BY P.L.18-1998, SECTION 3, IS  
 29 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Upon filing a petition for  
 31 a name change, the applicant shall give notice of the petition as  
 32 follows:

33 (1) By three (3) weekly publications in a newspaper of general  
 34 circulation published in the county in which the petition is filed  
 35 in court.

36 (2) If no newspaper is published in the county in which the  
 37 petition is filed, the applicant shall give notice in a newspaper  
 38 published nearest to that county in an adjoining county.

39 (3) The last weekly publication shall be published not less than  
 40 thirty (30) days before the day the petition will be heard as  
 41 indicated in the notice.

42 (b) In the case of a petition described in section 2(b) of this

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1 chapter, the petitioner must publish the first notice of the petition not  
2 more than seven (7) days after the date the petition is filed.

3 (c) In the case of a petition described in section 2(b) of this  
4 chapter, the notice required by this section must include the following:

5 (1) The name of the *petitioner*.

6 (2) The name of the minor child whose name is to ~~change~~ be  
7 *changed*.

8 (3) The new name desired.

9 (4) The name of the court in which the action is pending.

10 (5) The date on which the petition was filed.

11 (6) A statement that any person has the right to appear at the  
12 hearing and to file objections.

13 (d) *Except as provided in section 1.5 of this chapter*, in the case of  
14 a person who has had a felony conviction within ten (10) years before  
15 filing a petition for a change of name, at least thirty (30) days before  
16 the hearing the petitioner must give notice of the filing of the petition  
17 to:

18 (1) the sheriff of the county in which the *petitioner*  
19 resides;

20 (2) the prosecuting attorney of the county in which the petitioner  
21 resides; and

22 (3) the Indiana central repository for criminal history  
23 information.

24 (e) The notice given to the Indiana central repository for criminal  
25 history information under subsection (d) must include the petitioner's  
26 full current name, requested name change, date of birth, address,  
27 physical description, and a full set of classifiable fingerprints.

28 (f) The Indiana central repository for criminal history information  
29 shall forward a copy of any criminal records of the petitioner to the  
30 court for the court's information.

31 (g) A copy of the court decree granting or denying such a petition  
32 shall be sent to the Indiana state police.

33 (h) A person who violates subsection (d) commits a Class A  
34 misdemeanor.

35 SECTION 73. IC 34-30-12-1 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 1998 (RETROACTIVE)]: Sec. 1.

37 (a) This section does not apply to services rendered by a health care  
38 provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before its  
39 repeal) to a patient in a health care facility (as defined in IC 27-8-10-1).

40 (b) **Except as provided in subsection (c)**, a person who comes  
41 upon the scene of an emergency or accident or is summoned to the  
42 scene of an emergency or accident and, in good faith, gratuitously



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1 renders emergency care at the scene of the emergency or accident is  
 2 immune from civil liability for any personal injury that results from:

3 (1) any act or omission by the person in rendering the emergency  
 4 care; or

5 (2) any act or failure to act to provide or arrange for further  
 6 medical treatment or care for the injured person;

7 except for acts or omissions amounting to gross negligence or willful  
 8 or wanton misconduct.

9 **(c) This subsection applies to a person to whom IC 16-31-6.5**  
 10 **applies. A person who gratuitously renders emergency care**  
 11 **involving the use of an automatic external defibrillator is immune**  
 12 **from liability for any act or omission not amounting to gross**  
 13 **negligence or willful or wanton misconduct if the person fulfills the**  
 14 **requirements set forth in IC 16-31-6.5.**

15 **(d) This subsection applies to an individual, business, or**  
 16 **organization to which IC 16-31-6.5 applies. An individual, business,**  
 17 **or organization that allows a person who is an expected user to use**  
 18 **an automatic external defibrillator of the individual, business, or**  
 19 **organization to in good faith gratuitously render emergency care**  
 20 **is immune from civil liability for any damages resulting from an**  
 21 **act or omission not amounting to gross negligence or willful or**  
 22 **wanton misconduct by the user or for acquiring or providing the**  
 23 **automatic external defibrillator to the user for the purpose of**  
 24 **rendering the emergency care if the individual, business, or**  
 25 **organization and the user fulfill the requirements set forth in**  
 26 **IC 16-31-6.5.**

27 SECTION 74. IC 34-30-15-14 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The immunities  
 29 granted by sections 15 through 20 of this chapter shall not extend to  
 30 any person who violates the confidentiality requirements of **sections 1**  
 31 **through 14 of this chapter.**

32 SECTION 75. IC 34-43-1-12 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section  
 34 applies to a medical record or part of a record that contains information  
 35 that is confidential under IC 16-41-8-1.

36 (b) The hospital employee with custody of the original medical  
 37 records shall:

38 (1) execute a verified affidavit:

39 (A) identifying the record or part of a record that contains  
 40 the confidential information concerning a dangerous  
 41 communicable disease; and

42 (B) stating that the confidential record or part of the record



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1 will only be provided under a court order after in camera  
2 review under IC 16-41-8-1; and

3 (2) comply with sections 5 through 8 of this chapter in delivering  
4 the record or part of the record that is not confidential under  
5 **subdivision (1)**.

6 SECTION 76. IC 34-55-8-7 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) After a  
8 hearing of which the judgment debtor has been notified, the court may  
9 order:

10 (1) any property, income, or profits of the judgment debtor not  
11 exempt from execution or process, in the hands either of the  
12 judgment debtor or of any other person; or

13 (2) any debt due to the judgment debtor;  
14 to be applied to the satisfaction of the judgment and forbid transfers of  
15 property and choses in action.

16 (b) The judge may order that:

17 (1) the judgment or execution is a continuing lien upon the  
18 income or profits of the judgment debtor in the hands either of  
19 the judgment debtor or any other person, governmental officer,  
20 or corporation from the date the order is served upon the person,  
21 governmental officer, or corporation indebted to the judgment  
22 debtor to the extent that the lien, together with all similar liens,  
23 is permitted under IC 24-4.5-5-105; and

24 (2) the court may enforce all orders and decrees in the premises,  
25 by attachment or otherwise.

26 (c) A court in an action for proceedings supplementary to  
27 execution shall issue an order directing a depository financial  
28 institution (as defined in IC 28-9-2) to place a hold on a deposit  
29 account in which the judgment debtor has an interest, either  
30 individually or jointly with another person, whenever the conditions  
31 prescribed under ~~IC 28-9-3-4(b)(1)~~ **IC 28-9-3-4(d)(1)** through  
32 ~~IC 28-9-3-4(b)(3)~~ **IC 28-9-3-4(d)(3)** are met. An order issued under:

33 (1) is subject to the limitations as to duration of the restriction  
34 and the amount to be restricted as specified under IC 28-9-4-2;  
35 and

36 (2) may be terminated or modified to reflect valid exemptions of  
37 a depositor that the court has considered.

38 (d) If an order for the placing of a hold on a deposit account is  
39 issued under subsection (c), a person whose deposit account is affected  
40 may request a hearing from the court on the matter of:

41 (1) the person's right to claim certain funds in the person's  
42 deposit account as exempt from garnishment; and

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1 (2) whether the hold should be removed by the court.  
2 (e) If a court receives a request for a hearing under subsection (d),  
3 the court shall hold a hearing on the matter within five (5) days  
4 (excluding Saturdays, Sundays, and legal holidays) after the court  
5 receives the request.

6 (f) If a person whose deposit account is affected by the order  
7 issued under subsection (c) files an affidavit with the court stating that  
8 the funds in the account are exempt from garnishment, the court may  
9 issue an order releasing the hold on the account without first  
10 conducting a hearing.

11 SECTION 77. IC 35-38-1-7.5 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) As used in  
13 this section, "sexually violent predator" has the meaning set forth in  
14 IC 5-2-12-4.5.

15 (b) This section applies whenever a court sentences a person for  
16 a sex offense listed in IC 5-2-12-4(1)(A) through IC 5-2-12-4(1)(J) for  
17 which the person is required to register with a local law enforcement  
18 agency under IC 5-2-12-5.

19 (c) At the sentencing hearing, the court shall determine whether  
20 the person is a sexually violent predator. Before making a  
21 determination under this section, the court shall consult with a board  
22 of experts consisting of two (2) board certified psychologists or  
23 psychiatrists who have expertise in criminal behavioral disorders.

24 (d) If the court finds that a person is a sexually violent predator:  
25 (1) the person is required to register with a local law  
26 enforcement agency as provided in IC 5-2-12-13(b); and  
27 (2) the court shall send notice of its finding under this subsection  
28 to the criminal justice institute.

29 (e) A person who is found by a court to be a sexually violent  
30 predator under subsection (c) may petition the court to consider  
31 whether the person is no longer a sexually violent predator. The person  
32 may file a petition under this subsection not earlier than ten (10) years  
33 after the sentencing court makes its finding under subsection (c). A  
34 person may file a petition under this subsection not more than one (1)  
35 time per year. If a court finds that the person is no longer a sexually  
36 violent predator, the court shall send notice to the Indiana criminal  
37 justice institute that the person is no longer considered a sexually  
38 violent predator.

39 SECTION 78. IC 35-41-1-18 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) "Lawful  
41 detention" means:

42 (1) arrest;

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- 1 (2) custody following surrender in lieu of arrest;
- 2 (3) detention in a penal facility;
- 3 (4) detention in a facility for custody of persons alleged or found
- 4 to be delinquent children;
- 5 (5) detention under a law authorizing civil commitment in lieu
- 6 of criminal proceedings or authorizing such detention while
- 7 criminal proceedings are held in abeyance;
- 8 (6) detention for extradition or deportation;
- 9 (7) placement in a community corrections program's residential
- 10 facility; ~~or~~
- 11 (8) electronic monitoring;
- 12 ~~(8)~~ (9) custody for purposes incident to any of the above
- 13 including transportation, medical diagnosis or treatment, court
- 14 appearances, work, or recreation; or
- 15 ~~(9)~~ (10) any other detention for law enforcement purposes.

16 (b) Except as provided in subsection (a)(7) **and (a)(8)**, the term  
 17 does not include supervision of a person on probation or parole or  
 18 constraint incidental to release with or without bail.

19 SECTION 79. IC 35-50-5-4 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section  
 21 applies only:

- 22 (1) if the county in which a criminal proceeding was filed adopts
- 23 an ordinance under IC 36-2-13-15; and
- 24 (2) to a person who is sentenced under this article for a felony or
- 25 a misdemeanor.

26 (b) At the time the court imposes a sentence, the court may order  
 27 the person to execute a reimbursement plan as directed by the court and  
 28 make repayments under the plan to the county for the costs described  
 29 in IC 36-2-13-15.

30 (c) The court shall fix an amount under this section that:

- 31 (1) may not exceed an amount the person can or will be able to
- 32 pay;
- 33 (2) does not harm the person's ability to reasonably be
- 34 self-supporting or to reasonably support any dependent of the
- 35 person; and
- 36 (3) takes into consideration and gives priority to any other
- 37 restitution, reparation, repayment, costs, fine, or child support
- 38 obligations the person is required to pay.

39 (d) When an order is issued under this section, the issuing court  
 40 shall send a certified copy of the order to the clerk of the circuit court  
 41 in the county where the felony or misdemeanor charge was filed. Upon  
 42 receiving the order, the clerk shall enter and index the order in the

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1 circuit court judgment docket in the manner prescribed by  
2 IC 33-17-2-3.

3 (e) An order under this section is not discharged:

4 (1) by the completion of a sentence imposed for a felony or  
5 misdemeanor; or

6 (2) by the liquidation of a person's estate by a receiver under  
7 ~~IC 34-1-12 and IC 34-2-7.~~ **IC 34-48-1, IC 34-48-4, IC 34-48-5,**  
8 **and IC 34-48-6.**

9 SECTION 80. IC 36-1-7-7 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as  
11 provided in subsection (c), if an agreement under section 3 of this  
12 chapter concerns the provision of law enforcement or firefighting  
13 services, the following provisions apply:

14 (1) Visiting law enforcement officers or firefighters have the  
15 same powers and duties as corresponding personnel of the  
16 entities they visit, but only for the period they are engaged in  
17 activities authorized by the entity they are visiting, and are  
18 subject to all provisions of law as if they were providing services  
19 within their own jurisdiction.

20 (2) An entity providing visiting personnel remains responsible  
21 for the conduct of its personnel, for their medical expenses, for  
22 worker's compensation, and if the entity is a volunteer fire  
23 **company department**, for all benefits provided by IC 36-8-12.

24 (b) A law enforcement or fire service agency of a unit or of the  
25 state may request the assistance of a law enforcement or fire service  
26 agency of another unit, even if no agreement for such assistance is in  
27 effect. In such a case, subsection (a)(1) and (a)(2) apply, the agency  
28 requesting assistance shall pay all travel expenses, and all visiting  
29 personnel shall be supervised by the agency requesting assistance.

30 (c) This subsection applies to a law enforcement officer that visits  
31 another state after a request for assistance from another state under the  
32 emergency management compact is made under IC 10-4-2.5. A law  
33 enforcement officer that visits another state does not have the power of  
34 arrest unless the law enforcement officer is specifically authorized to  
35 exercise the power by the receiving state.

36 SECTION 81. IC 36-7-13-12 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) If a  
38 municipal or county executive has submitted an application to an  
39 advisory commission on industrial development requesting that an area  
40 be designated as a district under this chapter and the advisory  
41 commission has compiled and prepared the information required under  
42 section 11 of this chapter concerning the area, the advisory commission

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1 may adopt a resolution designating the area as a district if it makes the  
2 findings described in subsection (b).

3 (b) An advisory commission may adopt a resolution designating  
4 a particular area as a district only after finding all of the following:

5 (1) The area contains a building or buildings:

6 (A) with at least one million (1,000,000) square feet of  
7 usable interior floor space; and

8 (B) that is **or are** vacant or will become vacant due to the  
9 relocation of an employer.

10 (2) At least one thousand (1,000) fewer persons are employed in  
11 the area than were employed in the area during the year that is  
12 ten (10) years previous to the current year.

13 (3) There are significant obstacles to redevelopment of the area  
14 due to any of the following problems:

15 (A) Obsolete or inefficient buildings.

16 (B) Aging infrastructure or inefficient utility services.

17 (C) Utility relocation requirements.

18 (D) Transportation or access problems.

19 (E) Topographical obstacles to redevelopment.

20 (F) Environmental contamination.

21 (4) The unit has expended, appropriated, pooled, set aside, or  
22 pledged at least one hundred thousand dollars (\$100,000) for  
23 purposes of addressing the redevelopment obstacles described in  
24 subdivision (3).

25 (5) The area is located in a county having a population of more  
26 than one hundred eight thousand nine hundred fifty (108,950)  
27 but less than one hundred twelve thousand (112,000).

28 (c) The advisory commission shall designate the duration of the  
29 district, but the duration may not exceed fifteen (15) years (at the time  
30 of designation).

31 (d) Upon adoption of a resolution designating a district, the  
32 advisory commission shall submit the resolution to the budget  
33 committee for review and recommendation to the budget agency. The  
34 budget committee shall meet not later than ten (10) days after receipt  
35 of a resolution and shall make a recommendation on the resolution to  
36 the budget agency.

37 (e) When considering a resolution, the budget committee and the  
38 budget agency must make the following findings:

39 (1) The area to be designated as a district meets the conditions  
40 necessary for designation as a district.

41 (2) The designation of the district will benefit the people of  
42 Indiana by protecting or increasing state and local tax bases and

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1 tax revenues for at least the duration of the district.

2 (f) The income tax incremental amount and the gross retail  
3 incremental amount may not be allocated to the district until the budget  
4 agency approves the resolution.

5 SECTION 82. IC 36-7-13-17 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Money in the  
7 industrial development fund may be pledged by an advisory  
8 commission ~~to~~ for the following purposes:

9 (1) To pay debt service on bonds or other obligations issued  
10 under this chapter.

11 (2) To establish and maintain a debt service reserve established  
12 by the advisory commission.

13 SECTION 83. IC 36-8-3-12 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Members of the  
15 safety board and members of any township, town, or city (including a  
16 consolidated city) police department, fire department, or volunteer fire  
17 ~~company~~ **department** (as defined by IC 36-8-12-2) may:

18 (1) be candidates for elective office and serve in that office if  
19 elected;

20 (2) be appointed to any office and serve in that office if  
21 appointed; and

22 (3) as long as they are not in uniform and not on duty, solicit  
23 votes and campaign funds and challenge voters for the office for  
24 which they are candidates.

25 SECTION 84. IC 36-8-10.5-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter  
27 applies to:

28 (1) all full-time firefighters hired or rehired after January 1,  
29 1988; and

30 (2) all volunteer firefighters elected or appointed to membership  
31 in a volunteer fire ~~company~~ **department** after January 1, 1988.

32 SECTION 85. IC 36-8-10.5-4 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this  
34 chapter, "volunteer fire ~~company~~ **department**" has the meaning set  
35 forth in IC 36-8-12-2.

36 SECTION 86. IC 36-8-10.5-6 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A full-time  
38 firefighter must successfully complete the minimum basic training  
39 requirements established by this chapter before the firefighter may  
40 perform the duties of a full-time firefighter for the political subdivision.

41 (b) A volunteer firefighter who has successfully completed the  
42 minimum basic training requirements established by this chapter may

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1 be elected or appointed to membership in more than one (1) volunteer  
2 fire **company department**.

3 SECTION 87. IC 36-8-10.5-8 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The training  
5 may be conducted at:

6 (1) a location within the political subdivision employing a  
7 full-time firefighter;

8 (2) the headquarters of the volunteer fire **company department**  
9 where a volunteer firefighter is seeking membership; or

10 (3) any other facility where the training is offered.

11 (b) The training must be conducted by personnel certified as  
12 instructors by the education board.

13 SECTION 88. IC 36-8-12-2 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this  
15 chapter:

16 "Nominal compensation" means annual compensation of not more  
17 than ten thousand dollars (\$10,000).

18 "Responsible party" has the meaning set forth in  
19 IC 13-11-2-191(d).

20 "Volunteer fire **company department**" means a **company**  
21 **department** or association organized for the purpose of answering fire  
22 alarms, extinguishing fires, and providing other emergency services,  
23 the majority of members of which receive no compensation or nominal  
24 compensation for their services.

25 "Volunteer firefighter" means a firefighter:

26 (1) who has volunteered to assist either without compensation or  
27 for nominal compensation in fighting all fires occurring and  
28 providing other emergency services within the corporate  
29 boundaries of the unit of which the firefighter is an assigned  
30 member;

31 (2) who has made application in writing for membership in the  
32 volunteer fire **company department** of the unit;

33 (3) who by virtue of that application is elected or appointed to  
34 membership in that volunteer fire **company department**;

35 (4) whose name has been entered on a roster of volunteer  
36 firefighters that is kept by the volunteer fire **company**  
37 **department** and that has been approved by the proper officers  
38 of the unit; and

39 (5) who at the time of the firefighter's election or appointment  
40 has taken and signed a pledge to comply with all orders that are  
41 given by the chief, assistant chief, or other officer in charge of  
42 the volunteer fire **company department** relative to any matter



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1           pertaining to the work of the volunteer fire ~~company~~  
2           **department.**

3           SECTION 89. IC 36-8-12-3 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A unit may enter  
5 into an agreement with one (1) or more volunteer fire ~~companies~~  
6 **departments** that maintain adequate firefighting service for the use  
7 and operation of firefighting apparatus and equipment owned by the  
8 volunteer fire ~~company~~ **department**, including the service of the  
9 operators of the apparatus and equipment, so that the private and public  
10 property of the unit is saved from destruction by fire.

11           SECTION 90. IC 36-8-12-4 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The contract  
13 between a unit and a volunteer fire ~~company~~ **department** must provide  
14 that the unit pay to the ~~company~~ **department**, as consideration for the  
15 contract, an amount of money that is determined by negotiation  
16 between them. This consideration must include the amounts that the  
17 unit is required to pay under this chapter for insurance premiums and  
18 clothing, automobile, and other allowances.

19           SECTION 91. IC 36-8-12-5 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Unless  
21 otherwise provided by contract, a unit served by a volunteer fire  
22 ~~company~~ **department** shall pay to each active and participating  
23 member of the ~~company~~ **department**:

24           (1) a clothing allowance of not less than one hundred dollars  
25           (\$100) per year; and

26           (2) an automobile allowance of not less than one hundred dollars  
27           (\$100) per year for the use of the member's automobile in the  
28           line of duty.

29           (b) A contract may also provide that fees for membership in a  
30 regularly organized volunteer firefighters' association be paid by the  
31 unit on behalf of the firefighters in the volunteer fire ~~company~~  
32 **department.**

33           SECTION 92. IC 36-8-12-6 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each unit  
35 that has a volunteer fire ~~company~~ **department** shall procure insurance  
36 in the name of and for the benefit of each member of the ~~company~~  
37 **department**. However, if a contract or agreement exists between a unit  
38 and a volunteer fire ~~company~~ **department**, the contract or agreement  
39 must provide for insurance of the volunteer firefighters in the ~~company~~  
40 **department** in the amounts and with the coverages required by this  
41 chapter. Unless the contract or agreement stipulates otherwise, all  
42 insurance coverage must be under a group plan, rather than in the name



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1 of each individual firefighter. Either the unit or the volunteer fire  
 2 **company department**, according to the contractor agreement, may  
 3 undertake procurement of required insurance, but in either case, the  
 4 costs of coverage must be borne by the unit. If a volunteer fire **company**  
 5 **department** serves more than one (1) unit under a contract or  
 6 agreement, each unit that the **company department** serves shall pay the  
 7 amount for the insurance coverage determined under the following  
 8 formula:

9 STEP ONE: For each census block or other area in a unit that is  
 10 served by more than one (1) volunteer fire **company**  
 11 **department**, divide the population of the area by the number of  
 12 volunteer fire **companies departments** serving the area, and  
 13 round the quotient to the nearest one thousandth (.001).

14 STEP TWO: Add the quotients determined under STEP ONE for  
 15 the unit.

16 STEP THREE: Determine the sum of the STEP TWO amounts  
 17 for all of the units served by the same volunteer fire **company**  
 18 **department**.

19 STEP FOUR: Divide the STEP TWO amount for a unit by the  
 20 STEP THREE amount and round the quotient to the nearest one  
 21 thousandth (.001).

22 STEP FIVE: Multiply the costs of the insurance coverage for the  
 23 volunteer fire **company department** by the quotient determined  
 24 under STEP FOUR, rounded to the nearest dollar.

25 (b) A diminution of insurance benefits may not occur under this  
 26 section because of a change in the insurance carrier or a change as to  
 27 who actually procures the required insurance.

28 (c) Each unit that has a volunteer fire **company department** may  
 29 procure an insurance policy for the benefit of auxiliary groups whose  
 30 members could be injured while assisting the volunteer firefighters in  
 31 the performance of their duties.

32 (d) Each unit that has a volunteer fire **company department** may  
 33 procure an insurance policy or any other type of instrument that  
 34 provides retirement benefits as an incentive to volunteer firefighters for  
 35 continued service.

36 (e) An insurance policy or other instrument containing any of the  
 37 provisions authorized by subsection (d) may not be considered in the  
 38 computation of nominal compensation for purposes of this chapter.

39 (f) A volunteer firefighter who becomes covered by an insurance  
 40 policy or other instrument containing any of the provisions authorized  
 41 by subsection (d) does not thereby become eligible for membership in  
 42 the public employees' retirement fund under IC 5-10.3.



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1 (g) If a unit fails to provide the insurance for a volunteer firefighter  
 2 that this chapter requires it to provide, and a volunteer firefighter  
 3 suffers a loss of the type that the insurance would have covered, then  
 4 the unit shall pay to that volunteer firefighter the same amount of  
 5 money that the insurance would have paid to him.

6 SECTION 93. IC 36-8-12-7 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Each policy of  
 8 insurance must provide for payment to a member of a volunteer fire  
 9 **company department**, for accidental injury or smoke inhalation caused  
 10 by or occurring in the course of the performance of the duties of a  
 11 volunteer firefighter and for a cardiac disease event proximately caused  
 12 within forty-eight (48) hours by or occurring in the course of the  
 13 performance of the duties of a volunteer firefighter while in an  
 14 emergency situation, as follows:

15 (1) For total disability that prevents the member from pursuing  
 16 his usual vocation, a weekly indemnity of not less than one  
 17 hundred fifty dollars (\$150), up to a maximum of two hundred  
 18 sixty (260) weeks.

19 (2) For medical expenses, coverage for incurred expenses.  
 20 However, the policy may not have medical expense limits of less  
 21 than seventy-five thousand dollars (\$75,000).

22 SECTION 94. IC 36-8-12-8 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The policy  
 24 of insurance required by section 6 of this chapter must provide for the  
 25 payment of a sum not less than one hundred fifty thousand dollars  
 26 (\$150,000) to the beneficiary, beneficiaries, or estate of a volunteer  
 27 firefighter if the firefighter dies from an injury or smoke inhalation  
 28 occurring while in the performance of the firefighter's duties as a  
 29 volunteer firefighter or from a cardiac disease event proximately  
 30 caused within forty-eight (48) hours by or occurring while in the  
 31 performance of the firefighter's duties as a volunteer firefighter while  
 32 in an emergency situation.

33 (b) The policy of insurance must provide for the payment of a sum  
 34 not less than sixty thousand dollars (\$60,000) to the volunteer  
 35 firefighter if the firefighter becomes totally and permanently disabled  
 36 for a continuous period of not less than two hundred sixty (260) weeks  
 37 as a result of an injury or smoke inhalation occurring in the  
 38 performance of the firefighter's duties as a volunteer firefighter.

39 (c) The policy of insurance must also provide for indemnification  
 40 to a member of a volunteer fire **company department** who becomes  
 41 partially and permanently disabled or impaired as a result of an injury  
 42 or smoke inhalation occurring in the performance of the firefighter's



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1 duties.

2 (d) For the purposes of this section, partial and permanent  
3 disability or impairment shall be indemnified as a percentage factor of  
4 a whole person.

5 (e) In addition to other insurance provided volunteer firefighters  
6 under this chapter, each unit shall be covered by an insurance policy  
7 that provides a minimum of three hundred thousand dollars (\$300,000)  
8 of insurance coverage for the liability of all of its volunteer firefighters  
9 for bodily injury or property damage caused by the firefighters acting  
10 in the scope of their duties while on the scene of a fire or other  
11 emergency. The civil liability of a volunteer firefighter for:

12 (1) an act that is within the scope of a volunteer firefighter's  
13 duties; or

14 (2) the failure to do an act that is within the scope of a volunteer  
15 firefighter's duties;

16 while performing emergency services at the scene of a fire or other  
17 emergency or while traveling in an emergency vehicle from the fire  
18 station to the scene of the fire or emergency or from the scene of a fire  
19 or emergency back to the fire station is limited to the coverage  
20 provided by the insurance policy purchased under this subsection. A  
21 volunteer firefighter is not liable for punitive damages for any act that  
22 is within the scope of a volunteer firefighter's duties. However, if  
23 insurance as required under this subsection is not in effect to provide  
24 liability coverage for a volunteer firefighter, the firefighter is not  
25 subject to civil liability for an act or a failure to act as described in this  
26 subsection.

27 SECTION 95. IC 36-8-12-10 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A:

29 (1) volunteer firefighter or an emergency medical technician  
30 working in a volunteer capacity for a volunteer fire ~~company~~  
31 **department** or ambulance company is covered; and

32 (2) volunteer working for a hazardous materials response team  
33 may be covered;

34 by the medical treatment and burial expense provisions of the worker's  
35 compensation law (IC 22-3-2 through IC 22-3-6) and the worker's  
36 occupational diseases law (IC 22-3-7).

37 (b) If compensability of the injury is an issue, the administrative  
38 procedures of IC 22-3-2 through IC 22-3-6 and IC 22-3-7 shall be used  
39 to determine the issue.

40 (c) This subsection applies to all units, including counties. All  
41 expenses incurred for premiums of the insurance allowed under this  
42 section may be paid from the unit's general fund in the same manner as

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1 other expenses in the unit are paid.

2 SECTION 96. IC 36-8-12-11 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Members  
4 of volunteer fire ~~companies~~ **departments** may display blue lights on  
5 their privately owned vehicles while en route to scenes of fires or other  
6 emergencies in the line of duty, subject to the following conditions:

7 (1) A light must have a light source of at least fifty (50)  
8 candlepower.

9 (2) All lights must be placed on the top of the vehicle. In  
10 addition, lights may be placed on the front of the vehicle upon  
11 the bumper or at bumper level.

12 (3) No more than four (4) blue lights may be displayed on one  
13 (1) vehicle, and each blue light must be of the flashing or  
14 revolving type and visible for three hundred sixty (360) degrees,  
15 except for lights that are placed on the front of the vehicle.

16 (4) A blue light must consist of a lamp with a blue lens, not of an  
17 uncolored lens with a blue bulb. However, a revolving light may  
18 contain multiple bulbs.

19 (5) A blue light may not be a part of the regular head lamps  
20 displayed on the vehicles.

21 (b) In order for a volunteer firefighter to display a blue light on his  
22 vehicle, he must secure a written permit from the chief of the volunteer  
23 fire ~~company~~ **department** to use the blue light and must carry the  
24 permit at all times when the blue light is displayed.

25 (c) A person who is not a member of a volunteer fire ~~company~~  
26 **department** may not display a blue light of any size or shape on a  
27 motor vehicle, except a school bus used to transport children to or from  
28 a public or private school.

29 (d) A permittee of the owner of a vehicle lawfully equipped with  
30 a blue light may operate the vehicle only if the blue light is not  
31 illuminated.

32 (e) A person who violates subsection (a), (b), (c), or (d) commits  
33 a Class C infraction. If the violator is a member of a volunteer fire  
34 ~~company~~ **department**, the chief of the ~~company~~ **department** shall  
35 dismiss him from membership in the ~~company~~ **department**.

36 (f) This section does not grant a vehicle displaying blue lights the  
37 right-of-way under IC 9-21-8-35 or exemption from traffic rules under  
38 IC 9-21-1-8. A driver of a vehicle displaying a blue light shall obey all  
39 traffic rules.

40 SECTION 97. IC 36-8-12-12 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. When a  
42 volunteer fire ~~company~~ **department** is responding to a fire call and



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1 there is no other fire department with overriding jurisdiction present,  
 2 the fire chief, or in his absence the ranking officer, shall direct all  
 3 nonfire emergency activities at the scene until a law enforcement  
 4 officer arrives on the scene.

5 SECTION 98. IC 36-8-12-13 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A volunteer  
 7 fire **company department** may impose a charge on the owner of  
 8 property, owner of a vehicle, or a responsible party (as defined in  
 9 IC 13-11-2-191(d)) that is involved in a hazardous material or fuel spill  
 10 or chemical or hazardous material related fire (as defined in  
 11 IC 13-11-2-96(b)):

12 (1) that is responded to by the volunteer fire **company**  
 13 **department**; and

14 (2) that members of that volunteer fire **company department**  
 15 assisted in extinguishing, containing, or cleaning up.

16 (b) The volunteer fire **company department** shall bill the owner  
 17 or responsible party of the vehicle for the total dollar value of the  
 18 assistance that was provided, with that value determined by a method  
 19 that the state fire marshal shall establish under IC 36-8-12-16. A copy  
 20 of the fire incident report to the state fire marshal must accompany the  
 21 bill. This billing must take place within thirty (30) days after the  
 22 assistance was provided. The owner or responsible party shall remit  
 23 payment directly to the governmental unit providing the service. Any  
 24 money that is collected under this section may be:

25 (1) deposited in the township firefighting fund established in  
 26 IC 36-8-13-4;

27 (2) used to pay principal and interest on a loan under IC 22-14-5;  
 28 or

29 (3) used for the purchase of equipment, buildings, and property  
 30 for firefighting, fire protection, and other emergency services.

31 (c) The volunteer fire **company department** may maintain a civil  
 32 action to recover an unpaid charge that is imposed under subsection  
 33 (a).

34 SECTION 99. IC 36-8-12-15 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The combined  
 36 aggregate liability of a volunteer fire **company department** for an act  
 37 or failure to act that is within the scope of the **company's department's**  
 38 duties does not exceed three hundred thousand dollars (\$300,000) for  
 39 injury to or death of one (1) person in any one (1) occurrence and does  
 40 not exceed five million dollars (\$5,000,000) for injury to or death of all  
 41 persons in that occurrence. A volunteer fire **company department** is  
 42 not liable for punitive damages.



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1 SECTION 100. IC 36-8-12-16 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A volunteer  
 3 fire **company department** that provides service within a jurisdiction  
 4 served by the **company department** may establish a schedule of  
 5 charges for the services that the department provides not to exceed the  
 6 state fire marshal's recommended schedule for services. The volunteer  
 7 fire **company department** may collect a service charge according to  
 8 this schedule from the owner of property that receives service if the  
 9 following conditions are met:

10 (1) At the following times, the **company department** gives  
 11 notice under IC 5-3-1-4(d) in each political subdivision served  
 12 by the **company department** of the amount of the service charge  
 13 for each service that the department provides:

14 (A) Before the schedule of service charges is initiated.

15 (B) When there is a change in the amount of a service  
 16 charge.

17 (2) The property owner has not sent written notice to the  
 18 **company department** to refuse service by the **company**  
 19 **department** to the owner's property.

20 (3) The **company's department's** bill for payment of the service  
 21 charge:

22 (A) is submitted to the property owner in writing within  
 23 thirty (30) days after the services are provided; and

24 (B) includes a copy of a fire incident report in the form  
 25 prescribed by the state fire marshal, if the service was  
 26 provided for an event that requires a fire incident report.

27 (b) A volunteer fire **company department** shall use the revenue  
 28 the department collects from the fire service charges under this section  
 29 for:

30 (1) the purchase of equipment, buildings, and property for  
 31 firefighting, fire protection, or other emergency services;

32 (2) deposit in the township firefighting fund established under  
 33 IC 36-8-13-4; or

34 (3) to pay principal and interest on a loan under IC 22-14-5.

35 (c) If at least twenty-five percent (25%) of the money received by  
 36 a volunteer fire **company department** for providing fire protection or  
 37 emergency services is received under one (1) or more contracts with  
 38 one (1) or more political subdivisions (as defined in IC 34-6-2-110),  
 39 the legislative body of a contracting political subdivision must approve  
 40 the schedule of service charges established under subsection (a) before  
 41 the schedule of service charges is initiated in that political subdivision.

42 (d) A volunteer fire **company department** that:

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- 1 (1) has contracted with a political subdivision to provide fire
- 2 protection or emergency services; and
- 3 (2) charges for services under this section;
- 4 must submit a report to the legislative body of the political subdivision
- 5 before April 1 of each year indicating the amount of service charges
- 6 collected during the previous calendar year and how those funds have
- 7 been expended.
- 8 (e) The state fire marshal shall annually prepare and publish a
- 9 recommended schedule of service charges for fire protection services.
- 10 (f) The volunteer fire ~~company~~ **department** may maintain a civil
- 11 action to recover an unpaid service charge under this section.
- 12 SECTION 101. IC 36-8-13-3 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The
- 14 executive of a township, with the approval of the legislative body, may
- 15 do the following:
- 16 (1) Purchase firefighting and emergency services apparatus and
- 17 equipment for the township, provide for the housing, care,
- 18 maintenance, operation, and use of the apparatus and equipment
- 19 to provide services within the township but outside the corporate
- 20 boundaries of municipalities, and employ full-time or part-time
- 21 personnel to operate the apparatus and equipment and to provide
- 22 services in that area.
- 23 (2) Contract with a municipality in the township or in a
- 24 contiguous township that maintains adequate firefighting or
- 25 emergency services apparatus and equipment to provide fire
- 26 protection or emergency services for the township in accordance
- 27 with IC 36-1-7.
- 28 (3) Cooperate with a municipality in the township or in a
- 29 contiguous township in the purchase, maintenance, and upkeep
- 30 of firefighting or emergency services apparatus and equipment
- 31 for use in the municipality and township in accordance with
- 32 IC 36-1-7.
- 33 (4) Contract with a volunteer fire ~~company~~ **department** that has
- 34 been organized to fight fires in the township for the use and
- 35 operation of firefighting apparatus and equipment that has been
- 36 purchased by the township in order to save the private and public
- 37 property of the township from destruction by fire, including use
- 38 of the apparatus and equipment in an adjoining township by the
- 39 ~~company~~ **department** if the ~~company~~ **department** has made a
- 40 contract with the executive of the adjoining township for the
- 41 furnishing of firefighting service within the township.
- 42 (5) Contract with a volunteer fire ~~company~~ **department** that

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1 maintains adequate firefighting service in accordance with  
2 IC 36-8-12.

3 (b) This subsection applies only to townships that provide fire  
4 protection or emergency services or both under subsection (a)(1) and  
5 to municipalities that have all municipal territory completely within a  
6 township and do not have a full-time paid fire department. A township  
7 may provide fire protection or emergency services or both without  
8 contracts inside the corporate boundaries of the municipalities if before  
9 July 1 of a year the following occur:

10 (1) The legislative body of the municipality adopts an ordinance  
11 to have the township provide the services without a contract.

12 (2) The township legislative body passes a resolution approving  
13 the township's provision of the services without contracts to the  
14 municipality.

15 In a township providing services to a municipality under this section,  
16 the legislative body of either the township or a municipality in the  
17 township may opt out of participation under this subsection by adopting  
18 an ordinance or a resolution, respectively, before July 1 of a year.

19 (c) This subsection applies only to a township that:

20 (1) is located in a county containing a consolidated city;

21 (2) has at least three (3) included towns (as defined in  
22 IC 36-3-1-7) that have all municipal territory completely within  
23 the township on January 1, 1996; and

24 (3) provides fire protection or emergency services, or both, under  
25 subsection (a)(1);

26 and to included towns (as defined in IC 36-3-1-7) that have all the  
27 included town's municipal territory completely within the township. A  
28 township may provide fire protection or emergency services, or both,  
29 without contracts inside the corporate boundaries of the municipalities  
30 if before August 1 of the year preceding the first calendar year to which  
31 this subsection applies the township legislative body passes a  
32 resolution approving the township's provision of the services without  
33 contracts to the municipality. The resolution must identify the included  
34 towns to which the resolution applies. In a township providing services  
35 to a municipality under this section, the legislative body of the  
36 township may opt out of participation under this subsection by adopting  
37 a resolution before July 1 of a year. A copy of a resolution adopted  
38 under this subsection shall be submitted to the executive of each  
39 included town covered by the resolution, **the** county auditor, and **the**  
40 state board of tax commissioners.

41 SECTION 102. IC 36-8-14-2 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in

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1 this section, "emergency medical services" has the meaning set forth in  
2 IC 16-18-2-110.

3 (b) As used in this section, "volunteer fire ~~company~~ **department**"  
4 has the meaning set forth in IC 36-8-12-2.

5 (c) The legislative body of a unit or the board of fire trustees of a  
6 fire protection district may provide a cumulative building and  
7 equipment fund under IC 6-1.1-41 for the following purposes:

8 (1) The purchase, construction, renovation, or addition to  
9 buildings used by the fire department or a volunteer fire  
10 **company department** serving the unit.

11 (2) The purchase of firefighting equipment for use of the fire  
12 department or a volunteer fire ~~company~~ **department** serving the  
13 unit, including making the required payments under a lease  
14 rental with option to purchase agreement made to acquire the  
15 equipment.

16 (3) In a municipality, the purchase of police radio equipment.

17 (4) The purchase, construction, renovation, or addition to a  
18 building, or the purchase of equipment, for use of a provider of  
19 emergency medical services under IC 16-31-5 to the unit  
20 establishing the fund.

21 (d) In addition to the requirements of IC 6-1.1-41, before a  
22 cumulative fund may be established by a township fire protection  
23 district, the county legislative body which appoints the trustees of the  
24 fire protection district must approve the establishment of the fund.

25 SECTION 103. IC 36-8-17-2 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this  
27 chapter, "fire department" means a paid fire department or a volunteer  
28 fire ~~company~~ **department** that renders fire prevention or fire protection  
29 services to a political subdivision.

30 SECTION 104. IC 36-8-17-8 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A fire  
32 department serving an area that does not include a city may engage in  
33 an inspection program to promote compliance with fire safety laws.  
34 The fire department shall maintain a written report for each inspection.  
35 These reports shall be made available to the office upon request.

36 (b) The fire department serving an area that includes a city shall  
37 inspect every place and public way within the jurisdiction of the city,  
38 except the interiors of private dwellings, for compliance with the fire  
39 safety laws. Except as otherwise provided in the rules adopted by the  
40 commission, the fire chief of the fire department shall specify the  
41 schedule under which places and public ways are inspected and may  
42 exclude a class of places or public ways from inspection under this



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1 section, if the fire chief determines that the public interest will be  
 2 served without inspection. The fire department shall maintain a written  
 3 report for each inspection. The fire department shall submit monthly  
 4 reports to the office, on forms prescribed by the office, containing the  
 5 following information:

- 6 (1) The total number of inspections made.
- 7 (2) The total number of defects found, classified as required by  
 8 the office.
- 9 (3) The total number of orders issued for correction of each class  
 10 of defect.
- 11 (4) The total number of orders complied with.

12 (c) A volunteer fire ~~company~~ **department** may carry out  
 13 inspections under this section only through an individual who is  
 14 certified under IC 22-14-2-6(c).

15 SECTION 105. P.L.131-1998, SECTION 1, IS AMENDED TO  
 16 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As  
 17 used in this SECTION, "committee" refers to the probation services  
 18 study committee established by section 2 of this SECTION.

19 Sec. 2. Given that probation services are an integral part of the law  
 20 enforcement and correctional processes and are critical to ensure safety  
 21 in Indiana communities, the probation services study committee is  
 22 established.

23 Sec. 3. (a) The committee shall study, review, and make  
 24 recommendations concerning the following:

- 25 (1) The mission of probation services.
- 26 (2) The duties, roles, and responsibilities of probation officers.
- 27 (3) Organizational changes considered necessary to improve the  
 28 efficiency and thoroughness of the delivery of probation  
 29 services.
- 30 (4) Improvements to the salary schedules and benefits available  
 31 to probation officers and probation support staff.
- 32 (5) Training standards.
- 33 (6) Caseload and case classification standards.
- 34 (7) Methods and levels of funding for probation services.

35 (b) The committee may study other topics as assigned by the  
 36 legislative council or as directed by the committee's chairman.

37 (c) The committee is under the jurisdiction of the legislative  
 38 council and shall operate under the direction of the legislative council.

39 (d) Before November 1 of each year, the committee shall issue an  
 40 annual or a final report stating its findings, conclusions, and  
 41 recommendations. The committee shall issue other reports as directed  
 42 by the legislative council.



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- 1           Sec. 4. (a) The committee consists of ~~seventeen (17)~~ **twenty (20)**  
2 members.
- 3           (b) The speaker of the house of representatives, with the advice of  
4 the legislative leader of a major political party (as defined in  
5 IC 3-5-2-30) that is different from the political party of the speaker of  
6 the house of representatives, shall appoint two (2) representatives, not  
7 more than one (1) of whom is of the same political party, as members  
8 of the committee.
- 9           (c) The president pro tempore of the senate, with the advice of the  
10 legislative leader of a major political party (as defined in IC 3-5-2-30)  
11 that is different from the political party of the president pro tempore,  
12 shall appoint two (2) senators, not more than one (1) of whom is of the  
13 same political party, as members of the committee.
- 14           (d) The speaker of the house of representatives shall appoint the  
15 following additional members of the committee:
- 16           (1) With the advice of the Indiana Judges Association, one (1)  
17 judge who exercises criminal jurisdiction.
- 18           (2) With the advice of the Association of Indiana Counties, Inc.,  
19 two (2) individuals who hold public office as a:
- 20           (A) county clerk;  
21           (B) county auditor;  
22           (C) county commissioner; or  
23           (D) county council member.
- 24           (3) One (1) individual to represent the judicial conference of  
25 Indiana.
- 26           (4) One (1) individual to represent the department of correction.
- 27           (5) One (1) individual to represent the prosecuting attorneys  
28 council of Indiana.
- 29           (6) With the advice of the Indiana Sheriffs Association, Inc., one  
30 (1) county sheriff.
- 31           (7) With the advice of the Probation Officers Professional  
32 Association of Indiana, two (2) probation officers.
- 33           (e) The president pro tempore of the senate shall appoint the  
34 following additional members of the committee:
- 35           (1) With the advice of the Indiana Judges Association, one (1)  
36 judge who exercises juvenile jurisdiction.
- 37           (2) With the advice of the Association of Indiana Counties, Inc.,  
38 one (1) individual who holds public office as a:
- 39           (A) county clerk;  
40           (B) county auditor;  
41           (C) county commissioner; or  
42           (D) county council member.

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- 1 (3) With the advice of the Association of Indiana Prosecuting  
 2 Attorneys, Inc., one (1) county prosecuting attorney.  
 3 (4) With the advice of the Probation Officers Professional  
 4 Association of Indiana, two (2) probation officers.  
 5 (5) With the advice of the Indiana Association of Chiefs of  
 6 Police, one (1) municipal police chief.  
 7 (6) With the advice of the Indiana Association of Community  
 8 Corrections Act Counties, one (1) community corrections  
 9 program director.  
 10 (f) The chairman of the legislative council shall name one (1) of  
 11 the members chairman, and the vice chairman of the legislative council  
 12 shall name another member vice chairman. The appointing authority  
 13 may name a different chairman or vice chairman at any time.  
 14 (g) A member of the committee may be removed at any time by  
 15 the appointing authority who appointed the member.  
 16 (h) If a vacancy occurs on the committee, the appointing authority  
 17 making the original appointment shall fill the vacancy.  
 18 Sec. 5. Each legislative member and each lay member of the  
 19 committee is entitled to receive the same per diem, mileage, and travel  
 20 allowances paid to individuals serving as legislative and lay members,  
 21 respectively, on interim study committees established by the legislative  
 22 council.  
 23 Sec. 6. Staff and administrative support for the committee shall be  
 24 provided by the legislative services agency.  
 25 Sec. 7. (a) The legislative council may establish a budget for the  
 26 committee.  
 27 (b) Subject to prior authorization of the legislative council, the  
 28 expenses incurred by the committee in performing its duties shall be  
 29 paid from the funds appropriated to the legislative council.  
 30 Sec. 8. The committee expires November 1, 2000.  
 31 Sec. 9. This SECTION expires November 2, 2000.  
 32 SECTION 106. **An emergency is declared for this act.**

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