

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE ENROLLED ACT No. 12

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 3-7-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A ~~combined county election board and~~ board of **elections and** registration is established in each county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) **As used in this chapter, "board of registration" includes a board of elections and registration established under this section.**

SECTION 2. IC 3-8-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 29, AND AS AMENDED BY P.L.254-1999, SECTION 3, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) A candidate for the office of judge of a city court must reside in the city upon filing a declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2, a petition of nomination under IC 3-8-6, or a certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

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(d) This subsection applies to a candidate for the office of judge of a city court listed in IC 33-10.1-5-7(c). Before a candidate for the office of judge of the court may file a:

- (1) declaration of candidacy or petition of nomination; ~~or~~
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; *or*
- (3) *declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;*

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 3. IC 3-8-1-29.5, AS ADDED BY P.L.176-1999, SECTION 30, AND AS ADDED BY P.L. 254-1999, SECTION 4, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.5. (a) This section applies to a candidate for the office of judge of a town court listed in IC 33-10.1-5-7(c).

(b) Before a candidate for the office of judge of the court may file a:

- (1) declaration of candidacy or petition of nomination; ~~or~~
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; *or*
- (3) *declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;*

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 4. IC 3-8-6-12, AS AMENDED BY P.L.176-1999, SECTION 33, AND AS AMENDED BY P.L.202-1999, SECTION 8, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

- (1) ~~Each~~ The candidate's written consent to become a candidate.
- (2) A statement that the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

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- (3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.
- (4) A statement that if the individual is a candidate for a school board office, the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:
- (A) The candidate receives more than five hundred dollars (\$500) in contributions as a school board candidate.
 - (B) The candidate makes more than five hundred dollars (\$500) in expenditures as a school board candidate.
- (5) A statement indicating whether or not each candidate:
- (A) has been a candidate for state or local office in a previous primary or general election; and
 - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
- (7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.
- (8) *Any statement of economic interests required under IC 3-8-1-33.*
- (c) The statement required under subsection (b)(7) must:
- (1) be certified by each circuit court clerk; and
 - (2) indicate the number of votes cast for secretary of state:
 - (A) at the last election for secretary of state; and
 - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.
- (d) The secretary of state shall, by noon August 20, certify each petition of nomination filed in the secretary of state's office to the appropriate county.
- (e) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

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- (1) The dates for filing campaign finance reports under IC 3-9.
- (2) The penalties for late filing of campaign finance reports under IC 3-9.

(f) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

SECTION 5. IC 3-8-7-25.5, AS AMENDED BY P.L.176-1999, SECTION 36, AND AS AMENDED BY P.L.202-1999, SECTION 12, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

- (A) nominated for election; *or*
- (B) a candidate for nomination; and

(2) ~~wishes to change~~ changed the candidate's legal name after:

- (A) the candidate has been nominated; *or*
- (B) the candidate has become a candidate for nomination;

may shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate *the following:*

- (1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the

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county voter registration record.

(2) *How the candidate's legal name was changed.*

(d) Upon the filing of the statement, the election division and each county election board shall print the candidate's *legal* name on the ballot as set forth in the statement.

SECTION 6. IC 3-11.5-4-22, AS AMENDED BY P.L.38-1999, SECTION 54, AND AS AMENDED BY P.L.176-1999, SECTION 92, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) *Except as provided in subsection (b), each county election board shall appoint:*

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) *Notwithstanding subsection (a), a county election board may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county.*

(c) ~~A~~ *An otherwise qualified person is **not** eligible to serve on an absentee voter board or as an absentee ballot counter or a courier if unless the person:*

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election, except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, *or* niece ~~or first cousin~~ of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. *This subdivision does not disqualify a person who is a spouse of a first cousin of the candidate.*

SECTION 7. IC 3-12-8-1, AS AMENDED BY P.L.176-1999, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to a challenge filed before an election to the eligibility of a candidate nominated by petition for election to an office. The challenge described by this ~~section~~ **subsection** must be conducted in accordance with

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IC 3-8-1-2.

(b) Any candidate for nomination or election to a local or school board office may contest the nomination or election of a candidate who is declared nominated or elected to the office.

(c) If a candidate who is entitled to contest the nomination or election of a candidate under this chapter does not file a petition within the period established by section 5 of this chapter, the county chairman of a political party of which the candidate entitled to file a petition under this chapter was a member may file a petition to contest the nomination or election of a candidate. A county chairman is entitled to contest an election under this chapter only in a partisan race.

SECTION 8. IC 4-4-10.9-3.2, AS ADDED BY P.L.227-1999, SECTION 3, AND AS ADDED BY P.L.273-1999, SECTION 193, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. "Child care facility project" includes the acquisition of land, site improvements, infrastructure improvements, buildings or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, working capital, furnishings, or facilities (or any combination of these):

- (1) comprising or being functionally related and subordinate to a child care facility; and
- (2) not used or to be used primarily:
 - (A) for sectarian care;
 - (B) as a place for devotional activities; or
 - (C) in connection with any part of the program of a:
 - ~~(i)~~ church;
 - (ii) school; or
 - (iii) department of divinity;

for any religious denomination.

SECTION 9. IC 4-4-10.9-11, AS AMENDED BY P.L.227-1999, SECTION 5, AND AS AMENDED BY P.L.273-1999, SECTION 194, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (b), "industrial development project" includes:

- (1) the acquisition of land, site improvements, infrastructure improvements, buildings, or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these), comprising or being functionally related and subordinate to any project (whether manufacturing, commercial, agricultural, environmental, or otherwise) the development or expansion of which serves the public purposes set forth in IC 4-4-11-2;

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- (2) educational facility projects; and
- (3) child care facility projects.

(b) For purposes of the industrial development guaranty fund program, "industrial development project" includes the acquisition of land, interests in land, site improvements, infrastructure improvements (*including information and high technology infrastructure (as defined in IC 4-4-8-1)*), buildings, or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these), comprising or being functionally related and subordinate to any of the following:

- (1) A pollution control facility.
- (2) A manufacturing enterprise.
- (3) A business service enterprise involved in:
 - (A) computer and data processing services; or
 - (B) commercial testing services.
- (4) A business enterprise the primary purpose of which is the operation of an education and permanent marketing center for manufacturers and distributors of robotic and flexible automation equipment.
- (5) Any other business enterprise, if the use of the guaranty program creates a reasonable probability that the effect on Indiana employment will be creation or retention of at least fifty (50) jobs.
- (6) An agricultural enterprise in which:
 - (A) the enterprise operates pursuant to a producer or growout agreement; and
 - (B) the output of the enterprise is processed predominantly in Indiana.
- (7) A business enterprise that is required by a state, federal, or local regulatory agency to make capital expenditures to remedy a violation of a state or federal law or a local ordinance.
- (8) A recycling market development project.
- (9) *A high growth company with high skilled jobs (as defined in IC 4-4-10.9-9.5).*

SECTION 10. IC 4-4-11-17.5, AS AMENDED BY P.L.227-1999, SECTION 8, AND AS AMENDED BY P.L.273-1999, SECTION 197, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) In addition to all other authority granted to the authority under this chapter, including the authority to borrow money and to issue bonds to finance directly or indirectly the acquisition or development of industrial development projects undertaken or initiated by the authority, the authority may initiate programs for financing industrial development projects for

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developers and users in Indiana through the issuance of bonds under this chapter. In furtherance of this objective, the authority may do any of the following:

- (1) Establish eligibility standards for developers and users, without complying with IC 4-22-2. However, these standards have the force of law if the standards are adopted after a public hearing for which notice has been given by publication under IC 5-3-1.
- (2) Contract with any entity securing the payment of bonds issued under this chapter and authorizing the entity to approve the developers and users that can finance or refinance industrial development projects with proceeds from the bond issue secured by that entity.
- (3) Lease to a developer or user industrial development projects upon terms and conditions that the authority considers proper and, with respect to the lease:
 - (A) charge and collect rents;
 - (B) terminate the lease upon the failure of the lessee to comply with any of its obligations under the lease or otherwise as the lease provides; and
 - (C) include in the lease provisions that the lessee has the option to renew the term of the lease for such periods and at such rents as may be determined by the authority or to purchase any or all of the industrial development projects to which the lease applies.
- (4) Lend money, upon such terms and conditions as the authority considers proper, to a developer or user under an installment purchase contract or loan agreement to:
 - (A) finance, reimburse, or refinance the cost of an industrial development project; and
 - (B) take back a secured or unsecured promissory note evidencing such a loan or a security interest in the industrial development project financed or refinanced with the loan.
- (5) Sell or otherwise dispose of any unneeded or obsolete industrial development project under terms and conditions determined by the authority.
- (6) Maintain, repair, replace, and otherwise improve or cause to be maintained, repaired, replaced, and otherwise improved any industrial development project owned by the authority.
- (7) Require any type of security that the authority considers reasonable and necessary.
- (8) Obtain or aid in obtaining property insurance on all industrial development projects owned or financed, or accept payment if

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any industrial development project property is damaged or destroyed.

(9) Enter into any agreement, contract, or other instrument with respect to any insurance, guarantee, letter of credit, or other form of credit enhancement, accepting payment in such manner and form as provided in the instrument if a developer or user defaults, and assign any such insurance, guarantee, letter of credit, or other form of credit enhancement as security for bonds issued by the authority.

(10) Finance for eligible developers and users in connection with their industrial development projects:

(A) the cost of their industrial development projects; and

(B) in the case of a program funded from the proceeds of taxable bonds, working capital associated with the operation of such industrial development projects;

in amounts determined to be appropriate by the authority.

(11) Issue bonds to fund a program for financing multiple, identified or unidentified industrial development projects if the authority finds that issuance of the bonds will be of benefit to the health, safety, morals, or general welfare of the state and complies with the purposes and provisions of this chapter by promoting a substantial likelihood for:

(A) creating opportunities for gainful employment;

(B) creating business opportunities;

(C) educational enrichment (including cultural, intellectual, scientific, or artistic opportunities);

(D) the abatement, reduction, or prevention of pollution;

(E) the removal or treatment of any substances in materials being processed that would otherwise cause pollution when used; or

(F) promoting affordable and accessible child care.

The authority may by resolution approve the proposed taxable bond issue. The authority may use appropriations to create a debt service reserve fund for the purpose of allowing the authority to issue pooled bonds, either tax-exempt or taxable, for the construction or renovation of licensed child care facilities (*or child care facilities that are in the process of being licensed*) under the authority's industrial development project section.

(b) As each unidentified industrial development project is identified for possible funding from a program under subsection (a)(11), the requirements of sections 17(a), 17(b), 17(c), and 17(e) of this chapter shall be complied with as a condition precedent to entering into a

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financing agreement for the funding of the industrial development project.

(c) Bonds issued to fund a program under this section are not in any respect a general obligation of the state, nor are they payable in any manner from revenues raised by taxation.

(d) Any resolution adopted to authorize the issuance of taxable bonds to fund a program under subsection (a)(11) may provide that the bonds are payable solely from:

- (1) revenues and receipts derived from the various financing agreements; or
- (2) the payments made under any other agreements to secure the obligations of the developers, users, related persons, or the authority.

(e) The obligations described in subsection (d)(2) may be secured under the agreement by the authority under the industrial development project guaranty fund or by the developers, users, or related persons.

SECTION 11. IC 4-4-26-25, AS AMENDED BY P.L.227-1999, SECTION 10, AND AS AMENDED BY P.L.273-1999, SECTION 198, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. The lender shall determine the premium charges payable to the reserve fund by the lender and the borrower in connection with a loan filed for enrollment. The premium paid by the borrower may not be less than one and one-half percent (1.5%) or greater than three and one-half percent (3.5%) of the amount of the loan. The premium paid by the lender must be equal to the amount of the premium paid by the borrower. The lender may recover the cost of the lender's premium payment from the borrower in any manner on which the lender and borrower agree. When enrolling a loan, the authority must transfer into the reserve fund from the account premium amounts determined as follows:

- (1) If the amount of a loan, plus the amount of loans previously enrolled by the lender, is less than two million dollars (\$2,000,000), the premium amount transferred must be equal to one hundred fifty percent (150%) of the combined premiums paid into the reserve fund by the borrower and the lender for each enrolled loan.
- (2) If, before the enrollment of the loan, the amount of loans previously enrolled by the lender is equal to or greater than two million dollars (\$2,000,000), the premium amount transferred must be equal to the combined premiums paid into the reserve fund by the borrower and the lender for each enrolled loan.
- (3) If the aggregate amount of all loans previously enrolled by the

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lender is less than two million dollars (\$2,000,000), but the enrollment of a loan will cause the aggregate amount of all enrolled loans made by the lender to exceed two million dollars (\$2,000,000), the authority shall transfer into the reserve fund an amount equal to a percentage of the combined premiums paid into the reserve fund by the lender and the borrower. The percentage is determined as follows:

STEP ONE: Multiply by one hundred fifty (150) that part of the loan that when added to the aggregate amount of all loans previously enrolled by the lender totals two million dollars (\$2,000,000).

STEP TWO: Multiply the remaining balance of the loan by one hundred (100).

STEP THREE: Add the STEP ONE product to the STEP TWO product.

STEP FOUR: Divide the STEP THREE sum by the total amount of the loan.

The authority may transfer two (2) times the amount determined under this section to the reserve fund if the borrower is a disadvantaged business enterprise (as defined in IC 5-16-6.5-1). *The authority may transfer three (3) times the amount determined under this section to the reserve fund if the borrower is a high growth company with high skilled jobs (as defined in IC 4-4-10.9-9.5).* The authority may transfer to the reserve fund three (3) times the amount determined under this section if the borrower is a child care facility. Unless money is paid out of the reserve fund according to the specific terms of this chapter, all money paid into the reserve account by the lender shall remain in that account.

SECTION 12. IC 4-23-24.2-3 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 13. IC 4-33-4-3, AS AMENDED BY P.L.273-1999, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.** (a) The commission shall do the following:

(1) Adopt rules that the commission determines necessary to protect or enhance the following:

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

(C) The natural environment and scenic beauty of Patoka Lake.

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees

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and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

(D) With respect to riverboats that operate on Patoka Lake, ensure compliance with the following:

(i) IC 14-26-2-6.

(ii) IC 14-26-2-7.

(iii) IC 14-28-1.

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

SECTION 14. IC 5-4-1-4, AS AMENDED BY P.L.176-1999, SECTION 122, AND AS AMENDED BY P.L.254-1999, SECTION 5, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) *As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.*

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on *or attached to* the commission and whose duties are not limited to a particular county *or of a justice, judge, or prosecuting attorney*, in the office of the secretary of state.

(2) Of ~~county~~ *the circuit court clerk*, officers of a political

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subdivision or school corporation, and constables of a small claims court, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of county council members, officers appointed by the board of county commissioners, and township officers that the board may require to do so, with the county auditor.

(4) Of township board members, with the township trustee.

(5) Of city officers, in the office of the clerk of the city-county council, city clerk, or city clerk-treasurer.

(6) Of deputies of the surveyor, in a book kept by the surveyor for this purpose.

(7) Of town officers, in the office of the town clerk-treasurer.

(8) Of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(9) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

(10) Of a school board member, in the circuit court clerk's office of the county containing the greatest percentage of population of the school corporation.

SECTION 15. IC 6-1.1-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under ~~IC 23-14-27~~.
IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21; or

(B) tangible property owned by a church or religious society

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used for educational purposes described in IC 6-1.1-10-16; and
 (2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

SECTION 16. IC 6-3-1-3.5, AS AMENDED BY P.L.128-1999, SECTION 1, P.L.238-1999, SECTION 1, P.L.249-1999, SECTION 1, P.L.257-1999, SECTION 1, AND P.L.273-1999, SECTION 51, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 3.5. When used in IC 6-3, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States. *or for taxes on property levied by any subdivision of any state of the United States.*
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) *one thousand five hundred dollars* ~~(\$500)~~ *(\$1,500)* for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after

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December 31, 1996; ~~and before January 1, 2001;~~ and
 (B) five hundred dollars (\$500) for each additional amount
 allowable under Section 63(f)(1) of the Internal Revenue Code
 if the adjusted gross income of the taxpayer, or the taxpayer
 and the taxpayer's spouse in the case of a joint return, is less
 than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under
 subdivision (4).

- (6) Subtract an amount equal to the lesser of:
- (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
 - (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
- (8) Subtract any amounts included in federal adjusted gross income under Internal Revenue Code Section 111 as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
- (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).
- (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.
- (11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.
- (12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.
- (13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire

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taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2, ~~IC 12-10-6-3~~, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) *In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.*

(16) For taxable years beginning after December 31, 1999, *subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.*

(17) *Subtract an amount equal to the lesser of:*

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

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

(1) Subtract income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.

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

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

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

(c) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) reduced by income that is exempt from taxation under IC 6-3 by the

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Constitution and statutes of the United States.

SECTION 17. IC 6-3-3-10, AS AMENDED BY P.L.120-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section:

"Base period wages" means the following:

(1) In the case of a taxpayer other than a pass through entity, wages paid or payable by a taxpayer to its employees during the year that ends on the last day of the month that immediately precedes the month in which an enterprise zone is established, to the extent that the wages would have been qualified wages if the enterprise zone had been in effect for that year. If the taxpayer did not engage in an active trade or business during that year in the area that is later designated as an enterprise zone, then the base period wages equal zero (0). If the taxpayer engaged in an active trade or business during only part of that year in an area that is later designated as an enterprise zone, then the department shall determine the amount of base period wages.

(2) In the case of a taxpayer that is a pass through entity, base period wages equal zero (0).

"Enterprise zone" means an enterprise zone created under IC 4-4-6.1.

"Enterprise zone adjusted gross income" means adjusted gross income of a taxpayer that is derived from sources within an enterprise zone. Sources of adjusted gross income shall be determined with respect to an enterprise zone, to the extent possible, in the same manner that sources of adjusted gross income are determined with respect to the state of Indiana under IC 6-3-2-2.

"Enterprise zone gross income" means gross income of a taxpayer that is derived from sources within an enterprise zone.

"Enterprise zone insurance premiums" means insurance premiums derived from sources within an enterprise zone.

"Monthly base period wages" means base period wages divided by twelve (12).

"Pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) trust;
- (4) limited liability company; or
- (5) limited liability partnership.

"Qualified employee" means an individual who is employed by a taxpayer and who:

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- (1) has his principal place of residence in the enterprise zone in which he is employed;
- (2) performs services for the taxpayer, ninety percent (90%) of which are directly related to the conduct of the taxpayer's trade or business that is located in an enterprise zone;
- (3) performs at least fifty percent (50%) of his services for the taxpayer during the taxable year in the enterprise zone; and
- (4) in the case of an individual who is employed by a taxpayer that is a pass through entity, ~~the individual~~ was first employed by the taxpayer after December 31, 1998.

"Qualified increased employment expenditures" means the following:

- (1) For a taxpayer's taxable year other than his taxable year in which the enterprise zone is established, the amount by which qualified wages paid or payable by the taxpayer during the taxable year to qualified employees exceeds the taxpayer's base period wages.
- (2) For the taxpayer's taxable year in which the enterprise zone is established, the amount by which qualified wages paid or payable by the taxpayer during all of the full calendar months in the taxpayer's taxable year that succeed the date on which the enterprise zone was established exceed the taxpayer's monthly base period wages multiplied by that same number of full calendar months.

"Qualified state tax liability" means a taxpayer's total income tax liability incurred under:

- (1) IC 6-2.1 (gross income tax) with respect to enterprise zone gross income;
- (2) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax) with respect to enterprise zone adjusted gross income;
- (3) IC 27-1-18-2 (insurance premiums tax) with respect to enterprise zone insurance premiums; and
- (4) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this section.

"Qualified wages" means the wages paid or payable to qualified employees during a taxable year.

"Taxpayer" includes a pass through entity.

(b) A taxpayer is entitled to a credit against the taxpayer's qualified state tax liability for a taxable year in the amount of the lesser of:

- (1) the product of ten percent (10%) multiplied by the qualified

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increased employment expenditures of the taxpayer for the taxable year; or

(2) one thousand five hundred dollars (\$1,500) multiplied by the number of qualified employees employed by the taxpayer during the taxable year.

(c) The amount of the credit provided by this section that a taxpayer uses during a particular taxable year may not exceed the taxpayer's qualified state tax liability for the taxable year. If the credit provided by this section exceeds the amount of that tax liability for the taxable year it is first claimed, then the excess may be carried back to preceding taxable years or carried over to succeeding taxable years and used as a credit against the taxpayer's qualified state tax liability for those taxable years. Each time that the credit is carried back to a preceding taxable year or carried over to a succeeding taxable year, the amount of the carryover is reduced by the amount used as a credit for that taxable year. Except as provided in subsection (e), the credit provided by this section may be carried forward and applied in the ten (10) taxable years that succeed the taxable year in which the credit accrues. The credit provided by this section may be carried back and applied in the three (3) taxable years that precede the taxable year in which the credit accrues.

(d) A credit earned by a taxpayer in a particular taxable year shall be applied against the taxpayer's qualified state tax liability for that taxable year before any credit carryover or carryback is applied against that liability under subsection (c).

(e) Notwithstanding subsection (c), if a credit under this section results from wages paid in a particular enterprise zone, and if that enterprise zone terminates in a taxable year that succeeds the last taxable year in which a taxpayer is entitled to use the credit carryover that results from those wages under subsection (c), then the taxpayer may use the credit carryover for any taxable year up to and including the taxable year in which the enterprise zone terminates.

(f) A taxpayer is not entitled to a refund of any unused credit.

(g) A taxpayer that:

- (1) does not own, rent, or lease real property outside of an enterprise zone that is an integral part of its trade or business; and
- (2) is not owned or controlled directly or indirectly by a taxpayer that owns, rents, or leases real property outside of an enterprise zone;

is exempt from the allocation and apportionment provisions of this section.

(h) If a pass through entity is entitled to a credit under subsection (b)

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but does not have state tax liability against which the tax credit may be applied, an individual who is a shareholder, partner, beneficiary, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, beneficiary, or member is entitled.

The credit provided under this subsection is in addition to a tax credit to which a shareholder, partner, beneficiary, or member of a pass through entity is entitled. However, a pass through entity and an individual who is a shareholder, partner, beneficiary, or member of a pass through entity may not claim more than one (1) credit for the qualified expenditure.

SECTION 18. IC 6-3.5-7-12, AS AMENDED BY P.L.124-1999, SECTION 1, AND AS AMENDED BY P.L.273-1999, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 12. (a) *Except as provided in section 23 of this chapter*, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of *the following*:

- (1) The amount of the certified distribution for that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the *sum of the following*:
 - (A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; *plus*
 - (B) *For a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.*

The denominator of the fraction equals the sum of the total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The

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body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

- (1) The ordinance is effective January 1 of the following year.
- (2) The amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

- (3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

- (1) The county.
- (2) A city or town in the county.
- (3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The state board of tax commissioners shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) *Except as provided in subsection (b)(2)(B)*, in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the state board of tax commissioners shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of

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section 15 of this chapter.

SECTION 19. IC 6-6-5.5-2, AS ADDED BY P.L.181-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b), this chapter applies to all commercial vehicles.

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

- (1) Vehicles owned or leased and operated by the United States, the state, or political subdivisions of the state.
- (2) Mobile homes and motor homes.
- (3) Vehicles assessed under IC 6-1.1-8.
- (4) Buses subject to apportioned registration under the International Registration Plan.
- (5) Vehicles subject to taxation under IC 6-6-5.
- (6) Vehicles owned or leased and operated by an institution of higher education (as defined in IC 6-3-3-5(d)).
- (7) Vehicles owned or leased and operated by a volunteer fire **company department** (as defined in IC 36-8-12-2).
- (8) Vehicles owned or leased and operated by a volunteer emergency ambulance service that:
 - (A) meets the requirements of IC 16-31; and
 - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).
- (9) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.
- (10) Farm wagons.
- (11) A vehicle in the inventory of vehicles held for sale by a manufacturer, distributor, or dealer in the course of business.

SECTION 20. IC 6-6-5.5-7, AS ADDED BY P.L.181-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) For calendar years that begin after December 31, 2000, the annual excise tax for a commercial vehicle will be determined by the motor carrier services division on or before October 1 of each year in accordance with the following formula:

STEP ONE: Determine the total amount of base revenue to be distributed from the commercial vehicle excise tax fund to all taxing units in Indiana during the calendar year for which the tax is first due and payable. For calendar year 2001, the total amount of base revenue for all taxing units shall be determined as provided in section 19 of this chapter. For calendar years that begin after December 31, 2001, the total amount of base revenue for all taxing units shall be determined by multiplying the

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previous year's base revenue for all taxing units by one hundred and five percent (105%).

STEP TWO: Determine the sum of fees paid to register the following commercial vehicles in Indiana under the following statutes during the fiscal year that ends on June 30 immediately preceding the calendar year for which the tax is first due and payable:

(A) Total registration fees collected under IC 9-29-5-3 for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes;

(B) Total registration fees collected under IC 9-29-5-5 for tractors used with semitrailers;

(C) Total registration fees collected under IC 9-29-5-6 for semitrailers used with tractors;

(D) Total registration fees collected under IC 9-29-5-4 for trailers having a declared gross weight in excess of three thousand (3,000) pounds; and

(E) Total registration fees collected under IC 9-29-5-13 for trucks, tractors and semitrailers used in connection with agricultural pursuits usual and normal to the user's farming operation, multiplied by two hundred percent (200%);

STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO result.

(b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be determined by multiplying the registration fee under IC 9-29-5-3 by the tax factor determined in subsection (a).

(c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 by the tax factor determined in subsection (a).

(d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the registration fee under IC 9-29-5-4 by the tax factor determined in subsection (a).

(e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual registration fee under IC 9-29-5-6 by

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the tax factor determined in subsection (a). The average annual registration fee for a semitrailer under IC 9-29-5-6 is sixteen dollars and seventy-five cents (\$16.75).

(f) The annual excise tax determined under this section shall be rounded upward to the next full dollar amount.

SECTION 21. IC 6-6-5.5-19, AS ADDED BY P.L.181-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) As used in this section, "assessed value" means an amount equal to the true tax value of commercial vehicles that:

(1) are subject to the commercial vehicle excise tax under this chapter; and

(2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000.

(b) For calendar year 2001, a taxing unit's base revenue shall be determined as provided in subsection (f). For calendar years that begin after December 31, 2001, a taxing unit's base revenue shall be determined by multiplying the previous year's base revenue by one hundred ~~and~~ five percent (105%).

(c) The amount of commercial vehicle excise tax distributed to the taxing units of Indiana from the commercial vehicle excise tax fund shall be determined in the manner provided in this section. On or before June 1, 2000, each township assessor of a county shall deliver to the county assessor a list that states by taxing district the total assessed value as shown on the information returns filed with the assessor on or before May 15, 2000.

(d) On or before July 1, 2000, each county assessor shall certify to the county auditor the assessed value of commercial vehicles in every taxing district.

(e) On or before August 1, 2000, the county auditor shall certify the following to the state board of tax commissioners:

(1) The total assessed value of commercial vehicles in the county.

(2) The total assessed value of commercial vehicles in each taxing district of the county.

(f) The state board of tax commissioners shall determine each taxing unit's base revenue by applying the current tax rate for each taxing district to the certified assessed value from each taxing district. The state board of tax commissioners shall also determine the following:

(1) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in Indiana.

(2) The total amount of base revenue to be distributed from the

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commercial vehicle excise tax fund in 2001 to all taxing units in each county.

(3) Each county's total distribution percentage. A county's total distribution percentage shall be determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing units in the county by the total base revenue to be distributed statewide.

(4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be determined by dividing each taxing unit's base revenue by the total amount of base revenue to be distributed in 2001 to all taxing units in the county.

(g) The state board of tax commissioners shall certify each taxing unit's base revenue and distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

(h) The auditor of state shall keep permanent records of each taxing unit's base revenue and distribution percentage for calendar year 2001 for purposes of determining the amount of money each taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

SECTION 22. IC 6-9-32-3, AS ADDED BY P.L.3-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn; **or**
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; **or**
- (7) tourist cabin;

located in the county.

(b) The tax does not apply to gross income received in a transaction in which

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; **or**
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) The tax may not exceed the rate of five percent (5%) on the gross

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retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

SECTION 23. IC 6-9-32-4, AS ADDED BY P.L.3-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The county treasurer shall establish a convention, visitor, and tourism promotion fund. The treasurer shall deposit in this fund all amounts the treasurer receives under ~~that section:~~ **section 3 of this chapter.**

(b) The county auditor shall issue a warrant directing the county treasurer to transfer money from the convention, visitor, and tourism promotion fund to the treasurer of the commission established under section 5 of this chapter if the commission submits a written request for the transfer.

(c) Money in a convention, visitor, and tourism promotion fund, or money transferred from such a fund under subsection (b), may be expended:

- (1) to promote and encourage conventions, visitors, and tourism within the county; and
- (2) to promote and encourage industrial and economic development within the county. However, the county may not

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expend more than twenty-five percent (25%) of the revenues from the tax imposed under section 3 of this chapter to promote and encourage industrial and economic development.

Expenditures under subdivision (1) may include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.

(d) If before July 1, 1997, the county issued a bond with a pledge of revenues from the tax imposed under IC 6-9-18-3, the county shall continue to expend money from the fund for that purpose until the bond is paid.

SECTION 24. IC 7.1-3-12-3, AS AMENDED BY P.L.36-1999, SECTION 1, AND AS AMENDED BY P.L.201-1999, SECTION 2, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. *Small Farm Winery Permit*. The commission may issue a *small farm* winery permit to a person who is the proprietor of a *small farm* winery and who desires to commercially manufacture wine. A *small farm* winery permit shall be valid from July 1, of the then current year to June 30, of the following year. *IC 7.1-3-21-5 does not apply to a small farm winery permit issued under this chapter. The commission may not issue a small farm winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year preceding the date of the application for a small farm winery permit.*

SECTION 25. IC 8-1-17-7, AS AMENDED BY P.L.145-1999, SECTION 2, AND AS AMENDED BY P.L.198-1999, SECTION 4, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Each cooperative corporation formed under this chapter shall have a board of directors, which board shall constitute the governing body of the cooperative corporation. The directors of a local cooperative corporation must be members, *or if the cooperative corporation's bylaws so provide, a member's officers, directors, or partners, or the owner of a member that is a sole proprietorship may be directors* of the cooperative corporation. Directors other than those named in the cooperative corporation's articles of incorporation shall be elected by ~~its~~ *the cooperative corporation's* members.

(b) Unless the bylaws of the cooperative corporation provide otherwise, such directors shall be elected annually. The bylaws may provide that the directors may hold office for any stated period not exceeding three (3) years, and be so elected that the terms of only part of such directors shall expire at any one (1) time and that only enough directors to succeed those whose terms are about to expire need be

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elected in any year.

(c) The bylaws may provide that the area in which the members of the cooperative corporation reside shall be apportioned into districts and prescribe the procedure by which the members residing in any one (1) district may nominate a director.

(d) The bylaws may specify a fair remuneration for the time actually spent by its officers, directors, and members of its executive committee in the performance of their duties as such and provide that the same be paid them respectively. The officers, directors, and members of the executive committee shall be entitled to reimbursement for expenses incurred by them in the performance of their duties whether or not the bylaws provide that they be remunerated for their time spent in such performance.

(e) The board shall annually designate and elect those officers it considers necessary.

SECTION 26. IC 9-24-2-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) If a petitioner named in an order issued under ~~section 3(a)(10)~~ **section 3(a)(8)** of this chapter has a valid commercial driving license, the bureau shall not immediately suspend the driving license but indicate on the driver's record that the person has a conditional license to operate a motor vehicle to and from the person's place of employment and in the course of the person's employment.

(b) A conditional license described in subsection (a) is valid for thirty (30) days from the date of the notice sent by the bureau. If the person obtains an amended license within the thirty (30) days, the person may continue to operate a motor vehicle on the conditional license beyond the thirty (30) day period.

(c) If the person does not obtain an amended license within the thirty (30) day period, the bureau shall suspend the person's license.

SECTION 27. IC 12-7-2-91, AS AMENDED BY P.L.273-1999, SECTION 60, AND AS AMENDED BY P.L.273-1999, SECTION 164, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 91. "Fund" means the following:

- (1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.
- (2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.
- (3) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.
- (4) For purposes of IC 12-17-12, the meaning set forth in

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IC 12-17-12-4.

(5) *For purposes of IC 12-17.6, the meaning set forth in IC 12-17.6-1-3.*

~~(5)~~ (6) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.

~~(6)~~ (7) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.

~~(7)~~ (8) *For purposes of IC 12-19-3, the meaning set forth in IC 12-19-3-1.*

~~(8)~~ (9) *For purposes of IC 12-19-4, the meaning set forth in IC 12-19-4-1.*

~~(9)~~ ~~(10)~~ (7) (8) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.

~~(10)~~ ~~(11)~~ (8) (9) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(11)~~ ~~(12)~~ (9) (10) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(12)~~ ~~(13)~~ ~~(10)~~ (11) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(13)~~ ~~(14)~~ ~~(11)~~ (12) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 28. IC 12-7-2-149, AS AMENDED BY P.L.273-1999, SECTION 78, AND AS AMENDED BY P.L.273-1999, SECTION 167, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: Sec. 149. "Provider" means the following:

(1) For purposes of IC 12-10-7, the meaning set forth in IC 12-10-7-3.

(2) For purposes of the following statutes, an individual, a partnership, a corporation, or a governmental entity that is enrolled in the Medicaid program under rules adopted under IC 4-22-2 by the office of Medicaid policy and planning:

(A) IC 12-14-1 through ~~IC 12-14-9~~; IC 12-14-9.5.

(B) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

(C) IC 12-17-10.

(D) IC 12-17-11.

(E) IC 12-17.6.

(3) For purposes of IC 12-17-9, the meaning set forth in IC 12-17-9-2.

(4) *For purposes of IC 12-17-18, the meaning set forth in IC 12-17-18-2.*

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~~(5)~~ For the purposes of IC 12-17.2, a person who operates a child care center or child care home under IC 12-17.2.

~~(6)~~ (5) For purposes of IC 12-17.4, a person who operates a child caring institution, foster family home, group home, or child placing agency under IC 12-17.4.

SECTION 29. IC 12-11-2.1-3, AS ADDED BY P.L.272-1999, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. All services provided to an individual must be provided under the developmentally disabled individual's individual service plan. To the extent that services described in ~~IC 12-11-1.1(e)~~ **IC 12-11-1.1-1(e)** are available and meet the individual's needs, services provided to an individual shall be provided in the least restrictive environment possible.

SECTION 30. IC 12-15-37-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. If the state department of health and the office seek a waiver under this chapter to establish a managed care program or other demonstration project, the state department of health and the office shall not seek a waiver of:

(1) federally qualified health centers and rural health clinic services as mandatory Medicaid services under:

- (A) 42 U.S.C. 1396a(10)(A);
- (B) 42 U.S.C. 1396d(a)(2)(B); and
- (C) 42 U.S.C. 1396d(a)(2)(C); or

(2) reasonable cost reimbursement for federally qualified health centers and rural health clinics under ~~42 U.S.C. 1396a(a)(13)(E)~~: **42 U.S.C. 1396a(a)(13)(C)**.

SECTION 31. IC 12-17-15-13, AS AMENDED BY P.L.121-1999, SECTION 7, AND AS AMENDED BY P.L.272-1999, SECTION 43, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The council shall meet at least quarterly *each year*.

SECTION 32. IC 12-17-15-18, AS AMENDED BY P.L.121-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. To the extent required in 20 U.S.C. 1431 through 1445, the statewide system must include the following:

- (1) A definition of the term "developmentally delayed" to be used in carrying out the programs under this chapter.
- (2) The timetables necessary for ensuring that the appropriate early intervention services are available to all infants and toddlers with disabilities before the beginning of the fifth year of the state's participation under 20 U.S.C. 1431 through 1445.
- (3) A timely, comprehensive, multidisciplinary evaluation of the

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functioning of each infant and toddler with disabilities in Indiana and the needs of the families to appropriately assist in the development of the infant and toddler with disabilities program.

(4) For each infant and toddler with disabilities in Indiana, an individualized family service plan in accordance with 20 U.S.C. 1436, including case management services consistent with the individualized family service plan.

(5) A comprehensive system for identifying infants and toddlers with disabilities, including a system for making referrals to service providers that:

(A) includes time lines; and

(B) provides for the participation by primary referral sources.

(6) A public awareness program.

(7) A central directory that includes early intervention services, resources, experts, and research and demonstration projects being conducted.

(8) A comprehensive system of personnel development.

(9) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in Indiana, consistent with 20 U.S.C. 1431 through 1445 and including the contents of the application used and the conditions of the contract or other arrangements.

(10) A procedure for securing timely reimbursement of funds used under this chapter in accordance with 20 U.S.C. 1440(a).

(11) Procedural safeguards with respect to programs under this chapter as required under 20 U.S.C. 1439.

(12) Policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this chapter are appropriately and adequately prepared and trained, including the following:

(A) The establishment and maintenance of standards that are consistent with any state approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the personnel are providing early intervention services.

(B) To the extent the standards are not based on the highest requirements in Indiana applicable to the specific profession or discipline, the steps the state is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in Indiana.

(13) A system for compiling data on the following:

(A) The numbers of infants and toddlers with disabilities and

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their families in Indiana in need of appropriate early intervention services, which may be based on a sampling of data.

(B) The numbers of infants and toddlers and their families served.

(C) The types of services provided, which may be based on a sampling of data.

(D) Other information required under 20 U.S.C. 1431 through **1445.**

SECTION 33. IC 12-26-2-5, AS AMENDED BY P.L.256-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies under the following statutes:

(1) IC 12-26-6.

(2) IC 12-26-7.

(3) IC 12-26-12.

(4) IC 12-26-15.

(b) A petitioner may be represented by counsel.

(c) The court may appoint counsel for a petitioner upon a showing of the petitioner's indigency and the court shall pay for such counsel if appointed.

(d) A petitioner, including a petitioner who is a health care provider under IC 16-18-2-295(a), in the petitioner's individual capacity or as a corporation is not required to be represented by counsel. If a petitioner who is a corporation elects not to be represented by counsel, the individual representing the corporation at the commitment hearing must present the court with written authorization from:

(1) an officer;

(2) a director;

(3) a principal; or

(4) a manager;

of the corporation that authorizes the individual to represent the interest of the corporation in the proceedings.

(e) The petitioner is required to prove by clear and convincing evidence that:

(1) the individual is mentally ill and either dangerous or gravely disabled; and

(2) detention or commitment of that individual is appropriate.

SECTION 34. IC 13-11-2-116, AS AMENDED BY P.L.30-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 116. (a) "Landfill", for purposes of IC 13-20-2, means a solid waste disposal facility at which solid waste

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is deposited on or beneath the surface of the ground as an intended place of final location.

(b) "Landfill", for purposes of ~~IC 13-11-2-114.2~~ **section 114.2 of this chapter** and IC 13-20-11, means a facility operated under a permit issued under IC 13-15-3 or IC 13-7-10 (before its repeal) at which solid waste is disposed of by placement on or under the surface of the ground.

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

- (1) A site that is devoted solely to receiving one (1) or more of the following:
 - (A) Fill dirt.
 - (B) Vegetative matter subject to disposal as a result of:
 - (i) landscaping;
 - (ii) yard maintenance;
 - (iii) land clearing; or
 - (iv) any combination of activities referred to in this clause.
- (2) A facility receiving waste that is regulated under the following:
 - (A) IC 13-22-1 through IC 13-22-8.
 - (B) IC 13-22-13 through IC 13-22-14.

SECTION 35. IC 13-11-2-177.3, AS AMENDED BY P.L.132-1999, SECTION 8, AND AS AMENDED BY P.L.220-1999, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 177.3. "Public water system", *for purposes of this chapter and IC 13-18-21*, has the meaning set forth in 42 U.S.C. 300f.

SECTION 36. IC 13-15-7-1, AS AMENDED BY P.L.224-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as provided in sections 2 **and 4 and 5** of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of

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contaminants.

(5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:

(A) The purposes of this title.

(B) Rules adopted by one (1) of the boards.

SECTION 37. IC 13-19-3-7, AS AMENDED BY P.L.30-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The department and the boards shall allow a person to use foundry sand that meets Type III criteria under 329 IAC 10-9 for the following activities in accordance with guidance without requiring the person to obtain any permits from the department:

(1) As a daily cover for litter and vermin control at a landfill in accordance with any applicable permits issued for the landfill.

(2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.

(3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.

(4) For use: ~~in~~

(A) ~~in~~ a land application operation; or

(B) as a soil amendment;

if the application or amendment does not include the operation of a landfill.

(5) As a structural fill base capped by clay, asphalt, or concrete for the following:

(A) Roads.

(B) Road shoulders.

(C) Parking lots.

(D) Floor slabs.

(E) Utility trenches.

(F) Bridge abutments.

(G) Tanks and vaults.

(H) Construction or architectural fill.

(I) Other similar uses.

(6) As a raw material constituent incorporated into another product, including the following:

(A) Flowable fill.

(B) Concrete.

(C) Asphalt.

(D) Brick.

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- (E) Block.
- (F) Portland cement.
- (G) Glass.
- (H) Roofing materials.
- (I) Rock wool.
- (J) Plastics.
- (K) Fiberglass.
- (L) Mineral wool.
- (M) Lightweight aggregate.
- (N) Paint.
- (O) Plaster.
- (P) Other similar products.

SECTION 38. IC 14-21-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) A person who disturbs buried human remains shall do the following:

- (1) Notify the department within two (2) business days of the time of the disturbance.
- (2) Treat or rebury the human remains in a manner and place according to rules adopted by the commission or a court order and permit issued by the state department of health under ~~IC 23-14-56~~. **IC 23-14-57**.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor.

SECTION 39. IC 14-22-11-15, AS AMENDED BY P.L.23-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Each license and permit issued under this article is issued upon the express condition, to which the licensee or permittee by acceptance of the license or permit is considered to agree and consent, that the licensee or permittee will obey and comply with the following:

- (1) All the terms, conditions, and rules:
 - (A) made by the director under this article; and
 - (B) incorporated in or attached to the license or permit when issued.
- (2) This article.
- (3) A wildlife law (as defined by ~~IC 14-22-41-4(r)~~ **IC 14-22-41-4(p)**) while the licensee is in another jurisdiction that has adopted the wildlife violator compact (IC 14-22-41).

(b) A license or permit may be revoked by the director at any time without refund for any of the following:

- (1) Failure to comply with or violation of the terms, conditions, rules, or restrictions incorporated in or attached to the license or

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permit when issued.

(2) Violation of this article.

(3) Violation of a wildlife law (as defined by ~~IC 14-22-41-4(r)~~
IC 14-22-41-4(p)) while the licensee is in another jurisdiction
that has adopted the wildlife violator compact (IC 14-22-41).

(c) A person whose license or permit has been revoked by the
director under this article may, by written request to the director, have
a hearing on the revocation. Upon receipt of written request for a
hearing on the revocation, the director shall do the following:

(1) Set a date for the hearing, which may not be more than fifteen
(15) days from the date of receipt of the request.

(2) Give the person requesting the hearing at least five (5) days
notice of the date of the hearing, which shall be held in the office
of the director.

(3) Receive and keep a record of all evidence presented by the
person.

(4) After considering the evidence presented at the hearing,
rescind or affirm the order revoking the license or permit.

(d) Every court having jurisdiction of an offense committed in
violation of an Indiana law for the protection of wildlife may, at the
court's discretion, revoke the license of the offender for any of the
following periods:

(1) Thirty (30) days.

(2) Sixty (60) days.

(3) Ninety (90) days.

(4) One (1) year.

(e) After a revocation, the court shall forward to the division a
record of the conviction of the person in the court for a violation of the
law. At the time of the conviction, the court shall do the following:

(1) Obtain the license certificate of the defendant.

(2) Return the license certificate to the division.

**SECTION 40. IC 14-22-12-1, AS AMENDED BY P.L.140-1999,
SECTION 1, AND AS AMENDED BY P.L.219-1999, SECTION 1,
IS AMENDED AND CORRECTED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]:** Sec. 1. The department may issue
the following licenses and shall charge the following license fees to
hunt, trap, or fish in Indiana:

(1) A resident yearly license to fish, eight dollars and seventy-five
cents (\$8.75).

(2) A resident yearly license to hunt, eight dollars and
seventy-five cents (\$8.75).

(3) A resident yearly license to hunt and fish, thirteen dollars and

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seventy-five cents (\$13.75).

(4) A resident yearly license to trap, eight dollars and seventy-five cents (\$8.75).

(5) A nonresident yearly license to fish, *fifteen dollars and seventy-five cents (\$15.75); twenty-four dollars and seventy-five cents (\$24.75).*

(6) A nonresident yearly license to hunt, *forty dollars and seventy-five cents (\$40.75); sixty dollars and seventy-five cents (\$60.75).*

(7) A nonresident yearly license to trap, *seventy-six dollars and seventy-five cents (\$76.75); one hundred seventeen dollars and seventy-five cents (\$117.75).* However, a license may not be issued to a resident of another state if that state does not give reciprocity rights to Indiana residents similar to those nonresident trapping privileges extended in Indiana.

(8) A resident or nonresident license to fish, including for trout and salmon, for one (1) day only, four dollars and seventy-five cents (\$4.75).

(9) A nonresident license to fish, excluding for trout and salmon, *as follows:*

(A) For three (3) days only, six dollars and seventy-five cents (\$6.75);

(B) for seven (7) days only, eight dollars and seventy-five cents (\$8.75); twelve dollars and seventy-five cents (\$12.75).

(10) A nonresident license to hunt for five (5) consecutive days only, *thirteen dollars and seventy-five cents (\$13.75); twenty-five dollars and seventy-five cents (\$25.75).*

(11) A resident or nonresident yearly stamp to fish for trout and salmon, six dollars and seventy-five cents (\$6.75).

(12) A resident yearly license to take a deer with a shotgun, muzzle loading gun, or handgun, thirteen dollars and seventy-five cents (\$13.75).

(13) A resident yearly license to take a deer with a muzzle loading gun, thirteen dollars and seventy-five cents (\$13.75).

(14) A resident yearly license to take a deer with a bow and arrow, thirteen dollars and seventy-five cents (\$13.75).

(15) A nonresident yearly license to take a deer with a shotgun, muzzle loading gun, or handgun, *seventy-six dollars and seventy-five cents (\$76.75); one hundred twenty dollars and seventy-five cents (\$120.75).*

(16) A nonresident yearly license to take a deer with a muzzle loading gun, *seventy-six dollars and seventy-five cents (\$76.75);*



one hundred twenty dollars and seventy-five cents (\$120.75).

(17) A nonresident yearly license to take a deer with a bow and arrow, ~~*seventy-six dollars and seventy-five cents (\$76.75).*~~ *one hundred twenty dollars and seventy-five cents (\$120.75).*

(18) A resident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department *under IC 4-22-2*, thirteen dollars and seventy-five cents (\$13.75).

(19) A nonresident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department *under IC 4-22-2*, ~~*seventy-six dollars and seventy-five cents (\$76.75).*~~ *one hundred twenty dollars and seventy-five cents (\$120.75).*

(20) A resident yearly license to take a turkey, fourteen dollars and seventy-five cents (\$14.75).

(21) A nonresident yearly license to take a turkey, ~~*seventy-six dollars and seventy-five cents (\$76.75).*~~ *one hundred fourteen dollars and seventy-five cents (\$114.75).* However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take turkey, the applicant must also purchase a nonresident yearly license to hunt under this section.

(22) A resident youth yearly consolidated license to hunt, six dollars (\$6). This license is subject to the following:

(A) An applicant must be less than eighteen (18) years of age.

(B) The license is in lieu of the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

SECTION 41. IC 15-1.5-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Before March 1 of each year, the commission shall report to the Indiana state fair advisory ~~commission~~ **committee** established under IC 15-1-1.5-4 the following:

(1) The activities of the commission during the previous calendar year.

(2) The financial condition of the commission for the commission's most recently completed fiscal year.

(3) The commission's plans for the current calendar year.

SECTION 42. IC 15-5-5.5-4, AS AMENDED BY P.L.15-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The advisory board **shall** elect a

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chairman, a vice-chairman, a treasurer, and other such officers as are deemed necessary. The chairman of the Indiana horse racing commission shall be secretary and shall be entitled to vote on all matters.

(b) The records of the advisory board shall be kept by the Indiana horse racing commission.

(c) The office of the advisory board shall be located with the offices of the Indiana horse racing commission.

SECTION 43. IC 16-18-2-143 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of ~~IC 16-45-6~~, **IC 16-46-5**, has the meaning set forth in IC 16-46-5-3.

SECTION 44. IC 16-28-13-0.5, AS ADDED BY P.L.108-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, "health care facility" includes the following:

- (1) An ambulatory outpatient surgical center licensed under IC 16-21-2.
- (2) A health facility licensed under IC 16-28-2 or IC 16-28-3.
- (3) A home health agency licensed under IC 16-27-1.
- (4) A hospice program ~~certified under IC 16-25-1~~. **licensed under IC 16-25-3.**
- (5) A hospital licensed under IC 16-21-2.

SECTION 45. IC 16-28-13-1, AS AMENDED BY P.L.108-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "nurse aide" means an individual who provides nursing or nursing related services to residents in the following:

- (1) A health facility.
- (2) A hospital based health facility.
- (3) An ambulatory outpatient surgical center licensed under IC 16-21-2. Under this subdivision, the term applies to an individual who was employed by the center after July 1, 1999.
- (4) A home health agency licensed under IC 16-27-1. Under this subdivision, the term applies to an individual who was employed by the agency after July 1, 1999.
- (5) A hospice program ~~certified under IC 16-25-1~~. **licensed under IC 16-25-3.** Under this subdivision, the term applies to an individual who was employed by the program after July 1, 1999.
- (6) A hospital licensed under IC 16-21-2. Under this subdivision, the term applies to an individual who was employed by the

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hospital after July 1, 1999.

(b) The term does not include the following:

- (1) A licensed health professional (as defined in IC 25-1-9-3).
- (2) A registered dietician.
- (3) An individual who volunteers to provide nursing or nursing related services without pay.

SECTION 46. IC 20-1-1-6.3, AS AMENDED BY P.L.221-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) As used in this section, "governing body" refers to the governing body of a school corporation.

(b) As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under IC 20-10.2-3.

(c) A plan must conform to the requirements of IC 20-10.2-3 and include a professional development program that conforms to section 6.5 of this chapter.

(d) The governing body may do the following for a school that participates in a plan:

- (1) Invoke a waiver of any rule adopted by the board in accordance with IC 20-10.2-3-4(b).
- (2) Develop a plan for the admission of students to the school who do not reside in the school's attendance area but who have legal settlement within the school corporation.

(e) In approving school corporations under this section, the board shall consider whether the governing body has done the following:

- (1) Approved a school's plan.
- (2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

(f) The board may waive any statute or rule relating to curriculum or textbook selection on behalf of a school in accordance with IC 20-10.2-3-4(c).

(g) As part of the plan, the governing body may develop and implement a policy to do the following:

- (1) Allow for the transfer of a student who resides in the school's attendance area but whose parent or legal guardian requests that the student attend another school within the school corporation of legal settlement.
- (2) Inform parents of their rights under this section.

(h) The board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 47. IC 20-1-1.2-6, AS AMENDED BY P.L.221-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 6. The superintendent and board shall determine which of the benchmarks and indicators of performance listed in IC 20-1-21-9 are appropriate benchmarks for performance based accreditation under ~~IC~~ this chapter.

SECTION 48. IC 20-3.1-6-5, AS AMENDED BY P.L.8-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Each school in the school city shall measure and record:

- (1) the school's achievement in reaching the school's performance objectives established under IC 20-3.1-8;
- (2) student achievement information for the school described in ~~IC~~ IC 20-1-21-9 and IC 20-1-21-9.5; and
- (3) teacher and administrative performance information for the school described in ~~IC~~ IC 20-1-21-9.5.

SECTION 49. IC 20-5-2.5-4, AS ADDED BY P.L.232-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A self-insurance program must be written on an incurred claims basis.

(b) The governing body must fund a self-insurance program as described in IC 21-2-5.6-1(2) to include coverage for all eligible incurred claims.

(c) Subject to IC 21-2-5.6 and notwithstanding any other law:

- (1) contributions made on behalf of individuals covered under the self-insurance program, including employee and employer contributions; and
- (2) transfers or allocations of funds by a governing body;

for coverage for health care services under a self-insurance program must be directly deposited into the self-insurance fund established under IC 21-2-5.6-1(2) and may not be transferred to other accounts or expended for any other purpose.

~~(d) Interest earned on funds deposited in the self-insurance fund under subsection (c) must be deposited in the self-insurance fund and may not be transferred to other accounts or expended for any other purpose.~~

SECTION 50. IC 20-10.1-26-4, AS AMENDED BY P.L.221-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A pilot program eligible to be funded under this chapter must include all of the following:

- (1) School based management models.
- (2) Parental involvement strategies.
- (3) Innovative integration of curricula, individualized education programs, nonstandard courses, or textbook adoption in the

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school improvement plan described under ~~IC~~ IC 20-1-1.2-7(7).

(4) Training for participants to become effective members on school/community improvement councils.

SECTION 51. IC 21-3-12-1, AS ADDED BY P.L.273-1999, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "eligible pupil" has the meaning set forth in IC 21-3-1.6-1.1, and the pupil enrollment shall be determined at the same time that a school corporation's ADM is determined under ~~IC 6-1.1-1.6-1.1.~~ **IC 21-3-1.6-1.1.**

SECTION 52. IC 23-2-5-3, AS AMENDED BY P.L.230-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this chapter, "certificate of registration" means a certificate issued by the commissioner authorizing an individual to engage in origination activities on behalf of a licensee.

(b) As used in this chapter, "creditor" means a person:

- (1) that loans funds of the person in connection with a loan; and
- (2) to whom the loan is initially payable on the face of the note or contract evidencing the loan.

(c) As used in this chapter, "license" means a license issued by the commissioner authorizing a person to engage in the loan brokerage business.

(d) As used in this chapter, "licensee" means a person that is issued a license under this chapter.

(e) As used in this chapter, "loan broker" means any person who, in return for any consideration from any person, promises to procure a loan for any person or assist any person in procuring a loan from any third party, or who promises to consider whether or not to make a loan to any person. "Loan broker" does not include:

- (1) any bank, savings bank, trust company, savings association, credit union, or any other financial institution that is:
 - (A) regulated by any agency of the United States or any state; and
 - (B) regularly actively engaged in the business of making consumer loans that are not secured by real estate or taking assignment of consumer sales contracts that are not secured by real estate; ~~IC~~
- (2) any person authorized to sell and service loans for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, issue securities backed by the Government National Mortgage Association, make loans insured by the United

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States Department of Housing and Urban Development, make loans guaranteed by the United States Department of Veterans Affairs, or act as a correspondent of loans insured by the United States Department of Housing and Urban Development or guaranteed by the United States Department of Veterans Affairs;

(3) any insurance company; or

(4) any person arranging financing for the sale of the person's product.

(f) As used in this chapter, "loan brokerage business" means a person acting as a loan broker.

(g) As used in this chapter, "origination activities" means establishing the terms or conditions of a loan with a borrower or prospective borrower.

(h) As used in this chapter, "person" means an individual, a partnership, a trust, a corporation, a limited liability company, a limited liability partnership, a sole proprietorship, a joint venture, a joint stock company, or another group or entity, however organized.

(i) As used in this chapter, "registrant" means an individual who is registered to engage in origination activities under this chapter.

(j) As used in this chapter, "ultimate equitable owner" means a person who, directly or indirectly, owns or controls any ownership interest in a person, regardless of whether the person owns or controls the ownership interest through one (1) or more other persons or one (1) or more proxies, powers of attorney, or variances.

SECTION 53. IC 23-2-5-10, AS AMENDED BY P.L.230-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The commissioner may deny, suspend, or revoke the license of a licensee or the registration of a registrant if the licensee or the registrant:

- (1) fails to maintain the bond required under section 5 of this chapter;
- (2) is insolvent;
- (3) has violated any provision of this chapter;
- (4) has knowingly filed with the commissioner any document or statement containing any false representation of a material fact or omitting to state a material fact or if a representation becomes false after the filing but during the term of a license or certificate of registration as provided in ~~subsection (d) of this section;~~ **subsection (e);** or
- (5) has been convicted, within ten (10) years before the date of the application, renewal, or review, of any crime involving fraud or deceit.

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(b) The commissioner may not enter a final order denying, suspending, or revoking the license of a licensee or the registration of a registrant without prior notice to all interested parties, opportunity for a hearing, and written findings of fact and conclusions of law. However, the commissioner may by summary order deny, suspend, or revoke a license or certificate of registration pending final determination of any proceeding under this section. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered, of the reasons for the summary order, and that upon receipt by the commissioner of a written request from a party, the matter will be set for hearing to commence within fifteen (15) business days after receipt of the request. If no hearing is requested and none is ordered by the commissioner, the order remains in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of the hearing has been given to all interested persons and the hearing has been held, may modify or vacate the order or extend it until final determination.

(c) IC 4-21.5 does not apply to a proceeding under this section.

(d) If:

- (1) a licensee desires to have a previously unregistered employee begin engaging in origination activities; or
- (2) an individual who was previously registered under this chapter is employed by another licensee who desires to have the registrant engage in origination activities;

the employer licensee shall, within fifteen (15) days after the employee first conducts origination activities, submit to the commissioner, on a form prescribed by the commissioner, notice of the registrant's employment. If the employee has not previously been registered, the licensee shall submit evidence that the employee has completed the education requirements of section 21 of this chapter.

(e) If a material fact or statement included in an application under this chapter changes after the application has been submitted, the applicant shall provide written notice to the commissioner of the change. The commissioner may revoke or refuse to renew the license or registration of any person who:

- (1) is required to submit a written notice under this subsection and fails to provide the required notice within two (2) business days after the person discovers or should have discovered the change; or
- (2) would not qualify for licensure or registration under this chapter as a result of a change in material fact or statement.

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SECTION 54. IC 23-18-6-3.1, AS ADDED BY P.L.269-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A limited liability company formed under this article after June 30, 1999, is governed by this section.

(b) Except as provided in a written operating agreement:

- (1) an interest is assignable in whole or in part;
- (2) an assignment entitles the assignee to receive, to the extent assigned, only the distributions to which the assignor would be entitled;
- (3) an assignment of an interest does not of itself dissolve the limited liability company or entitle the assignee to participate in the management and affairs of the limited liability company or to become or exercise any rights of a member;
- (4) until an assignee of an interest becomes a member, the assignee has no liability as a member solely as a result of the assignment; and
- (5) the assignor of an interest is not released from liability as a member solely as a result of the assignment.

~~(b)~~ (c) Unless otherwise provided in an operating agreement, the pledge of or granting of a security interest, lien, or other encumbrance in or against any or all of the interest of a member is not an assignment and does not cause the member to cease to be a member or to cease to have the power to exercise any rights or powers of a member.

SECTION 55. IC 25-1-7-5, AS AMENDED BY P.L.22-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subsection (b)(1) does not apply to:

- (1) a complaint filed by:
 - (A) a member of any of the boards listed in section 1 of this chapter; or
 - (B) the health professions bureau; or
- (2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

- (1) He shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.
- (2) He shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.
- (3) He shall report any pertinent information regarding the status of the complaint to the complainant.

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(4) He may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) He has the power to subpoena witnesses **and to** send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

SECTION 56. IC 25-2.5-2-4, AS ADDED BY P.L.265-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The board may refuse to issue a license to an applicant for licensure if:

(1) the board determines during the application process that the applicant committed an act that would have subjected the applicant to disciplinary sanction under ~~section 1(5)~~ **section 1(4)** of this chapter if the applicant had been licensed in Indiana when the act occurred; or

(2) the applicant has had a license revoked under IC 25-1-1.1.

SECTION 57. IC 27-1-20-21.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.3. (a) Every domestic casualty insurance company, domestic fire and marine insurance company, and domestic life and health insurance company shall include an actuarial opinion as an additional part of the financial statement required under ~~section 21(a)~~ **section 21** of this chapter. The commissioner shall adopt rules under IC 4-22-2 that:

(1) prescribe the form and content of the actuarial opinion required by this section; and

(2) establish minimum qualifications that an actuary must meet in order to provide the actuarial opinion required under this section.

(b) The actuarial opinion required by subsection (a) shall be included with every annual statement beginning with the statement for calendar year 1994.

SECTION 58. IC 27-8-5-19, AS AMENDED BY P.L.207-1999, SECTION 4, AND AS AMENDED BY P.L.233-1999, SECTION 10, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) As used in this chapter, "late enrollee" has the meaning set forth in 26 U.S.C. 9801(b)(3).

(b) A policy of group accident and sickness insurance may not be issued to a group that has a legal situs in Indiana unless it contains in substance:

(1) the provisions described in subsection (c); or

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- (2) provisions that, in the opinion of the commissioner, are:
- (A) more favorable to the persons insured; or
 - (B) at least as favorable to the persons insured and more favorable to the policyholder;
- than the provisions set forth in subsection (c).
- (c) The provisions referred to in subsection (b)(1) are as follows:
- (1) A provision that the policyholder is entitled to a grace period of thirty-one (31) days for the payment of any premium due except the first, during which grace period the policy will continue in force, unless the policyholder has given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder is liable to the insurer for the payment of a pro rata premium for the time the policy was in force during the grace period. A provision under this subdivision may provide that the insurer is not obligated to pay claims incurred during the grace period until the premium due is received.
 - (2) A provision that the validity of the policy may not be contested, except for nonpayment of premiums, after the policy has been in force for two (2) years after its date of issue, and that no statement made by a person covered under the policy relating to the person's insurability may be used in contesting the validity of the insurance with respect to which the statement was made, unless:
 - (A) the insurance has not been in force for a period of two (2) years or longer during the person's lifetime; or
 - (B) the statement is contained in a written instrument signed by the insured person.However, a provision under this subdivision may not preclude the assertion at any time of defenses based upon a person's ineligibility for coverage under the policy or based upon other provisions in the policy.
 - (3) A provision that a copy of the application, if there is one, of the policyholder must be attached to the policy when issued, that all statements made by the policyholder or by the persons insured are to be deemed representations and not warranties, and that no statement made by any person insured may be used in any contest unless a copy of the instrument containing the statement is or has been furnished to the insured person or, in the event of death or incapacity of the insured person, to the insured person's beneficiary or personal representative.

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(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of the person's coverage.

(5) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy and that is not otherwise excluded from the person's coverage by name or specific description effective on the date of the person's loss. An exclusion or limitation that must be specified in a provision under this subdivision:

(A) may apply only to a disease or physical condition for which medical advice, diagnosis, care, or treatment was received by the person or recommended to the person during the six (6) months before the enrollment date of the person's coverage; and

(B) may not apply to a loss incurred or disability beginning after the earlier of:

(i) the end of a continuous period of twelve (12) months beginning on or after the enrollment date of the person's coverage; or

(ii) the end of a continuous period of eighteen (18) months beginning on the enrollment date of the person's coverage if the person is a late enrollee.

This subdivision applies only to group policies of accident and sickness insurance other than those described in section 2.5(a)(1) through 2.5(a)(8) of this chapter.

(6) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy. An exclusion or limitation that must be specified in a provision under this subdivision:

(A) may apply only to a disease or physical condition for which medical advice or treatment was received by the person during a period of three hundred sixty-five (365) days before the effective date of the person's coverage; and

(B) may not apply to a loss incurred or disability beginning after the earlier of the following:

(i) The end of a continuous period of three hundred

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sixty-five (365) days, beginning on or after the effective date of the person's coverage, during which the person did not receive medical advice or treatment in connection with the disease or physical condition.

(ii) The end of the two (2) year period beginning on the effective date of the person's coverage.

This subdivision applies only to group policies of accident and sickness insurance described in section 2.5(a)(1) through 2.5(a)(8) of this chapter.

~~(6)~~ (7) If premiums or benefits under the policy vary according to a person's age, a provision specifying an equitable adjustment of:

- (A) premiums;
- (B) benefits; or
- (C) both premiums and benefits;

to be made if the age of a covered person has been misstated. A provision under this subdivision must contain a clear statement of the method of adjustment to be used.

~~(7)~~ (8) A provision that the insurer will issue to the policyholder, for delivery to each person insured, a certificate setting forth a statement that:

- (A) explains the insurance protection to which the person insured is entitled;
- (B) indicates to whom the insurance benefits are payable; and
- (C) explains any family member's or dependent's coverage under the policy.

~~(8)~~ (9) A provision stating that written notice of a claim must be given to the insurer within twenty (20) days after the occurrence or commencement of any loss covered by the policy, but that a failure to give notice within the twenty (20) day period does not invalidate or reduce any claim if it can be shown that it was not reasonably possible to give notice within that period and that notice was given as soon as was reasonably possible.

~~(9)~~ (10) A provision stating that:

- (A) the insurer will furnish to the person making a claim, or to the policyholder for delivery to the person making a claim, forms usually furnished by the insurer for filing proof of loss; and
- (B) if the forms are not furnished within fifteen (15) days after the insurer received notice of a claim, the person making the claim will be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof

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covering the occurrence, character, and extent of the loss for which the claim is made.

~~(10)~~ (11) A provision stating that:

(A) in the case of a claim for loss of time for disability, written proof of the loss must be furnished to the insurer within ninety (90) days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of the disability must be furnished to the insurer at reasonable intervals as may be required by the insurer;

(B) in the case of a claim for any other loss, written proof of the loss must be furnished to the insurer within ninety (90) days after the date of the loss; and

(C) the failure to furnish proof within the time required under clause (A) or (B) does not invalidate or reduce any claim if it was not reasonably possible to furnish proof within that time, and if proof is furnished as soon as reasonably possible but (except in case of the absence of legal capacity of the claimant) no later than one (1) year from the time proof is otherwise required under the policy.

~~(11)~~ (12) A provision that:

(A) all benefits payable under the policy (other than benefits for loss of time) will be paid within forty-five (45) days after the insurer receives all information required to determine liability under the terms of the policy; and

(B) subject to due proof of loss, all accrued benefits under the policy for loss of time will be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of the period for which the insurer is liable will be paid as soon as possible after receipt of the proof of loss.

~~(12)~~ (13) A provision that benefits for loss of life of the person insured are payable to the beneficiary designated by the person insured. However, if the policy contains conditions pertaining to family status, the beneficiary may be the family member specified by the policy terms. In either case, payment of benefits for loss of life is subject to the provisions of the policy if no designated or specified beneficiary is living at the death of the person insured. All other benefits of the policy are payable to the person insured. The policy may also provide that if any benefit is payable to the estate of a person or to a person who is a minor or otherwise not competent to give a valid release, the insurer may pay the benefit, up to an amount of five thousand dollars (\$5,000), to any relative

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by blood or connection by marriage of the person who is deemed by the insurer to be equitably entitled to the benefit.

~~(13)~~ (14) A provision that the insurer has the right and must be allowed the opportunity to:

(A) examine the person of the individual for whom a claim is made under the policy when and as often as the insurer reasonably requires during the pendency of the claim; and

(B) conduct an autopsy in case of death if it is not prohibited by law.

~~(14)~~ (15) A provision that no action at law or in equity may be brought to recover on the policy less than sixty (60) days after proof of loss is filed in accordance with the requirements of the policy and that no action may be brought at all more than three (3) years after the expiration of the time within which proof of loss is required by the policy.

~~(15)~~ (16) In the case of a policy insuring debtors, a provision that the insurer will furnish to the policyholder, for delivery to each debtor insured under the policy, a certificate of insurance describing the coverage and specifying that the benefits payable will first be applied to reduce or extinguish the indebtedness.

~~(16)~~ (17) If the policy provides that hospital or medical expense coverage of a dependent child of a group member terminates upon the child's attainment of the limiting age for dependent children set forth in the policy, a provision that the child's attainment of the limiting age does not terminate the hospital and medical coverage of the child while the child is:

(A) incapable of self-sustaining employment because of mental retardation or mental or physical disability; and

(B) chiefly dependent upon the group member for support and maintenance.

A provision under this subdivision may require that proof of the child's incapacity and dependency be furnished to the insurer by the group member within one hundred twenty (120) days of the child's attainment of the limiting age and, subsequently, at reasonable intervals during the two (2) years following the child's attainment of the limiting age. The policy may not require proof more than once per year in the time more than two (2) years after the child's attainment of the limiting age. This subdivision does not require an insurer to provide coverage to a mentally retarded or mentally or physically disabled child who does not satisfy the requirements of the group policy as to evidence of insurability or other requirements for coverage under the policy to take effect. In

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any case, the terms of the policy apply with regard to the coverage or exclusion from coverage of the child.

~~(17)~~ (18) A provision that complies with the group portability and guaranteed renewability provisions of the federal Health Insurance Portability and Accountability Act of 1996 (P.L.104-191).

(d) Subsection (c)(5), ~~(c)(7)~~, (c)(8), and ~~(c)(12)~~ (c)(13) do not apply to policies insuring the lives of debtors. The standard provisions required under section 3(a) of this chapter for individual accident and sickness insurance policies do not apply to group accident and sickness insurance policies.

(e) If any policy provision required under subsection (c) is in whole or in part inapplicable to or inconsistent with the coverage provided by an insurer under a particular form of policy, the insurer, with the approval of the commissioner, shall delete the provision from the policy or modify the provision in such a manner as to make it consistent with the coverage provided by the policy.

SECTION 59. IC 27-13-8-2, AS AMENDED BY P.L.133-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In addition to the report required by section 1 of this chapter, a health maintenance organization shall each year file with the commissioner the following:

- (1) Audited financial statements of the health maintenance organization for the preceding calendar year.
- (2) A list of participating providers who provide health care services to enrollees or subscribers of the health maintenance organization.
- (3) A description of the grievance procedure of the health maintenance organization:
 - (A) established under IC 27-13-10, including:
 - (i) the total number of grievances handled through the procedure during the preceding calendar year;
 - (ii) a compilation of the causes underlying those grievances; and
 - (iii) a summary of the final disposition of those grievances; and
 - (B) established under IC 27-13-10.1, including:
 - (i) the total number of external grievances handled through the procedure during the preceding calendar year;
 - (ii) a compilation of the causes underlying those grievances; and
 - (iii) a summary of the final disposition of those grievances;

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for each independent review organization used by the health maintenance organization during the reporting year.

(b) The information required by subsection (a)(2) and (a)(3) must be filed with the commissioner on or before March 1 of each year. The audited financial statements required by subsection (a)(1) must be filed with the commissioner on or before June 1 of each year. The commissioner shall:

- (1) make the information required to be filed under this section available to the public; and
- (2) prepare an annual compilation of the data required under subsection (a)(3) that allows for comparative analysis.

(c) The commissioner may require any additional reports as are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

SECTION 60. IC 27-13-10.1-8, AS ADDED BY P.L.133-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The department shall establish and maintain a process for annual certification of independent review organizations.

(b) The department shall certify a number of independent review organizations determined by the department to be sufficient to fulfill the purposes of this chapter.

(c) An independent review organization shall meet the following minimum requirements for certification by the department:

- (1) Medical review professionals assigned by the independent review organization to perform external grievance reviews under this chapter:
 - (A) must be board certified in the specialty in which an enrollee's proposed service would be provided;
 - (B) must be knowledgeable about a proposed service through actual clinical experience;
 - (C) must hold an unlimited license to practice in a state of the United States; and
 - (D) must have no history of disciplinary actions or sanctions including:
 - (i) loss of staff privileges; or
 - (ii) restriction on participation;
 taken or pending by any hospital, government, or regulatory body.
- (2) The independent review organization must have a quality assurance mechanism to ensure the:
 - (A) timeliness and quality of reviews;

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(B) qualifications and independence of medical review professionals;

(C) confidentiality of medical records and other review materials; and

(D) satisfaction of enrollees with the procedures utilized by the independent review organization, including the use of enrollee satisfaction surveys.

(3) The independent review organization must file with the department the following information before March 1 of each year:

(A) The number and percentage of determinations made in favor of enrollees.

(B) The number and percentage of determinations made in favor of health maintenance organizations.

(C) The average time to process a determination.

(D) Any other information required by the department.

The information required under this subdivision must be specified for each health maintenance organization for which the independent review organization performed reviews during the reporting year.

(4) Any additional requirements established by the department.

(d) The department may not certify an independent review organization that is one (1) of the following:

(1) A professional or trade association of health care providers or a subsidiary or an affiliate of a professional or trade association of health care providers.

(2) A health insurer, health maintenance organization, or health plan association or a subsidiary or an affiliate of a health insurer, health maintenance organization, or health plan association.

(e) The department may suspend or revoke an independent review organization's certification if the department finds that the independent review organization is not in substantial compliance with the certification requirements under this section.

(f) The department shall make available to health maintenance organizations a list of all certified independent review organizations.

(g) The department shall make the information provided to the department under ~~subdivision~~ **subsection** (c)(3) available to the public in a format that does not identify individual enrollees.

SECTION 61. IC 27-15-1-2, AS ADDED BY P.L.94-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Any domestic mutual insurance company that:

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- (1) maintains its executive offices in Indiana; and
- (2) employs at least five hundred (500) persons or a substantial percentage of its workforce in Indiana;

may, by amendment to its articles of incorporation, convert to a stock insurance company by means of a plan of conversion described in IC 27-15-2-2 or a simple plan of conversion described in IC 27-15-2-3 ~~under this article~~ and IC 27-1-8.

(b) The commissioner shall determine whether a mutual insurance company meets the requirements of subsection (a)(2).

SECTION 62. IC 30-2-13-1, AS AMENDED BY P.L.114-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to any written agreement between a purchaser and a seller that obligates the seller to provide prepaid services or merchandise, or both, for a named individual in conjunction with the death, funeral, burial, or final disposition of the individual.

(b) Except as provided in subsections (c) and (d), this chapter does not apply to the following:

- (1) Perpetual care funds under ~~IC 23-14-1~~. **IC 23-14-48.**
- (2) The sale of burial rights. However, this chapter applies to the sale of services or merchandise sold in conjunction with the sale of burial rights and to the use of free or discounted burial rights as an inducement for a purchaser to transfer sellers.
- (3) A contract between a purchaser and a seller that requires delivery of prepaid services or merchandise, or both, not later than one (1) year after the date of final payment and for circumstances other than death.

(c) The annual reporting requirements of section 31 of this chapter apply to a perpetual care fund.

(d) The solicitation requirements of section 24 of this chapter and the provisions concerning inducement in section 13(h) of this chapter apply to the sale of burial rights.

SECTION 63. IC 31-9-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, ~~IC 31-16-3~~, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, and the juvenile law, means a community volunteer who:

- (1) has completed a training program approved by the court;
- (2) has been appointed by a court to represent and protect the best interests of a child; and
- (3) may research, examine, advocate, facilitate, and monitor a child's situation.

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SECTION 64. IC 31-34-21-7, AS AMENDED BY P.L.1-1999, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The court shall hold a permanency hearing:

(1) not more than thirty (30) days after a court finds that reasonable efforts to reunify or preserve a child's family are not required as described in section 5.6 of this chapter;

(2) every twelve (12) months after:

(A) the date of the original dispositional decree; or

(B) a child in need of services was removed from the child's parent, guardian, or custodian;

whichever comes first; or

(3) more often if ordered by the juvenile court.

(b) The court shall:

(1) make the determination and findings required by section 5 of this chapter;

(2) consider the question of continued jurisdiction and whether the dispositional decree should be modified;

(3) consider recommendations of persons listed under section 4 of this chapter, before approving a permanency plan under subdivision (4);

(4) consider and approve a permanency plan for the child that complies with the requirements set forth in section 7.5 of this chapter;

(5) determine whether an existing permanency plan must be modified; and

(6) examine procedural safeguards used by the county office of family and children to protect parental rights.

(c) There is a rebuttable presumption that jurisdiction over the child in a child in need of services proceeding continues for not longer than twelve (12) months after the date of the original dispositional decree or twelve (12) months after the child in need of services was removed from the child's parent, guardian, or custodian, whichever occurs first. The state may rebut the presumption and show that jurisdiction should continue by proving that the objectives of the dispositional decree have not been accomplished, that a continuation of the decree with or without any modifications is necessary, and that it is in the child's best interests for the court to maintain its jurisdiction over the child. If the county office of family and children does not sustain its burden for continued jurisdiction, the court shall:

(1) direct the county office of family and children to establish a permanency plan within thirty (30) days; ~~or~~; or

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- (2) discharge the child and the child's parent, guardian, or custodian.

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

SECTION 65. IC 32-7-9-7, AS ADDED BY P.L.180-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) For purposes of this section, "waste" does not include failure to pay rent.

(b) At the emergency hearing, if the court finds:

- (1) probable cause to believe that the tenant has committed or threatens to commit waste to the rental unit; and
- (2) that the landlord has suffered or will suffer immediate and serious injury, loss, or damage;

the court shall issue an order under subsection (c).

(c) If the court makes a finding under ~~subsection (a)~~, **subsection (b)**, the court shall order the tenant to do either or both of the following:

- (1) Return possession of the dwelling unit to the landlord.
- (2) Refrain from committing waste to the dwelling unit.

(d) The court may make other orders that the court considers just under the circumstances, including setting a subsequent hearing at the request of a party to adjudicate related claims between the parties.

SECTION 66. IC 32-7-9-9, AS ADDED BY P.L.180-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. If the court sets a subsequent hearing under section 6(c) or ~~7(c)~~ **7(d)** of this chapter, the court may do the following at the subsequent hearing:

- (1) Determine damages.
- (2) Order return of a tenant's withheld property.
- (3) Make other orders the court considers just under the circumstances.

SECTION 67. IC 32-7-9-10, AS ADDED BY P.L.180-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The adjudication of an emergency possessory claim under section 6(b) or ~~7(b)~~ **7(c)** of this chapter does not bar a subsequent claim a party may have against the other party arising out of the landlord and tenant relationship unless that claim has been adjudicated under section 9 of this chapter.

SECTION 68. IC 33-2.1-8-1, AS AMENDED BY P.L.176-1999, SECTION 126, AND AS AMENDED BY P.L.271-1999, SECTION 3, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter, "cause" means a trial, hearing, arraignment, controversy, appeal, case,

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or any business performed within the official duty of a justice, judge, or prosecuting attorney.

(b) As used in this chapter, "compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or for services to be rendered, whether by that person or another.

(c) As used in this chapter, "economic interest" means substantial financial interest in investments, employment, awarding of contracts, purchases, leases, sales, or similar matters.

(d) As used in this chapter, "employer" means any person from whom the judge, justice, or prosecuting attorney or that person's spouse receives any nonstate income.

(e) As used in this chapter, "information of a confidential nature" means information obtained by reason of the position or office held and which information has not been or will not be communicated to the general public.

(f) As used in this chapter, "person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(g) As used in this chapter, "judge" means a judge of the court of appeals or the tax court, or of a circuit, superior, ~~municipal~~, county, *small claims* or probate court. A judge pro tempore, commissioner, or hearing officer shall be considered a judge if that person shall sit more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as judge, commissioner, or hearing officer in any court.

(h) *As used in this chapter, "close relative" means a person related to a person filing a statement of economic interest or to the person's spouse as a son, daughter, grandson, granddaughter, great-grandson, great-granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage, or remarriage shall be treated as relatives of whole kinship.*

SECTION 69. IC 34-11-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. An action upon contracts in writing other than those for the payment of money, and including all mortgages other than chattel mortgages, deeds of trust, judgments of courts of record, and for the recovery of the possession of real estate, must be commenced within ten (10) years after the cause of action accrues. However, an action upon contracts in writing other than those for the payment of money entered into before September 1, 1982,

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not including chattel mortgages, deeds of trust, judgments of courts of record, or for the recovery of the possession of real estate, ~~the action~~ must be commenced within twenty (20) years after the cause of action accrues.

SECTION 70. IC 34-26-2-12, AS AMENDED BY P.L.188-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. A court shall set a date for a hearing concerning a petition described in section 2 of this chapter not more than thirty (30) days after the date the petition is filed with the court. At the hearing, if at least one (1) of the allegations described in the petition is proved by a preponderance of the evidence, the court:

- (1) shall order the respondent:
 - (A) to refrain from abusing, harassing, or disturbing the peace of the petitioner, by either direct or indirect contact;
 - (B) to refrain from abusing, harassing, or disturbing the peace of a member of the petitioner's household, by either direct or indirect contact;
 - (C) to refrain from entering the property of the petitioner, jointly owned or leased property of the petitioner and the respondent if the respondent is not the sole owner or lessee, or any other property as specifically described in the petition;
 - (D) to refrain from damaging any property of the petitioner; and
 - (E) if the petitioner and respondent are married and if a proceeding for dissolution of marriage or legal separation is not pending:
 - (i) to be evicted from the dwelling of the petitioner if the respondent is not the sole owner or lessee of the petitioner's dwelling;
 - (ii) to not transfer, encumber, damage, conceal, or otherwise dispose of property jointly owned with the petitioner or that is an asset of the marriage;
 - (iii) to pay child support to the custodian of any minor children of the parties alone or with the other party;
 - (iv) to pay maintenance to the other party; or
 - (v) to perform a combination of the acts described in items (i) through (iv); ~~and~~
- (2) may order the respondent to refrain from possessing a firearm (as defined in IC 35-47-1-5) during a period not longer than the period that the respondent is under the protective order if the court finds by clear and convincing evidence that the respondent poses a significant threat of inflicting serious bodily injury to the

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petitioner or a member of the petitioner's household or family;
and

(3) may order counseling or other social services, including domestic violence education, for the petitioner **or** the respondent, or both, and may order the respondent to pay the costs of obtaining counseling or other social services for the petitioner **or** the respondent, or both.

If the court prohibits the respondent from possessing a firearm under subdivision (2), the court shall notify the state police department of the restriction. The court may also order the confiscation under IC 35-47-3 of any firearms that the court finds the respondent to possess during the period that the protective order is in effect.

SECTION 71. IC 35-40-6-7, AS ADDED BY P.L.139-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If the defendant is convicted, and upon the victim's request, the victim shall be notified, if applicable, of the following:

- (1) The function of the presentence report.
- (2) The name and telephone number of the probation department that is preparing the presentence report.
- (3) The right to make a victim impact statement under IC 35-38-1-8.5.
- (4) The defendant's right to review the presentence report.
- (5) The victim's right to review the presentence report, except those parts excised by the court or made confidential by ~~IC 35-40-5-7~~. **IC 35-40-5-6.**
- (6) The victim's right to be present and heard at any sentencing procedure under ~~IC 35-40-5-6~~. **IC 35-40-5-5.**
- (7) The time, place, and date of the sentencing proceeding.

SECTION 72. IC 35-46-1-10.2, AS ADDED BY P.L.177-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.2. (a) A retail establishment that sells or distributes tobacco to a person less than eighteen (18) years of age commits a Class C infraction. For a sale to take place under this section, the buyer must pay the retail establishment for the tobacco product. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

- (1) If the retail establishment at that specific business location has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).
- (2) If the retail establishment at that specific business location has

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had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of one hundred dollars (\$100).

(3) If the retail establishment at that specific business location has had two (2) citations or ~~summons~~ **summonses** issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(4) If the retail establishment at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

A retail establishment may not be issued a citation or ~~summonses~~ **summons** for a violation of this section more than once every twenty-four (24) hours for each specific business location.

(b) It is not a defense that the person to whom the tobacco was sold or distributed did not smoke, chew, or otherwise consume the tobacco.

(c) The following defenses are available to a retail establishment accused of selling or distributing tobacco to a person who is less than eighteen (18) years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than the age that complies with regulations promulgated by the federal Food and Drug Administration.

(d) It is a defense that the accused retail establishment sold or delivered the tobacco to a person who acted in the ordinary course of employment or a business concerning tobacco:

- (1) agriculture;
- (2) processing;
- (3) transporting;
- (4) wholesaling; or
- (5) retailing.

(e) As used in this section, "distribute" means to give tobacco to another person as a means of promoting, advertising, or marketing the tobacco to the general public.

(f) Unless a person buys or receives tobacco under the direction of

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a law enforcement officer as part of an enforcement action, a retail establishment that sells or distributes tobacco is not liable for a violation of this section unless the person less than eighteen (18) years of age who bought or received the tobacco is issued a citation or summons under section 10.5 of this chapter.

(g) Notwithstanding IC 34-28-5-4(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund (IC 7.1-6-2-6).

SECTION 73. IC 35-46-1-11.5, AS AMENDED BY P.L.177-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) Except for a coin machine that is placed in or directly adjacent to an entranceway or an exit, or placed in a hallway, a restroom, or another common area that is accessible to persons who are less than eighteen (18) years of age, this section does not apply to a coin machine that is located in the following:

- (1) That part of a licensed premises (as defined in IC 7.1-1-3-20) where entry is limited to persons who are at least eighteen (18) years of age.
- (2) Private industrial or office locations that are customarily accessible only to persons who are at least eighteen (18) years of age.
- (3) Private clubs if the membership is limited to persons who are at least eighteen (18) years of age.
- (4) Riverboats where entry is limited to persons who are at least twenty-one (21) years of age and on which lawful gambling is authorized.

(b) As used in this section, "coin machine" has the meaning set forth in IC 35-43-5-1.

(c) Except as provided in subsection (a), an owner of a retail establishment may not:

- (1) distribute or sell tobacco by use of a coin machine; or
- (2) install or maintain a coin machine that is intended to be used for the sale or distribution of tobacco.

(d) An owner of a retail establishment who violates this section commits a Class C infraction. A citation or summons issued under this section must provide notice that the coin machine must be moved within two (2) business days. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

- (1) If the owner of the retail establishment has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).

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(2) If the owner of the retail establishment has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(3) If the owner of the retail establishment has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days for the same machine, the coin machine shall be removed or impounded by a law enforcement officer having jurisdiction where the violation occurs.

An owner of a retail establishment may not be issued a citation or summons for a violation of this section more than once every two (2) business days for each business location.

(e) Notwithstanding IC 34-28-5-4(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund **established under IC 7.1-6-2-6**.

SECTION 74. IC 35-46-1-11.7, AS ADDED BY P.L.177-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.7. (a) A retail establishment that has as its primary purpose the sale of tobacco products may not allow an individual who is less than eighteen (18) years of age to enter the retail establishment.

(b) An individual who is less than eighteen (18) years of age may not enter a retail establishment described in subsection (a).

(c) A retail establishment described in subsection (a) must conspicuously post on all entrances to the retail establishment a sign in boldface type that states "NOTICE: It is unlawful for a person less than 18 years old to enter this store."

(d) A person who violates this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the person has not been cited for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).

(2) If the person has had one (1) violation in the previous ninety (90) days, a civil penalty of one hundred dollars (\$100).

(3) If the person has had two (2) violations in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(4) If the person has had three (3) or more violations in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

A person may not be cited more than once every twenty-four (24) hours.

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(e) Notwithstanding IC 34-28-5-4(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund **established under IC 7.1-6-2-6**.

SECTION 75. IC 35-46-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section does not apply to a violation of section 1 of this chapter.

(b) Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this chapter or IC 15-5-12-3 may take custody of the animal involved.

(c) The animal shall be properly cared for pending disposition of charges under this chapter or IC 15-5-12.

(d) If the owner requests, the court having jurisdiction of criminal charges filed under this chapter or IC 15-5-12 shall hold a hearing to determine whether probable cause exists to believe that a violation of this chapter or IC 15-5-12 has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner.

(e) This subsection applies only to livestock animals. Whenever charges are filed under this chapter, the court shall appoint the state veterinarian under IC 15-2.1-2-50 or the state veterinarian's designee to:

- (1) investigate the condition of the animal and the circumstances relating to the animal's condition; and
- (2) make a recommendation to the court under subsection (f) regarding the confiscation of the animal.

(f) The state veterinarian or the state veterinarian's designee who is appointed under subsection (e) shall do the following:

- (1) Make a recommendation to the court concerning whether confiscation is necessary to protect the safety and well-being of the animal.
- (2) If confiscation is recommended under subdivision (1), recommend a manner for handling the confiscation and disposition of the animal that is in the best interests of the animal.

The state veterinarian or the state veterinarian's designee who submits a recommendation under this subsection shall articulate to the court the reasons supporting the recommendation.

(g) The court:

- (1) shall give substantial weight to; and
- (2) may enter an order based upon;

a recommendation submitted under subsection (f).

(h) If a person is convicted of an offense under this chapter or

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IC 15-5-12, the court may impose the following additional penalties against the person:

- (1) A requirement that the person pay the costs of caring for an animal involved in the offenses that are incurred during a period of impoundment authorized under subsection (b).
- (2) An order terminating the person's right to possession, title, custody, or care of an animal that was involved in the offense.
- (i) If a person's right to possession, title, custody, or care of an animal is terminated under ~~subsection (b)~~; **subsection (h)**, the court may:
 - (1) award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals; or
 - (2) order the disposition of the animal as recommended under subsection (f).

SECTION 76. IC 35-47-4-5, AS ADDED BY P.L.247-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
 - (A) Indiana as provided under IC 35-41-5-1 or ~~IC 35-45-5-2~~; **IC 35-41-5-2**; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.
- (b) As used in this section, "serious violent felony" means:
 - (1) murder (IC 35-42-1-1);
 - (2) voluntary manslaughter (IC 35-42-1-3);
 - (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
 - (4) battery as a Class B felony (IC 35-42-2-1(a)(4)) or Class C felony (IC 35-42-2-1(a)(3));
 - (5) aggravated battery (IC 35-42-2-1.5);
 - (6) kidnapping (IC 35-42-3-2);
 - (7) criminal confinement (IC 35-42-3-3);

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- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery as a Class C felony (IC 35-42-4-8);
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2);
- (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
- (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
- (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
- (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
- (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
- (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
- (22) incest (IC 35-46-1-3);
- (23) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
- (24) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (25) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- or
- (26) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 77. IC 35-48-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The board shall administer this article and may recommend to the general assembly the addition, deletion, or rescheduling of all substances listed in the schedules in sections 4, 6, 8, 10, and 12 of this chapter by submitting a report of such recommendations to the legislative council. In making a determination regarding a substance, the board shall consider the following:

- (1) The actual or relative potential for abuse.
- (2) The scientific evidence of its pharmacological effect, if known.
- (3) The state of current scientific knowledge regarding the substance.

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- (4) The history and current pattern of abuse.
- (5) The scope, duration, and significance of abuse.
- (6) The risk to public health.
- (7) The potential of the substance to produce psychic or physiological dependence liability.
- (8) Whether the substance is an immediate precursor of a substance already controlled under this article.

(b) After considering the factors enumerated in subsection (a), the board shall make findings and recommendations concerning the control of the substance if it finds the substance has a potential for abuse.

(c) If the board finds that a substance is an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated or rescheduled to a more restrictive schedule as a controlled substance under federal law and notice is given to the board, the board shall recommend similar control of the substance under this article in the board's report to the general assembly, unless the board objects to inclusion or rescheduling. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its findings.

(e) If a substance is rescheduled to a less restrictive schedule or deleted as a controlled substance under federal law, the substance is rescheduled or deleted under this article. If the board objects to inclusion, rescheduling, or deletion of the substance, the board shall notify the chairman of the legislative council not more than thirty (30) days after the federal law is changed and the substance may not be rescheduled or deleted until the conclusion of the next complete session of the general assembly. The notice from the board to the chairman of the legislative council must be published.

(f) There is established a fifteen (15) member controlled substances advisory committee to serve as a consultative and advising body to the board in all matters relating to the classification, reclassification, addition to, or deletion from of all substances classified as controlled substances in schedules I to IV or substances not controlled or yet to come into being. In addition, the advisory committee shall conduct hearings and make recommendations to the board regarding revocations, suspensions, and restrictions of registrations as provided in IC 35-48-3-4. All hearings shall be conducted in accordance with IC 4-21.5-3. The advisory committee shall be made up of:

- (1) two (2) physicians licensed under IC 25-22.5, one (1) to be

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elected by the medical licensing board of Indiana from among its members and one (1) to be appointed by the governor;

(2) two (2) pharmacists, one (1) to be elected by the state board of pharmacy from among its members and one (1) to be appointed by the governor;

(3) two (2) dentists, one (1) to be elected by the state board of ~~dental examiners~~ **dentistry** from among its members and one (1) to be appointed by the governor;

(4) the state toxicologist or the designee of the state toxicologist;

(5) two (2) veterinarians, one (1) to be elected by the state board of veterinary medical examiners from among its members and one (1) to be appointed by the governor;

(6) one (1) podiatrist to be elected by the board of podiatric medicine from among its members;

(7) one (1) advanced practice nurse with authority to prescribe legend drugs as provided by IC 25-23-1-19.5 who is:

(A) elected by the state board of nursing from among the board's members; or

(B) if a board member does not meet the requirements under IC 25-23-1-19.5 at the time of the vacancy on the advisory committee, appointed by the governor;

(8) the superintendent of the state police department or the superintendent's designee; and

(9) three (3) members appointed by the governor who have demonstrated expertise concerning controlled substances.

(g) All members of the advisory committee elected by a board shall serve a term of one (1) year and all members of the advisory committee appointed by the governor shall serve a term of four (4) years. Any elected or appointed member of the advisory committee, may be removed for cause by the authority electing or appointing the member. If a vacancy occurs on the advisory committee, the authority electing or appointing the vacating member shall elect or appoint a successor to serve the unexpired term of the vacating member. The board shall acquire the recommendations of the advisory committee pursuant to administration over the controlled substances to be or not to be included in schedules I to V, especially in the implementation of scheduled substances changes as provided in subsection (d).

(h) Authority to control under this section does not extend to distilled spirits, wine, or malt beverages, as those terms are defined or used in IC 7.1, or to tobacco.

(i) The board shall exclude any nonnarcotic substance from a schedule if that substance may, under the Federal Food, Drug, and

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Cosmetic Act or state law, be sold over the counter without a prescription.

SECTION 78. IC 35-50-6-3.3, AS AMENDED BY P.L.183-1999, SECTION 3, AND AS AMENDED BY P.L.243-1999, SECTION 3, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, ~~if~~ a person earns credit time if the person:

- (1) is in credit Class I;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-10.1-12.1, if the person has not previously obtained a high school diploma.

(B) A high school diploma.

(C) An associate's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(D) A bachelor's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsection (a) and subsection (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.
- (2) One (1) year for graduation from high school.
- (3) One (1) year for completion of an associate's degree.
- (4) Two (2) years for completion of a bachelor's degree.

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(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.

(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Subsection (e) applies only to a person who completes at least a portion of the degree or program requirements under subsection (a) or (b) after June 30, 1999. Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from the period of imprisonment imposed on the person by the sentencing court.

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

(1) four (4) years; or

(2) one-third (1/3) of the person's total applicable credit time.

SECTION 79. IC 36-3-4-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) For each department of the consolidated city, the city-county legislative body shall establish a standing committee, having at least three (3) members, to investigate the policies and expenditures of the department.

(b) The legislative body or its committee may:

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- (1) hire an internal auditor **or** an independent certified public accountant, or both, to examine the books and records of the consolidated city, any of its special service districts or special taxing districts, and the county;
- (2) investigate any charges against a department, officer, or employee of the consolidated city, or any of its special service districts or special taxing districts, or the county; and
- (3) investigate the affairs of a person with whom a city or county agency has entered or is about to enter into a contract.

(c) When conducting an investigation under this section, the legislative body or its committee:

- (1) is entitled to access to all records pertaining to the investigation; and
- (2) may compel the attendance of witnesses and the production of evidence by subpoena and attachment served and executed in the county.

(e) **(d)** If a person refuses to testify or produce evidence at an investigation conducted under this section, the legislative body may order its clerk to immediately present to the circuit court of the county a written report of the facts relating to the refusal. The court shall hear all questions relating to the refusal to testify or produce evidence and shall also hear any new evidence not included in the clerk's report. If the court finds that the testimony or evidence sought should be given or produced, it shall order the person to testify or produce evidence, or both.

SECTION 80. IC 36-4-3-22, AS AMENDED BY P.L.217-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) The clerk of the municipality shall do the following:

- (1) File each annexation ordinance against which a remonstrance or an appeal has not been filed during the period permitted under this chapter or the certified copy of a judgment ordering an annexation to take place with:
 - (A) the county auditor of each county in which the annexed territory is located;
 - (B) the circuit court clerk of each county in which the annexed territory is located;
 - (C) if a board of registration exists, the registration board of each county in which the annexed territory is located; and
 - (D) the office of the secretary of state. ~~and~~
- (2) Record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the

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annexed territory is located.

(b) The copy must be filed and recorded no later than ninety (90) days after:

- (1) the expiration of the period permitted for a remonstrance or appeal; or
- (2) the delivery of a certified order under section 15 of this chapter.

(c) Failure to record the annexation ordinance as provided in subsection (a)(2) does not invalidate the ordinance.

(d) The county auditor shall forward a copy of any annexation ordinance filed under this section to the following:

- (1) The county highway department of each county in which the lots or lands affected are located.
- (2) The county surveyor of each county in which the lots or lands affected are located.
- (3) Each plan commission, if any, that lost or gained jurisdiction over the annexed territory.
- (4) The sheriff of each county in which the lots or lands affected are located.
- (5) The township trustee of each township that lost or gained jurisdiction over the annexed territory.
- (6) The office of the secretary of state.

(e) The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the annexation ordinance or may charge the clerk a fee for photoreproduction of the ordinance. The county auditor shall notify the office of the secretary of state of the date that the annexation ordinance is effective under this chapter.

(f) The county auditor shall, upon determining that an annexation ordinance has become effective under this chapter, indicate the annexation upon the property taxation records maintained in the office of the auditor.

SECTION 81. IC 36-5-2-4.5, AS ADDED BY P.L.38-1999, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This section applies to a town if both of the following apply:

- (1) The town has a population of more than ten thousand (10,000).
- (2) The town legislative body adopts an ordinance adopting the provisions of this section. A town may not adopt an ordinance under this section during a year in which municipal elections are held under IC 3-10-6-5.

(b) A town legislative body has the following members:

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- (1) Five (5) members, each elected by the voters of a district. The districts are established by ordinance by the town legislative body as provided in this chapter.
- (2) Two (2) members elected at large by all the voters of the town.
- (c) An ordinance adopted under this section must provide for the following:
- (1) Four (4) members of the legislative body are elected during a year that municipal elections are held under IC 3-10-6-5.
- (2) Three (3) members of the legislative body are elected either:
- (A) during the year before the year described in subdivision (1); or
- (B) during the year after the year described in subdivision (1). The year for elections under this subdivision must be chosen so that during the elections held for the town legislative body under subdivision (4), a member of the town legislative body does not serve a term of more than four (4) years.
- (3) The members of the legislative body elected at large may not be elected at the same time.
- (4) At the first two (2) elections after the ordinance is adopted, members are elected to serve the following terms:
- (A) Two (2) members elected under subdivision (1) are elected to a four (4) year term and two (2) members elected under subdivision (1) are elected to a three (3) year term.
- (B) Two (2) members elected under subdivision (2) are elected to a four (4) year term and one (1) member elected under subdivision (2) is elected to a three (3) year term.
- The ordinance must provide a random procedure to determine which members serve four (4) year terms and which members serve three (3) year terms.
- (5) A member of the ~~town board~~ **town council** elected after the elections described in subdivision (4) serves a term of four (4) years.
- (6) The term of office of a member begins ~~on~~ **at** noon January 1 after the member's election.
- (d) An ordinance adopted under this section may provide that before the first election after adoption of the ordinance, members of the town legislative body added to the legislative body by the ordinance may be appointed to the legislative body by a vote of the current members of the legislative body.
- (e) After the first two (2) elections held as described in subsection (c)(4), the town legislative body may adopt an ordinance to do the following:

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- (1) Divide the town into seven (7) districts.
- (2) Provide that the members elected at large are each elected from a district.

An ordinance adopted under this subsection must comply with this chapter in establishing the districts and provide details to provide a transition from electing two (2) members at large to electing all members from districts.

(f) Subject to this section, members of the town legislative body are elected as provided in IC 3-10-6-4.5.

SECTION 82. IC 36-7-15.1-48, AS ADDED BY P.L.102-1999, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) Notwithstanding any other law, the legislative body of the excluded city may pledge revenues received or to be received by the excluded city from:

- (1) the excluded city's distributive share of the county option income tax under IC 6-3.5-6;
 - (2) any other source legally available to the excluded city for the purposes of this chapter; or
 - (3) a combination of revenues under subdivisions (1) through (2);
- in any amount to pay amounts payable under section 45 or 46 of this chapter.

(b) The legislative body of the excluded city may covenant to adopt an ordinance to increase its tax rate under the county option income tax or any other revenues at the time it is necessary to raise funds to pay amounts payable under section 45 or 46 of this chapter.

(c) The commission may pledge revenues received or to be received from any source legally available to it for the purposes of this chapter in any amount to pay amounts payable under section 45 or 46 of this chapter.

(d) The pledge or the covenant under this section may be for the life of the bonds issued under section 45 of this chapter, the term of a lease entered into under section 46 of this chapter, or for a shorter period as determined by the legislative body of the excluded city. Money pledged by the legislative body of the excluded city under this section shall be considered revenues or other money available to the commission under sections 45 through 46 of this chapter.

(e) The general assembly covenants not to impair this pledge or covenant so long as any bonds issued under section 45 of this chapter are outstanding or as long as any lease entered into under section 46 of this chapter is still in effect. The pledge or covenant shall be enforced as provided in IC 5-1-14-4.

SECTION 83. IC 36-8-10-10, AS AMENDED BY P.L.270-1999,

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SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except for the ~~positions~~ **position** of chief deputy, **the position of** prison matron, and in a county with a population of more than fifty thousand (50,000), temporary administrative ranks or positions established and appointed by the sheriff, the sheriff, with the approval of the board, shall establish a classification of ranks, grades, and positions for county police officers in the department. For each rank, grade, and position established, the sheriff, with the approval of the board, shall:

- (1) set reasonable standards of qualifications; and
- (2) fix the prerequisites of:
 - (A) training;
 - (B) education; and
 - (C) experience.

(b) The sheriff, with the approval of the board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the sheriff and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the sheriff and the board, best meet the prescribed standards and prerequisites. The sheriff appoints county police officers but only from among the persons whose names appear on this list. All county police officers appointed to the department under this chapter are on probation for a period of one (1) year from the date of appointment.

(c) In a county with a population of more than fifty thousand (50,000), the sheriff may:

- (1) establish a temporary administrative rank or position within the county police department; and
- (2) appoint a county police officer that has served as a county police officer for at least five (5) years to and remove a county police officer from a temporary administrative rank or position; without the approval of the board. Any temporary administrative rank or position established pursuant to this section shall not diminish or reduce the number and classifications of the existing merit ranks within the county police department. A county police officer appointed under this subsection must have served as a county police officer in the county police department for at least five (5) years before the appointment. A county police officer retains the rank, grade, or position awarded under subsection (b) while serving in a temporary administrative rank or position. This subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

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(d) In a county with a population of more than fifty thousand (50,000), the sheriff, with the approval of the board, shall establish written rules and regulations governing the discipline of county police officers. Rules and regulations established by a sheriff under this subsection must conform to the disciplinary procedure required by section 11 of this chapter.

SECTION 84. IC 36-8-16-16, AS AMENDED BY P.L.93-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Service suppliers shall provide upon request the necessary customer data to implement an enhanced emergency telephone system. Customer data provided to a county or municipality for the purpose of implementing or updating an enhanced emergency telephone system may be used only to identify the telephone location or service user, or both, and may not be used or disclosed by the county or municipality, or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who violates this subsection commits a Class A misdemeanor.

(b) In providing 911 database information ~~under section 2(2)~~ **as described under section 2** of this chapter, the service supplier shall provide:

- (1) the telephone number service address;
- (2) the class of service; and
- (3) a designation of listed, unlisted, or nonpublished;

for each service user in the county or municipality. The service supplier shall provide this 911 database information to the county or municipality on a quarterly basis. The service supplier may charge a reasonable fee to the political subdivision for the administrative costs of providing the 911 database information. The service supplier may not be held liable in an action arising under this section.

SECTION 85. IC 36-9-3-5, AS AMENDED BY P.L.90-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
- (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
- (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
- (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

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(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

- (1) Two (2) members appointed by the executive of the county having the consolidated city.
- (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
- (3) One (1) member appointed by the executive of each other county in the authority.
- (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.
- (6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.
- (7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following sixteen (16) members:

- (1) Three (3) members appointed by the executive of a municipality with a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (2) Two (2) members appointed by the executive of a municipality with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (3) One (1) member jointly appointed by the executives of:
 - (A) a municipality with a population of more than five thousand one hundred fifty (5,150) but less than five thousand

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- two hundred (5,200) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (B) a municipality with a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
- (A) A municipality with a population of more than seventeen thousand eight hundred (17,800) but less than eighteen thousand (18,000).
- (B) A municipality with a population of more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).
- (C) A municipality with a population of more than nineteen thousand nine hundred forty (19,940) but less than twenty thousand (20,000).
- (5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
- (A) A municipality with a population of more than four thousand five hundred (4,500) but less than five thousand (5,000).
- (B) A municipality with a population of more than nineteen thousand nine hundred (19,900) but less than nineteen thousand nine hundred forty (19,940).
- (C) A municipality with a population of more than ten thousand (10,000) but less than eleven thousand (11,000).
- (6) One (1) member who is jointly appointed by the following:
- (A) The executive of a municipality with a population of more than seventeen thousand seven hundred (17,700) but less than seventeen thousand seven hundred fifty (17,750) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (B) The fiscal body of a town with a population of more than eight thousand eight hundred (8,800) but less than nine

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thousand five hundred (9,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(C) The fiscal body of a town with a population of more than six thousand four hundred (6,400) but less than seven thousand (7,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(D) The fiscal body of a town with a population of more than three hundred (300) but less than four hundred (400) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(E) The fiscal body of a town with a population of more than ~~one thousand one hundred fifty (1,150)~~ **five hundred (500)** but less than one thousand ~~five hundred (1,500)~~ **(1,000)** and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(7) One (1) member appointed by the fiscal body of a municipality with a population of more than twenty-six thousand five hundred (26,500) but less than twenty-eight thousand (28,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following individuals or entities representing municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a municipality having a population of more than twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000).

(B) The executive of a municipality having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500).

(C) The fiscal body of the municipality having a population of more than one thousand five hundred (1,500) but less than two thousand five hundred (2,500).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

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(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

SECTION 86. IC 36-9-3-12.5, AS ADDED BY P.L.90-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) This section applies only to an authority located in a county with a population of more than four hundred thousand (400,000) with members appointed under section 5(c) of this chapter.

(b) The board shall establish a citizens advisory council consisting of eleven (11) members appointed as follows:

(1) Three (3) members appointed by the executive of a municipality with a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) Two (2) members appointed by the executive of a municipality with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(3) One (1) member appointed by the executive of a municipality with a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(4) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

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(5) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(6) One (1) member who is jointly appointed by the following individuals or entities representing municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a municipality having a population of more than twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000).

(B) The executive of a municipality having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500).

(C) The fiscal body of a municipality having a population of more than one thousand five hundred (1,500) but less than two thousand five hundred (2,500).

(7) One (1) member who is jointly appointed by the following:

(A) The executive of a municipality with a population of more than seventeen thousand seven hundred (17,700) but less than seventeen thousand seven hundred fifty (17,750) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(B) The fiscal body of a town with a population of more than eight thousand eight hundred (8,800) but less than nine thousand five hundred (9,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(C) The fiscal body of a town with a population of more than six thousand four hundred (6,400) but less than seven thousand (7,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(D) The fiscal body of a town with a population of more than three hundred (300) but less than four hundred (400) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(E) The fiscal body of a town with a population of more than

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~~one thousand one hundred fifty (1,150)~~ **five hundred (500)** but less than one thousand ~~five hundred (1,500)~~ **(1,000)** and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A municipality with a population of more than seventeen thousand eight hundred (17,800) but less than eighteen thousand (18,000).

(B) A municipality with a population of more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).

(C) A municipality with a population of more than nineteen thousand nine hundred forty (19,940) but less than twenty thousand (20,000).

(c) A member of a citizens advisory council:

(1) must live in the geographic area represented by the appointing authority;

(2) may not be:

(A) an elected official; or

(B) a public employee of the appointing authority;

(3) may serve a two (2) year term; and

(4) may be reappointed to multiple terms.

(d) The citizens advisory council shall:

(1) meet at least once every six (6) months;

(2) review and make recommendations to the board on:

(A) the authority plan;

(B) the proposed route and time schedule changes of the regional transportation system;

(C) the authority budget; and

(D) the hiring of the authority director;

(3) be responsible for assuring direct citizen input into the authority plan; and

(4) refer all complaints and concerns of citizens to the appropriate person or committee within the authority.

SECTION 87. P.L.69-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) Except as provided in subsection (b), the definitions in IC 20-16-1, as added by this act, apply throughout this SECTION.

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(b) As used in this SECTION, "superintendent" refers to the individual who:

- (1) was appointed under IC 16-33-2-6, before its repeal by this act; and
- (2) serves as superintendent on June 30, 1999.

(c) Before July 1, 1999, the governor shall appoint the members of the board under IC 20-16-3-2(a)(1), as added by this act. Notwithstanding IC 20-16-3-4, as added by this act, the terms of office of the members appointed by the governor expire as follows:

- (1) The term of one (1) member of the board expires July 1, 2000.
- (2) The terms of two (2) members of the board expire July 1, 2001.
- (3) The terms of two (2) members of the board expire July 1, 2002.
- (4) The terms of two (2) members of the board expire July 1, 2003.

(d) When appointing members of the board under this SECTION, the following apply:

- (1) The governor shall state, subject to subsection (c), when the term of office of each member expires.
- (2) The governor shall, notwithstanding IC 20-16-3-6, as added by this act, appoint one (1) of the members as chair of the board. The member appointed as chair under this subdivision serves as chair until July 1, 2000, unless elected as chair under ~~IC 20-15-3-6~~, **IC 20-16-3-6**, as added by this act, to serve a new term.
- (3) The governor may appoint the member under IC 20-16-3-2(a)(3), as added by this act, as the governor considers appropriate.

(e) The board shall hold its first meeting in July of 1999, at the school and conduct business the board considers necessary.

(f) Before December 1, 1999, the board, with input from the state department of health and the department of education, shall adopt a transition plan for the transfer of the management and oversight of the school from the state department of health to the board or the superintendent as appropriate. The board shall submit the adopted transition plan to the governor, the state health commissioner, and the department of education.

(g) Notwithstanding IC 20-16, as added by this act, the school shall be administered by the state department of health and the state health commissioner until the board certifies to the governor and the state health commissioner that the board has adopted the transition plan

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required by subsection (f). The school shall be administered as provided in IC 16, before its amendment by this act, to the extent not inconsistent with an orderly transition from administration of the school by the state health commissioner to administration by the board and the superintendent.

(h) After the governor and the state health commissioner receive the certification required by subsection (g), all the following apply:

- (1) The state health commissioner's authority over the school ends.
- (2) The board shall administer the school under IC 20-16, as added by this act.
- (3) All appropriations made to the school are transferred to the board. The auditor of state shall take all necessary action to transfer the balance of appropriations and other funds belonging to the school to the board.
- (4) All rules adopted under IC 4-22-2 relating to the school are considered to be the rules of the board until the board amends or repeals the rules under IC 20-16, as added by this act.
- (5) All references to the school in any statute, rule, or other legal document are considered references to the school under IC 20-16, as added by this act.

The board may send copies of the certification to other state agencies the board considers necessary to permit the school to operate under IC 20-16, as added by this act.

(i) The board shall prepare and submit a report to the legislative council not later than December 31, 1999, that describes the implementation of the transition plan under this SECTION.

(j) This SECTION expires July 1, 2003.

SECTION 88. P.L.196-1999, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) This SECTION applies if the judge serving as presiding judge of the St. Joseph superior court on June 30, 1999, would otherwise, in the absence of the amendment of IC 35-5-40-2 made by this act, serve any part of the judge's term as presiding judge after June 30, 1999.

(b) The judge of the St. Joseph superior court serving as presiding judge on June 30, 1999, is the initial chief judge of the St. Joseph superior court under ~~IC 35-5-40-2~~, **IC 33-5-40-23**, as amended by this act, for the remainder of the judge's unexpired term as presiding judge.

SECTION 89. P.L.224-1999, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) As used in this SECTION, "existing source" means a source in the reinforced plastic composites fabricating industry that:

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- (1) emits styrene; and
 - (2) has been issued a construction permit or an operating permit by the department of environmental management.
- (b) The department of environmental management shall do the following:
- (1) Before October 1, 1999, develop written policies and procedures to address changes in estimated air pollution emissions from existing sources.
 - (2) Before publication under subdivision (3), make a proposed non-rule policy document available to the following for review and comment:
 - (A) The public.
 - (B) The air pollution control board.
 - (C) The environmental quality service council.
 - (D) The clean manufacturing technology **and safe materials** institute.
 - (3) Not later than November 1, 1999, publish a non-rule policy document describing the policies and procedures that the department will use to make determinations on air construction and operating permits for existing sources.
- (c) Before December 31, 2000, the air pollution control board shall adopt rules to establish appropriate standards for control of air pollution from new and existing sources in the reinforced plastic composites fabricating industry. The air pollution control board shall consider all available information when adopting the rules, including the following:
- (1) Available control technology.
 - (2) Industry work practices.
 - (3) Materials available to the industry.
 - (4) Recommendations by the clean manufacturing technology **and safe materials** institute.
- (d) This SECTION expires July 1, 2001.
- SECTION 90. An emergency is declared for this act.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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