



January 20, 2010

## SENATE BILL No. 35

DIGEST OF SB 35 (Updated January 19, 2010 11:34 am - DI yl)

**Citations Affected:** IC 4-13; IC 4-20.5; IC 4-31; IC 12-7; IC 12-10; IC 12-12.7; IC 14-22; IC 15-17; IC 20-21; IC 20-22.

**Synopsis:** State administration matters. Increases the maximum amount for the department of correction to use employee or inmate labor from \$100,000 to \$500,000. Permits the department of administration to use electronic signatures from all contracting parties using an electronic method that does not comply with Indiana's electronic signature act, if the method allows the contracting party to read the terms of the contract before accepting them and to manifest the party's agreement to the contract by clicking an "ok" or "agree" button or not accept the terms of the contract by clicking on a "don't agree", "cancel", or "close window" button. Provides that the department of administration is not required to obtain a property appraisal for a property that is sold using a public auction or public sealed bid procedure. Eliminates the requirement to submit fingerprints to the horse racing commission every five years and requires the commission to coordinate with the state police department for storage of fingerprints. Eliminates the Alzheimer's disease and related senile dementia programs. Eliminates the Alzheimer's and dementia special care disclosure by a health facility that provides or offers Alzheimer's and dementia special care. Eliminates the requirement for the community and home options to institutional care for the elderly and disabled board (CHOICE board) to conduct an annual conference on the problems of the aging and the aged. Repeals the requirement that  
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**Effective:** Upon passage; July 1, 2010.

**Kenley**

January 5, 2010, read first time and referred to Committee on Rules and Legislative Procedure.  
January 19, 2010, amended; reassigned to Committee on Appropriations.

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Digest Continued

the CHOICE board meet at least six times each year. Eliminates the maximum monthly cost share amount for services under the infants and toddlers with disabilities program. Removes the 50% limitation on using the lifetime hunting, fishing, and trapping license trust fund for land purchases. Provides for flexible scheduling of meat and poultry inspections by the board of animal health. Permits the board for the deaf school and blind school to prescribe, subject to the approval of the state personnel department and the budget agency, a salary schedule for the school without having to make the daily rate of pay for a teacher equal to that of a teacher at the Indianapolis public schools. Repeals corresponding definitions and cross-references.

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January 20, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 35



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-13-2-11.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11.1. (a)  
3 Notwithstanding the other provisions of this chapter or IC 5-16-1  
4 concerning the awarding of contracts, if a project is for the  
5 rehabilitation, extension, maintenance, construction or repair of any  
6 structure, improvement, or facility under the control of the department  
7 of correction, the department may purchase materials for that project  
8 in the manner provided by law and use, without awarding a contract,  
9 its inmates to perform the labor and use its own employees for  
10 supervisory purposes if:

- 11 (1) they use equipment owned or leased by that department; and
- 12 (2) the cost of the project using employee or inmate labor is  
13 estimated by the department of administration to be less than ~~one~~  
14 **five hundred thousand dollars (\$100,000): (\$500,000).**

15 (b) All projects covered by this section must comply with the  
16 remaining provisions of this chapter, and all plans and specifications  
17 must be approved by a licensed architect or engineer as required by

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SECTION 2. IC 4-13-2-14.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14.1. (a) A contract to which a state agency is a party must be approved by the following persons:

(1) The commissioner of the Indiana department of administration.

(2) The director of the budget agency. The director of the budget agency is not required to approve a contract:

(A) for supplies under IC 5-22, unless the budget agency is required to approve the contract under rules or written policies adopted under IC 5-22; or

(B) for public works under IC 4-13.6, if the estimated cost of the contract is less than one hundred thousand dollars (\$100,000).

(3) The attorney general, as required by section 14.3 of this chapter.

(b) Each of the persons listed in subsection (a) may delegate to another person the responsibility to approve contracts under this section. The delegation must be in writing and must be filed with the Indiana department of administration.

(c) The Indiana department of administration may adopt rules under IC 4-22-2 to provide for electronic approval of contracts. **Electronic approval may include obtaining the equivalent of a signature from all contracting parties using an electronic method that does not comply with IC 5-24 (the electronic digital signature act), so long as the method allows the party to read the terms of the contract and to manifest the party's agreement to the contract by clicking on an "ok", an "agree", or a similarly labeled button or allows the party to not agree to the contract by clicking on a "cancel", "don't agree", "close window", or similarly labeled button.** Rules adopted under this subsection must provide for the following:

(1) Security to prevent unauthorized access to the approval process.

(2) The ability to convert electronic approvals into a medium allowing persons inspecting or copying contract records to know when approval has been given.

The rules adopted under this subsection may include any other provisions the department considers necessary.

(d) The Indiana department of administration shall maintain a file of information concerning contracts and leases to which a state agency is a party.

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1 SECTION 3. IC 4-20.5-7-9 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) This section  
3 applies only to ~~the following:~~

4 ~~(1) the transfer of property to a political subdivision under section~~  
5 ~~10 of this chapter.~~

6 ~~(2) The sale of property under sections 11 through 16 of this~~  
7 ~~chapter.~~

8 (b) This section does not apply under the following circumstances:

9 (1) The lease of property for a term of four (4) years or less.

10 (2) If the commissioner determines that the value of the property  
11 is likely to be less than either of the following:

12 (A) Five thousand dollars (\$5,000).

13 (B) An amount established by the department in rules adopted  
14 under IC 4-22-2.

15 (c) The property shall be appraised by an appraiser who has the  
16 qualifications determined by the commissioner.

17 (d) The transferring agency shall pay for the cost of the appraisal.

18 SECTION 4. IC 4-31-6-8 IS AMENDED TO READ AS FOLLOWS

19 [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Applicants for a license  
20 issued by the commission shall submit their fingerprints to the  
21 commission once. ~~every five (5) years.~~ Except as provided in  
22 subsection (d), the fingerprints shall be submitted as follows:

23 (1) The commission shall have fingerprints taken of an applicant  
24 for a license before approving the applicant for admission to the  
25 racing premises.

26 (2) Persons not appearing at the racing premises shall submit their  
27 fingerprints in the manner prescribed by the commission.

28 (b) Except as provided in subsection (d), fingerprints required by  
29 this section must be submitted on forms prescribed by the commission.

30 (c) The commission may forward to the Federal Bureau of  
31 Investigation or any other agency for processing all fingerprints  
32 submitted by license applicants. The commission shall maintain a file  
33 of fingerprints.

34 (d) The commission may accept the results of fingerprints taken  
35 within the preceding five (5) years and accepted by a racing body in  
36 another racing jurisdiction. The commission may require that  
37 acceptance of fingerprints under this subsection be dependent on the  
38 existence of a reciprocal agreement through which the state providing  
39 the fingerprints agrees to accept fingerprints from Indiana.

40 (e) **The commission shall coordinate with the state police**  
41 **department for the storage of fingerprints submitted under this**  
42 **section.**

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1 SECTION 5. IC 12-7-2-103 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 103. "Health facility",  
3 means the following:

4 (1) For purposes of ~~IC 12-10-5.5~~, the meaning set forth in  
5 ~~IC 12-10-5.5-2~~.

6 (2) for purposes of IC 12-10-12, **has** the meaning set forth in  
7 IC 12-10-12-3.

8 SECTION 6. IC 12-7-2-168 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 168. "Respite care"  
10 means the following:

11 (1) For purposes of ~~IC 12-10-4~~ and IC 12-10-5, temporary care or  
12 supervision of an individual with Alzheimer's disease or a related  
13 senile dementia that is provided because the individual's family  
14 or caretaker is temporarily unable or unavailable to provide  
15 needed care.

16 (2) For purposes of IC 12-22-1, the meaning set forth in  
17 IC 12-22-1-1.

18 SECTION 7. IC 12-10-1-4 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. The bureau shall  
20 perform the following duties:

21 (1) Provide a comprehensive and coordinated service system for  
22 Indiana's aging population, giving high priority to those  
23 individuals in greatest need.

24 (2) Conduct studies and research into the needs and problems of  
25 the aging.

26 (3) Ensure participation by the aging in the planning and  
27 operation of all phases of the system.

28 (4) Provide a focal point for advocacy, coordination, monitoring,  
29 and evaluation of programs for the aging and the aged.

30 (5) Provide for the performance of any other functions required by  
31 regulations established under the Older Americans Act (42 U.S.C.  
32 3001 et seq.).

33 (6) Function as the sole state agency to develop a comprehensive  
34 plan to meet the needs of the aged.

35 (7) Evaluate programs, services, and facilities for the aged and  
36 determine the extent to which those programs, services, and  
37 facilities meet the needs of the aged.

38 (8) Coordinate programs, services, and facilities furnished for the  
39 aged by state agencies and make recommendations regarding  
40 those programs, services, and facilities to the governor and the  
41 general assembly.

42 (9) Receive and disburse federal money made available for

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- 1 providing services to the aged or related purposes.
- 2 (10) Administer any state plan for the aging required by federal
- 3 law.
- 4 (11) Provide consultation and assistance to communities and
- 5 groups developing local services for the aged.
- 6 (12) Promote community education regarding the problems of the
- 7 aged through institutes, publications, radio, television, and the
- 8 press.
- 9 (13) Cooperate with agencies of the federal government in studies
- 10 and conferences designed to examine the needs of the aged and
- 11 prepare programs and facilities to meet those needs.
- 12 (14) Establish and maintain information and referral sources
- 13 throughout Indiana when not provided by other agencies.
- 14 (15) Act, in accordance with regulations established under the
- 15 Older Americans Act (42 U.S.C. 3001 et seq.), as the agent for
- 16 providing state money to the area agencies on aging designated in
- 17 each planning and service region in Indiana.
- 18 (16) Initiate, evaluate, and provide assistance for improving
- 19 programs in cooperation with all other state agencies having
- 20 concerns or responsibility for the aged.
- 21 ~~(17) Conduct an annual conference on the problems of the aging~~
- 22 ~~and the aged.~~
- 23 ~~(18)~~ (17) Designate area agencies on aging in each planning and
- 24 service region in Indiana.
- 25 ~~(19)~~ (18) Examine the needs of the aged and prepare programs
- 26 and facilities to meet those needs.

27 SECTION 8. IC 12-10-5-10 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. ~~(a)~~ The task force  
 29 shall assist the division in carrying out the division's duties under  
 30 ~~IC 12-10-4 and IC 12-10-5.5~~, including the formulation of rules  
 31 ~~adopted under IC 12-10-4.~~

32 ~~(b)~~ The task force shall do the following:

- 33 (1) Identify areas of concern to be addressed by the division.
- 34 (2) Compile available research in the area of Alzheimer's disease
- 35 or related senile dementia.
- 36 (3) Recommend services to the division to meet the needs of
- 37 individuals with Alzheimer's disease or related senile dementia,
- 38 including the needs of the individual's families.
- 39 (4) Recommend the development of training materials by the
- 40 division for persons who care for or provide services to
- 41 individuals with Alzheimer's disease or related senile dementia.

42 SECTION 9. IC 12-12.7-2-17, AS ADDED BY P.L.93-2006,

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SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) A family shall participate in the cost of programs and services provided under this chapter to the extent allowed by federal law according to the following cost participation schedule:

Percentage of Federal Income Poverty Level		Copayment Per Treatment	Maximum Monthly Cost Share
At Least	But Not More Than		
0%	250%	\$ 0	<del>\$ 0</del>
251%	350%	\$ 3	<del>\$ 24</del>
351%	450%	\$ 6	<del>\$ 48</del>
451%	550%	\$ 15	<del>\$ 120</del>
551%	650%	\$ 25	<del>\$ 200</del>
651%	750%	\$ 50	<del>\$ 400</del>
751%	850%	\$ 75	<del>\$ 600</del>
851%	1000%	\$ 100	<del>\$ 800</del>
1001%		\$ 120	<del>\$ 960</del>

(b) A cost participation plan used by the division for families to participate in the cost of the programs and services provided under this chapter:

- (1) must:
  - (A) be based on income and ability to pay;
  - (B) provide for a review of a family's cost participation amount:
    - (i) annually; and
    - (ii) within thirty (30) days after the family reports a reduction in income; and
  - (C) allow the division to waive a required copayment if other medical expenses or personal care needs expenses for any member of the family reduce the level of income the family has available to pay copayments under this section;
- (2) may allow a family to voluntarily contribute payments that exceed the family's required cost participation amount;
- (3) must require the family to allow the division access to all health care coverage information that the family has concerning the infant or toddler who is to receive services;
- (4) must require families to consent to the division billing third party payors for early intervention services provided;
- (5) may allow the division to waive the billing to third party payors if the family is able to demonstrate financial or personal

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1 hardship on the part of the family member; and  
2 (6) must require the division to waive the family's monthly  
3 copayments in any month for those services for which it receives  
4 payment from the family's health insurance coverage.

5 (c) Funds received through a cost participation plan under this  
6 section must be used to fund programs described in section 18 of this  
7 chapter.

8 SECTION 10. IC 14-22-4-6, AS AMENDED BY P.L.132-2006,  
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2010]: Sec. 6. (a) On July 1 of each year:

- 11 (1) all of the accumulated earnings in the fund; plus
- 12 (2) two and one-half percent (2 1/2%) of the money in the fund,
- 13 less the accumulated earnings;
- 14 shall be transferred to the fish and wildlife fund to maintain the
- 15 automated point of sale licensing system implemented under
- 16 IC 14-22-12-7.5. Any unused part of the transfer under this subsection
- 17 may be used for the other purposes specified in IC 14-22-3-5(a).

- 18 (b) The director:
  - 19 (1) with the approval of the commission;
  - 20 (2) with the approval of the budget agency; and
  - 21 (3) after review by the budget committee;
- 22 may use money in the fund to acquire real property that will be used
- 23 and managed for hunting and fishing. ~~The money used under this~~
- 24 ~~subsection to acquire real property may not exceed fifty percent (50%)~~
- 25 ~~of the appraised value of the real property.~~

26 (c) The money in the fund may be used only for the purposes  
27 authorized in this section.

28 SECTION 11. IC 15-17-5-12, AS ADDED BY P.L.2-2008,  
29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: Sec. 12. (a) ~~Except as provided~~ **Subject to the**  
31 **requirements** in subsection (b), the board ~~is not required to may~~  
32 furnish meat or poultry inspection under this chapter:

- 33 (1) for more than eight (8) hours in one (1) day;
- 34 (2) for more than forty (40) hours in one (1) calendar week; or
- 35 (3) on Saturdays, Sundays, or the following legal holidays:
  - 36 (A) New Year's Day.
  - 37 (B) Washington's Birthday.
  - 38 (C) Memorial Day.
  - 39 (D) Martin Luther King, Jr. Day.
  - 40 (E) Columbus Day.
  - 41 (F) Independence Day.
  - 42 (G) Labor Day.

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- (H) Veterans Day.
- (I) Thanksgiving Day.
- (J) Christmas.

(b) **Subject to the requirements of section 18 of this chapter**, if the operator of an establishment under inspection pays to the board an hourly fee for each hour of state meat or poultry inspection furnished:

- (1) more than eight (8) hours in one (1) day;
- (2) more than forty (40) hours in one (1) calendar week; or
- (3) on Saturdays, Sundays, and legal holidays;

the board ~~shall~~ **may** furnish the inspection service.

(c) Subject to the approval of the budget agency, the board shall establish an hourly rate for overtime at an amount sufficient to defray the cost of the inspection service. The establishment shall reimburse the board not later than thirty (30) days after assessment for overtime or legal overtime fees collected under this chapter. The fees must be deposited with the treasurer of state. All overtime fees deposited with the treasurer of state under this subsection are appropriated to the budget agency for allotment to the board for the administration and enforcement of this chapter.

(d) The board may assign inspection personnel to more than one (1) establishment in order to efficiently use board personnel and resources.

SECTION 12. IC 15-17-5-18, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. ~~If an establishment conducts operations that require an inspection for less than eight (8) hours a day; fewer than five (5) days a week; or for a period that is different from a normal Monday through Friday, eight (8) hours per day, five (5) days per week work week; the state veterinarian~~ **(a) The board shall arrange a schedule of slaughter for each establishment so that proper and efficient antemortem inspection and postmortem inspection of livestock or poultry is provided in each establishment while that efficiently using uses inspection resources among the establishments. The schedule board must be arranged in conference consult with the recognized establishments involved and communicate a final schedule to each establishment. The board may assign inspection personnel to more than one (1) establishment in a day to efficiently use board personnel and resources. The board may refuse to provide inspection service for activities that are exempt under section 11 of this chapter.**

**(b) Notwithstanding any other provision in this chapter, the board may assign and change schedules and limit, terminate, or refuse to provide any service under this chapter as needed to**

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1 **accommodate shortages or changes in personnel, other resources,**  
 2 **or funding for meat and poultry inspection services.**  
 3 SECTION 13. IC 20-21-4-3, AS ADDED BY P.L.1-2005,  
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2010]: Sec. 3. (a) The board shall prescribe, subject to the  
 6 approval of the state personnel department and the budget agency, a  
 7 salary schedule for the school. ~~using a daily rate of pay for each teacher~~  
 8 ~~that must be equal to that of the largest school corporation in the county~~  
 9 ~~in which the school is located.~~  
 10 (b) The board shall prescribe the terms of the annual contract  
 11 awarded to licensed teachers qualifying for payment under the salary  
 12 schedule as described in subsection (a).  
 13 (c) The hours of work for all teachers shall be set in accordance with  
 14 IC 4-15-2.  
 15 SECTION 14. IC 20-22-4-3, AS ADDED BY P.L.1-2005,  
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2010]: Sec. 3. (a) The board shall prescribe, subject to the  
 18 approval of the state personnel department and the budget agency, a  
 19 salary schedule for the school. ~~using a daily rate of pay for each~~  
 20 ~~teacher; that must be equal to that of the largest school corporation in~~  
 21 ~~the county in which the school is located.~~  
 22 (b) The board shall prescribe the terms of the annual contract  
 23 awarded to licensed teachers qualifying for payment under the salary  
 24 schedule as described in subsection (a).  
 25 (c) The hours of work for all teachers shall be set in accordance with  
 26 IC 4-15-2.  
 27 SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 28 JULY 1, 2010]: IC 12-7-2-14.3; IC 12-10-4; IC 12-10-5.5;  
 29 IC 12-10-11-4.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 35 as introduced.)

LONG, Chairperson

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