



February 15, 2011

# HOUSE BILL No. 1233

DIGEST OF HB 1233 (Updated February 15, 2011 12:27 pm - DI 14)

**Citations Affected:** IC 4-5; IC 4-10; IC 4-12; IC 4-15; IC 5-2; IC 8-10; IC 9-17; IC 9-27; IC 10-17; IC 12-7; IC 12-10; IC 12-11; IC 12-15; IC 12-28; IC 14-8; IC 14-13; IC 15-15; IC 16-18; IC 16-21; IC 16-25; IC 16-28; IC 16-29; IC 25-19; IC 36-7; IC 36-7.5; noncode.

**Synopsis:** State boards and commissions. Transfers the duties of the home health care services and hospice services council to the health facilities council. Renames the Indiana health facilities council as the Indiana health facilities, home health care, and hospice council. Changes the membership of the council. Eliminates the law enforcement training board advisory council. Repeals the personnel advisory board (IC 4-15-1, IC 4-15-2-2.2, and IC 4-15-2.5-2); the motor vehicle sales advisory board (IC 9-23-1); operation lifesaver program (IC 9-27-2-12; the Medicaid work incentives council (IC 12-15-42); New Harmony commission (IC 14-20-4); home health care services and hospice services council (IC 16-27-0.5); and mandated health benefits task force (IC 27-1-3-30). Also repeals the following entities: (1) the Indiana tobacco use prevention and cessation advisory board; (2) the Indiana health care account advisory board; (3) the Indiana occupational information coordinating committee; (4) the White River State Park Development Commission advisory councils; and (5) the Indiana organic peer review panel. Combines the Lake Michigan marina development commission and the shoreline development commission into a new entity called the Lake Michigan marina and shoreline development commission. Makes conforming changes.

**Effective:** July 1, 2011.

## Wolkins

January 12, 2011, read first time and referred to Committee on Select Committee on Government Reduction.  
February 15, 2011, amended, reported — Do Pass.

HB 1233—LS 7226/DI 14+



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February 15, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1233

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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 4-5-1-11, AS AMENDED BY P.L.106-2008,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 11. The secretary of state may adopt and enforce  
4 rules under IC 4-22-2 that are necessary to carry out:

- 5 (1) IC 9-18-26;  
6 (2) IC 9-22-4;  
7 ~~(3) IC 9-23-1;~~  
8 ~~(4)~~ **(3)** IC 9-23-2;  
9 ~~(5)~~ **(4)** IC 9-23-3; and  
10 ~~(6)~~ **(5)** IC 9-23-6.

11 SECTION 2. IC 4-10-18-10, AS AMENDED BY P.L.182-2009(ss),  
12 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2011]: Sec. 10. (a) The state board of finance may lend money  
14 from the fund to entities listed in subsections (e) through (k) for the  
15 purposes specified in those subsections.

16 (b) An entity must apply for the loan before May 1, 1989, in a form  
17 approved by the state board of finance. As part of the application, the

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1 entity shall submit a plan for its use of the loan proceeds and for the  
 2 repayment of the loan. Within sixty (60) days after receipt of each  
 3 application, the board shall meet to consider the application and to  
 4 review its accuracy and completeness and to determine the need for the  
 5 loan. The board shall authorize a loan to an entity that makes an  
 6 application if the board approves its accuracy and completeness and  
 7 determines that there is a need for the loan and an adequate method of  
 8 repayment.

9 (c) The state board of finance shall determine the terms of each  
 10 loan, which must include the following:

11 (1) The duration of the loan, which must not exceed twelve (12)  
 12 years.

13 (2) The repayment schedule of the loan, which must provide that  
 14 no payments are due during the first two (2) years of the loan.

15 (3) A variable rate of interest to be determined by the board and  
 16 adjusted annually. The interest rate must be the greater of:

17 (A) five percent (5%); or

18 (B) two-thirds (2/3) of the interest rate for fifty-two (52) week  
 19 United States Treasury bills on the anniversary date of the  
 20 loan, but not to exceed ten percent (10%).

21 (4) The amount of the loan or loans, which may not exceed the  
 22 maximum amounts established for the entity by this section.

23 (5) Any other conditions specified by the board.

24 (d) An entity may borrow money under this section by adoption of  
 25 an ordinance or a resolution and, as set forth in IC 5-1-14, may use any  
 26 source of revenue to repay a loan under this section. This section  
 27 constitutes complete authority for the entity to borrow from the fund.  
 28 If an entity described in subsection (i) fails to make any repayments of  
 29 a loan, the amount payable shall be withheld by the auditor of state  
 30 from any other money payable to the consolidated city. If any other  
 31 entity described in this section fails to make any repayments of a loan,  
 32 the amount payable shall be withheld by the auditor of state from any  
 33 other money payable to the entity. The amount withheld shall be  
 34 transferred to the fund to the credit of the entity.

35 (e) A loan under this section may be made to a city located in a  
 36 county having a population of more than twenty-four thousand (24,000)  
 37 but less than twenty-five thousand (25,000) for the city's waterworks  
 38 facility. The amount of the loan may not exceed one million six  
 39 hundred thousand dollars (\$1,600,000).

40 (f) A loan under this section may be made to a city the territory of  
 41 which is included in part within the Lake Michigan corridor (as defined  
 42 in IC 14-13-3-2, **before its repeal**) for a marina development project.

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1 As a part of its application under subsection (b), the city must include  
2 the following:

3 (1) Written approval by the Lake Michigan marina development  
4 commission of the project to be funded by the loan proceeds.

5 (2) A written determination by the commission of the amount  
6 needed by the city, for the project and of the amount of the  
7 maximum loan amount under this subsection that should be lent  
8 to the city.

9 The maximum amount of loans available for all cities that are eligible  
10 for a loan under this subsection is eight million six hundred thousand  
11 dollars (\$8,600,000).

12 (g) A loan under this section may be made to a county having a  
13 population of more than one hundred seventy thousand (170,000) but  
14 less than one hundred eighty thousand (180,000) for use by the airport  
15 authority in the county for the construction of runways. The amount of  
16 the loan may not exceed seven million dollars (\$7,000,000). The  
17 county may lend the proceeds of its loan to an airport authority for the  
18 public purpose of fostering economic growth in the county.

19 (h) A loan under this section may be made to a city having a  
20 population of more than fifty-nine thousand (59,000) but less than  
21 fifty-nine thousand seven hundred (59,700) for the construction of  
22 parking facilities. The amount of the loan may not exceed three million  
23 dollars (\$3,000,000).

24 (i) A loan or loans under this section may be made to a consolidated  
25 city, a local public improvement bond bank, or any board, authority, or  
26 commission of the consolidated city, to fund economic development  
27 projects under IC 36-7-15.2-5 or to refund obligations issued to fund  
28 economic development projects. The amount of the loan may not  
29 exceed thirty million dollars (\$30,000,000).

30 (j) A loan under this section may be made to a county having a  
31 population of more than thirteen thousand five hundred (13,500) but  
32 less than fourteen thousand (14,000) for extension of airport runways.  
33 The amount of the loan may not exceed three hundred thousand dollars  
34 (\$300,000).

35 (k) A loan under this section may be made to Covington Community  
36 School Corporation to refund the amount due on a tax anticipation  
37 warrant loan. The amount of the loan may not exceed two million seven  
38 hundred thousand dollars (\$2,700,000), to be paid back from any  
39 source of money that is legally available to the school corporation.  
40 Notwithstanding subsection (b), the school corporation must apply for  
41 the loan before June 30, 2010. Notwithstanding subsection (c),  
42 repayment of the loan shall be made in equal installments over five (5)

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1 years with the first installment due not more than six (6) months after  
2 the date loan proceeds are received by the school corporation.

3 (l) IC 6-1.1-20 does not apply to a loan made by an entity under this  
4 section.

5 (m) As used in this section, "entity" means a governmental entity  
6 authorized to obtain a loan under subsections (e) through (k).

7 SECTION 3. IC 4-12-4-9 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2011]: Sec. 9. In addition to any other power  
9 granted by this chapter, the executive board may:

10 (1) adopt an official seal and alter the seal at its pleasure;

11 (2) adopt rules, under IC 4-22-2, for the regulation of its affairs  
12 and the conduct of its business and prescribe policies in  
13 connection with the performance of its functions and duties;

14 (3) accept gifts, devises, bequests, grants, loans, appropriations,  
15 revenue sharing, other financing and assistance, and any other aid  
16 from any source and agree to and comply with conditions attached  
17 to that aid;

18 (4) make, execute, and effectuate any and all contracts,  
19 agreements, or other documents with any governmental agency or  
20 any person, corporation, limited liability company, association,  
21 partnership, or other organization or entity necessary or  
22 convenient to accomplish the purposes of this chapter, including  
23 contracts for the provision of all or any portion of the services the  
24 executive board considers necessary for the management and  
25 operations of the executive board;

26 (5) recommend legislation to the governor and general assembly;  
27 and

28 **(6) make recommendations to the governor, the budget**  
29 **agency, and the general assembly concerning the priorities for**  
30 **appropriation and distribution of money from the Indiana**  
31 **health care account established by IC 4-12-5-3; and**

32 ~~(6)~~ (7) do any and all acts and things necessary, proper, or  
33 convenient to carry out this article.

34 SECTION 4. IC 4-15-1.8-7, AS AMENDED BY P.L.158-2006,  
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2011]: Sec. 7. (a) The department shall do the following:

37 (1) Develop personnel policies, methods, procedures, and  
38 standards for all state agencies.

39 (2) Formulate, establish, and administer position classification  
40 plans and salary and wage schedules, all subject to final approval  
41 by the governor.

42 (3) Allocate positions in the state agencies to their proper

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- 1 classifications.
- 2 (4) Approve employees for transfer, demotion, promotion,
- 3 suspension, layoff, and dismissal.
- 4 (5) Rate employees' service.
- 5 (6) Arrange with state agency heads for employee training.
- 6 (7) Investigate the need for positions in the state agencies.
- 7 (8) Promulgate and enforce personnel rules.
- 8 (9) Make and administer examinations for employment and for
- 9 promotions.
- 10 (10) Maintain personnel records and a roster of the personnel of
- 11 all state agencies.
- 12 (11) Render personnel services to the political subdivisions of the
- 13 state.
- 14 (12) Investigate the operation of personnel policies in all state
- 15 agencies.
- 16 (13) Assist state agencies in the improvement of their personnel
- 17 procedures.
- 18 (14) Conduct a vigorous program of recruitment of qualified and
- 19 able persons for the state agencies.
- 20 (15) Advise the governor and the general assembly of legislation
- 21 needed to improve the personnel system of this state.
- 22 (16) Furnish any information and counsel requested by the
- 23 governor or the general assembly.
- 24 (17) Establish and administer an employee training and career
- 25 advancement program.
- 26 (18) Administer the state personnel law, IC 4-15-2.
- 27 (19) Institute an employee awards system designed to encourage
- 28 all state employees to submit suggestions that will reduce the
- 29 costs or improve the quality of state agencies.
- 30 (20) Survey the administrative organization and procedures,
- 31 including personnel procedures, of all state agencies, and submit
- 32 to the governor measures to secure greater efficiency and
- 33 economy, to minimize the duplication of activities, and to effect
- 34 better organization and procedures among state agencies.
- 35 (21) Establish, implement, and maintain the state aggregate
- 36 prescription drug purchasing program established under
- 37 IC 16-47-1, as approved by the budget agency.
- 38 (b) Salary and wage schedules established by the department under
- 39 subsection (a) must provide:
- 40 (1) for the establishment of overtime policies, which must
- 41 include:
- 42 (A) definition of overtime;

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- 1 (B) determination of employees or classes eligible for
- 2 overtime pay;
- 3 (C) procedures for authorization;
- 4 (D) methods of computation;
- 5 (E) procedures for payment; and
- 6 (F) a provision that there shall be no mandatory adjustments
- 7 to an employee's established work schedule in order to avoid
- 8 the payment of overtime; and

9 (2) that an appointing authority is not required to reduce the  
 10 salary of an employee who is demoted, unless the appointing  
 11 authority determines that the salary reduction is warranted for  
 12 disciplinary reasons or other good cause.

13 ~~(c) The state personnel advisory board shall advise the director and~~  
 14 ~~cooperate in the improvement of all the personnel policies of the state.~~

15 ~~(d)~~ (c) The department shall establish programs of temporary  
 16 appointment for employees of state agencies. A program established  
 17 under this subsection must contain at least the following provisions:

- 18 (1) A temporary appointment may not exceed one hundred eighty
- 19 (180) working days in any twelve (12) month period.
- 20 (2) The department may allow exceptions to the prohibition in
- 21 subdivision (1) with the approval of the state budget agency.
- 22 (3) A temporary appointment in an agency covered by IC 4-15-2
- 23 is governed by the procedures of that chapter.
- 24 (4) A temporary appointment does not constitute creditable
- 25 service for purposes of the public employees' retirement program
- 26 under IC 5-10.2 and IC 5-10.3. However, an employee who
- 27 served in an intermittent form of temporary employment after
- 28 June 30, 1986, and before July 1, 2003, shall receive creditable
- 29 service for the period of temporary employment.

30 SECTION 5. IC 4-15-2-2 IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2011]: Sec. 2. Except as provided in  
 32 ~~IC 4-15-1.8-7(d)~~, **IC 4-15-1.8-7(c)**, all persons covered on January 1,  
 33 1966, by this chapter or coming under the provisions of this chapter  
 34 after January 1, 1966, shall be eligible for, shall participate in, and shall  
 35 receive the benefits of the public employees retirement program as  
 36 provided by IC 5-10.2 and IC 5-10.3.

37 SECTION 6. IC 4-15-2-2.6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.6. "Department"  
 39 means ~~the Indiana personnel advisory board~~; the state personnel  
 40 director, ~~and~~ the employees of the ~~board~~ **department**, and the director.

41 SECTION 7. IC 4-15-2-5 IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2011]: Sec. 5. The ~~board~~ **department** is

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authorized and required to do the following:  
(1) To make investigations concerning the enforcement and effect of the provisions of this chapter.  
(2) To keep minutes of its proceedings which shall be open to public inspection.  
~~(3) To advise the state personnel director on matters pertaining to state personnel policies and practices.~~

SECTION 8. IC 4-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The director shall direct and supervise all administrative and technical activities. In addition to the duties imposed elsewhere in this chapter, the director shall do the following:

- (1) Establish and maintain a roster of all employees in the state service. Prepare or cause to be prepared and recommend a classification and pay plan. Administer the classification and pay plan. Allocate all positions in the state service to their proper class. Formulate eligible lists. Certify persons qualified for appointment. Certify employees for transfer, demotion, promotion, suspension, layoff, and dismissal. Rate employees' services. Arrange with heads of the divisions of the service for employee training. Attend to and perform all other duties imposed by this chapter.
  - (2) Appoint, under this chapter, such employees of the department and such experts and special assistants as may be necessary to carry out effectively this chapter.
  - (3) Investigate systems of appointment and promotion already in operation in various departments or divisions of the state government.
  - (4) Investigate and approve the need for positions, existing and to be created, in the state service.
  - (5) Investigate from time to time the operation and effect of this chapter and of the rules. ~~and report the director's findings and recommendations to the board.~~
  - (6) Administer, enforce, and make effective this chapter and the rules. ~~Discharge all duties imposed upon the director by the board; and perform~~ **Perform** any other lawful acts which the director may consider necessary or desirable to carry out the purposes of this chapter.
- (b) The director shall appoint one (1) or more employees of the department to be the director's deputies.
- (c) The director shall employ such expert or special examiners for the conduct of tests as may be required. The director may select

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1 officers or employees in the state service to act as examiners in the  
2 preparation and rating of tests. An appointing authority may excuse any  
3 employee in the authority's division of the service from the employee's  
4 regular duties for the time required for work as an examiner. Officers  
5 and employees shall not be entitled to extra pay for their service as  
6 examiners, but shall be entitled to reimbursement for necessary  
7 traveling and other expense.

8 (d) The director shall adopt rules under IC 4-22-2 as the director  
9 may consider necessary, appropriate, or desirable to carry out this  
10 chapter.

11 (e) The director shall institute an employee awards system designed  
12 to encourage state employees to submit suggestions that will reduce the  
13 costs, or improve the quality, of state services. All full-time employees  
14 are eligible to receive suggestion awards except:

- 15 (1) members of boards and commissions;
- 16 (2) the chief executive officer of any agency or institution, the  
17 officer's principal deputies or assistants; or
- 18 (3) persons whose normal job duties include cost analyses.

19 (f) A state suggestion committee shall determine the amount of any  
20 award to be given under subsection (e). The state suggestion committee  
21 consists of the state personnel director, the director of the budget  
22 agency, and the state examiner of the state board of accounts. Any  
23 officer of state who is made a member of the suggestion committee  
24 may delegate that responsibility to a subordinate employee.

25 SECTION 9. IC 4-15-2-8 IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Whenever additional agencies  
27 or institutions are brought within the provisions of this chapter, either  
28 through a separate statute or by amendment to this chapter, persons in  
29 such agencies or institutions who are in and have been in positions or  
30 similar positions in the state service not theretofore subject to the merit  
31 provisions of this chapter shall be entitled to continue to hold such  
32 positions until they have an opportunity to acquire regular status.  
33 Persons who have been in the same or similar positions for six (6)  
34 months or more shall receive regular status by passing a  
35 noncompetitive qualifying examination for the classification to which  
36 their position has been allocated. Persons with less than six (6) months'  
37 service in the same or similar positions shall hold their positions  
38 temporarily subject to the entrance examination requirements of this  
39 chapter. All qualifying examinations shall be held within one (1) year  
40 after the agency or institution is brought under this chapter, unless the  
41 period for holding such examinations is extended by the board with  
42 adequate reasons for such extension made a part of the official minutes

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1 of the board.

2 (b) Upon the recommendation of the director, ~~and the approval of~~  
 3 ~~the board~~, those employees in any department or division of the state  
 4 government who have been appointed under a merit system  
 5 satisfactorily complying with the provisions of this chapter may be  
 6 brought into the classified service without examination and retain their  
 7 existing position.

8 SECTION 10. IC 4-15-2-18, AS AMENDED BY P.L.3-2008,  
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2011]: Sec. 18. (a) The rating of each test shall be completed  
 11 and the resulting list established not later than thirty (30) days after the  
 12 date on which the test was held, unless such time is extended by the  
 13 director for reasons which the director shall record in the official  
 14 records of the department. The final earned rating of each person  
 15 competing in any test shall be determined by the weighted average of  
 16 the earned ratings of the test, according to weights for each phase  
 17 established by the director in advance of the giving of the test. The  
 18 names of all persons attaining the minimum final earned ratings  
 19 established by the director in advance of the giving of the tests shall be  
 20 placed upon the eligible list in order of their ratings. The names of  
 21 persons who have indicated in writing that they are unwilling to accept  
 22 appointment may be dropped from the list. All persons competing in  
 23 any test shall be given written notice of their final earned ratings.  
 24 Statements of former employers of the applicants shall be confidential.  
 25 A manifest error in rating a test shall be corrected if called to the  
 26 attention of the director, but such correction shall not invalidate any  
 27 appointment previously made from such a list.

28 (b) In certification for appointment, in appointment, in  
 29 reinstatement, and in reemployment in any state service, preference  
 30 shall be given to former members of the military services of the United  
 31 States who served on active duty in any branch of the armed forces and  
 32 who at no time received a discharge or separation under other than  
 33 honorable conditions, except corrected separation or discharge to read  
 34 "honorable" as evidenced by appropriate records presented from the  
 35 United States Department of Defense or appropriate branch of the  
 36 military service.

37 (c) Preference shall be given in the following priorities:

38 (1) Former members of the military service who have established  
 39 the present existence of a service connected disability of ten  
 40 percent (10%) or more, as evidenced by records of the United  
 41 States Department of Veterans Affairs or disability retirement  
 42 benefits as evidenced by laws administered by the United States

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1 Department of Defense.

2 (2) The spouse of a veteran with a service connected disability

3 and the unremarried spouse of a deceased veteran.

4 (3) Those former members of the military service who are

5 wartime veterans.

6 (4) Veterans of the military service who served more than one

7 hundred eighty-one (181) days on active duty, regardless of when

8 served.

9 (d) In all written examinations to determine the qualifications of

10 applicants for entrance into state service:

11 (1) ten (10) points shall be added to the earned rating of persons

12 taking the competitive examination under subsection (c)(1) or

13 (c)(2);

14 (2) five (5) points shall be added to the earned ratings of persons

15 taking the competitive examination under subsection (c)(3); and

16 (3) two (2) points shall be added to the earned rating of persons

17 taking the competitive examination under subsection (c)(4).

18 (e) All points specified in subsection (d) shall be added to the total

19 combined test scores of the person and shall not be allocated to any

20 single feature or part of the competitive examination. Rating shall be

21 based on a scale of one hundred (100) points as the maximum

22 attainable.

23 (f) When veterans preference in state service employment is limited

24 to wartime veterans, this subsection applies for the purpose of defining

25 "war":

26 (1) World War II - December 7, 1941, to December 31, 1946.

27 (2) Korean Conflict - June 27, 1950, to January 31, 1955.

28 (3) Viet Nam Conflict - August 5, 1964, to May 7, 1975.

29 (4) Actual combat or duty equally hazardous, regardless of time,

30 or service in any foreign war, insurrection, or expedition, which

31 service is recognized by the award of a service or campaign medal

32 of the United States.

33 (5) Participation as a regularly assigned crew member of any

34 military craft in a mission in support of a military operation,

35 regardless of time, as designated by the armed forces of the

36 United States.

37 (g) Active duty consists of:

38 (1) ninety (90) days or more wartime service;

39 (2) ninety (90) days or more consecutive service which began or

40 ended during wartime period;

41 (3) ninety (90) days or more combined service in two (2) or more

42 wartime periods;

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1 (4) service of less than ninety (90) days, if discharged for a  
 2 disability in the line of duty; or  
 3 (5) service qualifying under subsection (f)(4) or (f)(5), which  
 4 must be documented by appropriate records of the United States  
 5 Department of Defense.  
 6 (h) In examinations where experience is an element of qualification,  
 7 time spent in the armed forces of the United States shall be credited in  
 8 a veteran's rating where the veteran's actual employment in a similar  
 9 vocation to that for which the veteran is examined was interrupted by  
 10 such service. In all examinations to determine the qualifications of a  
 11 veteran applicant, credit shall be given for all valuable experience,  
 12 including experience gained in religious, civic, welfare, service, and  
 13 organizational activities, regardless of whether any compensation was  
 14 received for the experience.  
 15 (i) In determining qualifications for examination, appointment,  
 16 promotion, retention, transfer, or reinstatement, with respect to  
 17 preference eligibles, the department shall waive requirements as to age,  
 18 height, and weight, if the requirement is not essential to the  
 19 performance of the duties of the position for which examination is  
 20 given. The department, after giving due consideration to the  
 21 recommendation of any accredited physician, shall waive the physical  
 22 requirements in the case of any veteran, if the veteran is, in the opinion  
 23 of the director, physically able to discharge efficiently the duties of the  
 24 position for which the examination is given. No minimum educational  
 25 requirement may be prescribed in any civil service examination except  
 26 for such scientific, technical, or professional positions, the duties of  
 27 which the department decides cannot be performed by a person who  
 28 does not have such education. The director shall make a part of the  
 29 department's public records the director's reasons for such decision.  
 30 (j) The names of preference eligibles shall be entered on the  
 31 appropriate registers or lists of eligibles in accordance with their  
 32 respective augmented ratings. The name of a preference eligible shall  
 33 be entered ahead of all others having the same rating.  
 34 (k) The director shall adopt appropriate rules under IC 4-22-2 for  
 35 the administration and enforcement of this section.  
 36 (l) In any reduction in personnel in any state service, competing  
 37 employees shall be released in accordance with ~~board regulations~~  
 38 **rules**, which shall give due effect to tenure of employment, military  
 39 preference, length of service, and efficiency ratings. The length of time  
 40 spent in active service in the armed forces of the United States of each  
 41 such employee shall be credited in computing length of total service.  
 42 Veteran's preference points shall be added to the retention score of a

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1 preference eligible. When any of the functions of any state agency are  
2 transferred to, or when any state agency is replaced by, some other state  
3 agency or agencies, all preference employees in the function or  
4 functions transferred or in the agency replaced shall first be transferred  
5 to the replacing agency or agencies for employment in positions for  
6 which they are qualified, before the agency or agencies appoint  
7 additional employees from any other sources for such positions.

8 (m) Any preference eligible who has resigned may, at the request of  
9 any appointing officer, be certified for and appointed to any position  
10 for which the preference eligible has been a regular employee in the  
11 state service.

12 (n) Any preference eligible who has been furloughed or separated  
13 without delinquency or misconduct, upon request, shall have the  
14 preference eligible's name placed on all appropriate registers and  
15 employment lists, for every position for which the preference eligible's  
16 qualifications have been established.

17 (o) Applicants claiming preference of their own service must submit  
18 either:

- 19 (1) original discharge or separation or certified copies or photostat
- 20 copies of the originals;
- 21 (2) an official statement from the United States Department of
- 22 Defense showing record of service; or
- 23 (3) an official statement from the United States Department of
- 24 Veterans Affairs supporting the claim for disability.

25 SECTION 11. IC 4-15-2-27 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. (a) In cooperation  
27 with appointing authorities, the director shall establish, and may from  
28 time to time amend, standards of performance and output for  
29 employees in each class of positions in the classified service or for  
30 groups of classes, and a system of service ratings based upon these  
31 standards. In such manner and with such weight as shall be provided  
32 in the rules, service ratings shall be considered:

- 33 (1) in determining salary increases and decreases within the limits
- 34 established by law and by the pay plan;
- 35 (2) as a factor in promotion tests;
- 36 (3) as a factor in determining the order of lay-off when forces are
- 37 reduced because of lack of funds or work, and the order in which
- 38 names are to be placed on reemployment lists; and
- 39 (4) as a means of discovering employees who should be
- 40 promoted, transferred, or who, because of their low-service value,
- 41 should be demoted or dismissed.

42 In such manner and at such time as the rules may require, each

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1 appointing authority shall make and report to the director the service  
2 ratings of employees in his division of the service or such information  
3 as the director may request as a basis for determining the service  
4 ratings.

5 (b) All officers and employees of the state, shall, during usual  
6 business hours, grant to ~~the members of the board;~~ the director ~~and any~~  
7 ~~agent or employee of the board designated by it or him;~~ free access to  
8 the premises and records pertaining to personnel matters under their  
9 control and shall furnish them such facilities, assistance, and  
10 information as may be required in administering the provisions of this  
11 chapter.

12 SECTION 12. IC 4-15-2-30 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Every appointment,  
14 transfer, promotion, demotion, dismissal, change of salary rate, absence  
15 from duty, and other temporary or permanent changes in the status of  
16 employees in both the unclassified and the classified service shall be  
17 reported to the director at such time, in such form, and together with  
18 such supporting or pertinent information, as the director may prescribe.  
19 The director shall maintain a perpetual roster of all officers and  
20 employees in the unclassified service and the classified service,  
21 showing for each such person the title of the position held, his  
22 departmental or other agency assignment, his salary rate, date of  
23 appointment, complete employment history, and such other data as the  
24 director considers pertinent. The director ~~shall also maintain such other~~  
25 ~~personnel records as he may consider desirable or as the board shall~~  
26 ~~direct, and~~ shall make available to the governor, the general assembly,  
27 the budget director, department and institution executives, and other  
28 persons having a proper interest therein tabulations and analyses of  
29 such personnel data as ~~he~~ **the director** has available.

30 SECTION 13. IC 4-15-2-31 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 31. (a) A public  
32 disbursing officer, auditing officer, or other fiscal officer of the state  
33 shall not draw, sign, or issue or authorize the drawing, signing, or  
34 issuing of any warrant or check upon the treasurer of state or another  
35 disbursing officer of the state for the payment of a salary or other  
36 compensation for personal services within the state service. The  
37 treasurer of state or another disbursing officer of the state shall not pay  
38 any salary or other compensation for personal services unless a payroll  
39 or account for the salary or other compensation containing the name of  
40 every person to be paid and the accounts to be paid to the person has  
41 been certified by the director or a person designated by the director to  
42 the effect that the persons named on the payroll or account are either

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1 in the unclassified service or have been appointed or otherwise  
2 established in their positions according to the provisions of this  
3 chapter, and that the payment of the amounts shown on the payroll or  
4 account will not violate the provisions of the pay plan or the rules  
5 pertaining to the payment.

6 (b) Any payment violating the provisions of the pay plan or the rules  
7 pertaining to the payment, or made to a person appointed or established  
8 in the person's position in a manner contrary to the provisions of this  
9 chapter, may be recovered from the appointing authority, the director,  
10 or any officer or person making the payment, whichever is liable, or  
11 from the sureties on the official bond for the officer or person. Action  
12 for recovery may be maintained by ~~the board or any member of the~~  
13 ~~board~~; any officer or employee of the state service, or any citizen of the  
14 state. All money recovered under this section shall be paid into the  
15 state treasury. Any citizen may maintain a suit to restrain a disbursing  
16 officer from making any payment in contravention of any provision of  
17 this chapter or of any lawful rule or order under this chapter.

18 (c) Any person appointed or employed in contravention of any  
19 provision of this chapter or of any rule or order under this chapter who  
20 performs service for which the person is not paid shall have and may  
21 maintain an action against the officer or officers who purported so to  
22 appoint or employ the person to recover the agreed pay for services, or  
23 the reasonable value of the services if no pay was agreed upon. No  
24 officer shall be reimbursed by the state at any time for any sum paid to  
25 the person on account of the services.

26 (d) If the director wrongfully withholds certification of the payroll  
27 voucher or account of any employee, the employee may maintain a  
28 proceeding to compel the director to certify the payroll voucher or  
29 account.

30 SECTION 14. IC 4-15-2-40 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 40. (a) In applying the  
32 provisions of this chapter or in doing any of the things provided for in  
33 this chapter, no officer or employee shall give any weight whatsoever  
34 to political, religious or racial considerations. No person holding a  
35 position in the state service ~~nor any member of the board~~ shall be  
36 forced to make political contributions, nor be required to participate in  
37 any form of political activity whatsoever other than to express freely his  
38 views as a citizen and to cast his vote in any election.

39 (b) No person elected to state or federal public office may, during  
40 the term for which he was elected, be appointed to any position in the  
41 classified service.

42 (c) Any employee in the classified service who becomes a candidate

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1 for local office shall, upon request, be granted a leave of absence; any  
 2 employee in the classified service who is elected to a state or federal  
 3 public office shall be considered to have resigned from the service.  
 4 This subsection does not apply to precinct committeemen, state or  
 5 national party convention delegates, or candidates for these party  
 6 positions.

7 SECTION 15. IC 4-15-2.5-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this  
 9 chapter, unless a different meaning appears from the context:

10 (a) The term "director" means the state personnel director as  
 11 established by IC 4-15-1.8.

12 ~~(b) The term "board" means the Indiana personnel advisory board~~  
 13 ~~established by IC 4-15-1-1.~~

14 ~~(c)~~ (b) The term "appointing authority" means the head of a  
 15 department, division, board, commission, person or group of persons  
 16 who has the power by law or by lawfully delegated authority to make  
 17 appointments to positions in state service.

18 ~~(d)~~ (c) The term "political affiliation" means the political party to  
 19 which an individual recognizes a relationship either by act of primary  
 20 election voting or by affirmation of the chairman of the state committee  
 21 of the party with which the employee states he is affiliated.

22 SECTION 16. IC 4-15-2.5-3 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(Director's Duties)~~  
 24 The personnel director, in addition to all other duties imposed by law,  
 25 ~~and subject to the rules promulgated by the board;~~ shall administer the  
 26 provisions of this chapter. The director shall:

27 (1) conduct the entrance and promotion tests which are required  
 28 for the carrying out of the provisions of this chapter;

29 (2) verify the political affiliation of each applicant for  
 30 employment and each employee being considered for promotion  
 31 which otherwise qualify for employment or promotion; however,  
 32 no applicant or employee shall be verified if the employment or  
 33 promotion would disrupt or postpone the attainment of the  
 34 required political balance of the department or pay classification;  
 35 ~~therein unless the required political affiliation of an applicant or~~  
 36 ~~employee has been waived by the board;~~

37 (3) classify all positions of employment in all agencies or  
 38 institutions operating under this chapter by the procedure  
 39 established by IC 4-15-2;

40 (4) develop a pay plan for all employees operating under the  
 41 provisions of this chapter, which pay plan shall be subject to the  
 42 approval of the budget agency and the governor; and

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(5) certify all individuals employed under the provisions of this chapter as provided by IC 4-15-2, except that:

(A) The director shall certify five (5) qualified applicants and indicate each applicant's political affiliation.

(B) If the director cannot certify the required number of individuals with the political affiliation because there are not enough individuals that qualified after testing, who are willing to accept appointment or because there are peculiar and exceptional qualifications of a scientific, professional, or educational character required for the position and it is evident that the required number of individuals cannot be certified, the director may authorize the appointing authority to fill the vacancy with any individual who meets the qualifications for the position, without regard to the applicant's political affiliation.

(C) For positions involving unskilled or semi-skilled labor when the character or place of the work makes it impracticable to supply the needs of the service by appointments made in accordance with the procedure prescribed by this chapter, the director may make appointments by the procedure provided by IC 4-15-2.

SECTION 17. IC 4-15-2.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (~~Payment in Violation; Action for Recovery~~) Action for such recovery may be maintained by the board or any member thereof; any officer or employee of the state service or any citizen of the state.

SECTION 18. IC 4-15-2.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (~~Exemptions; Other Positions~~) (a) All positions in the state agency or any part of a state agency, which operates under the provisions of this chapter, that determine administrative policies shall be exempt from the provisions of this chapter by rules promulgated by the ~~board~~ **department**.

(b) One (1) personal secretary for each position that is exempt from the provisions of this chapter by this section and section 18 shall be exempt from the provisions of this chapter.

SECTION 19. IC 4-15-2.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (~~Agency Request; Inclusion~~) The administrative head of any state agency may submit a request to the personnel director to have ~~his~~ **the administrative head's** entire agency or any part thereof operate under the provisions of this chapter. Upon the approval of the ~~personnel board~~ **department** and the governor, any state agency or any part of a state agency may operate

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1 under the provisions of this chapter.

2 SECTION 20. IC 4-15-2.5-22 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (~~Agency Request;~~  
4 ~~Exemption~~) The administrative head of any state may submit a request  
5 to the personnel director to have ~~his~~ **the administrative head's** entire  
6 agency or any part exempt from the provision of this chapter. Upon the  
7 approval of the ~~personnel board~~ **department** and the governor, any  
8 state agency or any part thereof may be exempt from the provisions of  
9 this chapter.

10 SECTION 21. IC 4-15-2.5-23 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. (~~Agency Request;~~  
12 ~~Petition for Change~~) (a) The administrative head of any state agency or  
13 any part thereof that operates under the provisions of this chapter may  
14 submit a petition to the ~~personnel board~~ **department** to increase or  
15 decrease the number of employees exempt from the provisions of this  
16 chapter.

17 (b) The ~~board~~ **department** shall have the authority to decrease or  
18 increase the number of employees exempt from this chapter. However,  
19 the ~~board~~ **department** shall not exempt positions which do not  
20 formulate policy and they shall not exempt policy positions if such  
21 action would impede the operation of the agency.

22 SECTION 22. IC 4-15-5-1.5 IS ADDED TO THE INDIANA CODE  
23 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
24 1, 2011]: **Sec. 1.5. As used in this chapter, "board" refers to the**  
25 **Indiana tobacco use prevention and cessation executive board**  
26 **created by IC 4-12-4-4.**

27 SECTION 23. IC 5-2-1-2, AS AMENDED BY P.L.77-2009,  
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2011]: Sec. 2. For the purposes of this chapter, and unless the  
30 context clearly denotes otherwise, the following definitions apply  
31 throughout this chapter:

32 (1) "Law enforcement officer" means an appointed officer or  
33 employee hired by and on the payroll of the state, any of the  
34 state's political subdivisions, or a public or private postsecondary  
35 educational institution whose board of trustees has established a  
36 police department under IC 21-17-5-2 or IC 21-39-4-2 who is  
37 granted lawful authority to enforce all or some of the penal laws  
38 of the state of Indiana and who possesses, with respect to those  
39 laws, the power to effect arrests for offenses committed in the  
40 officer's or employee's presence. However, the following are  
41 expressly excluded from the term "law enforcement officer" for  
42 the purposes of this chapter:

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- 1 (A) A constable.
- 2 (B) A special officer whose powers and duties are described
- 3 in IC 36-8-3-7 or a special deputy whose powers and duties are
- 4 described in IC 36-8-10-10.6.
- 5 (C) A county police reserve officer who receives compensation
- 6 for lake patrol duties under IC 36-8-3-20(f)(4).
- 7 (D) A conservation reserve officer who receives compensation
- 8 for lake patrol duties under IC 14-9-8-27.
- 9 (E) An employee of the gaming commission whose powers
- 10 and duties are described in IC 4-32.2-9.
- 11 (F) A correctional police officer described in IC 11-8-9.
- 12 (2) "Board" means the law enforcement training board created by
- 13 this chapter.
- 14 ~~(3) "Advisory council" means the law enforcement advisory~~
- 15 ~~council created by this chapter.~~
- 16 ~~(4) (3) "Executive training program" means the police chief~~
- 17 ~~executive training program developed by the board under section~~
- 18 ~~9 of this chapter.~~
- 19 ~~(5) (4) "Law enforcement training council" means one (1) of the~~
- 20 ~~confederations of law enforcement agencies recognized by the~~
- 21 ~~board and organized for the sole purpose of sharing training,~~
- 22 ~~instructors, and related resources.~~
- 23 ~~(6) (5) "Training regarding the lawful use of force" includes~~
- 24 ~~classroom and skills training in the proper application of hand to~~
- 25 ~~hand defensive tactics, use of firearms, and other methods of:~~
- 26 (A) overcoming unlawful resistance; or
- 27 (B) countering other action that threatens the safety of the
- 28 public or a law enforcement officer.
- 29 ~~(7) (6) "Hiring or appointing authority" means:~~
- 30 (A) the chief executive officer, board, or other entity of a
- 31 police department or agency with authority to appoint and hire
- 32 law enforcement officers; or
- 33 (B) the governor, mayor, board, or other entity with the
- 34 authority to appoint a chief executive officer of a police
- 35 department or agency.

36 SECTION 24. IC 5-2-1-3, AS AMENDED BY P.L.22-2005,  
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2011]: Sec. 3. ~~(a)~~ There is created, as a criminal justice  
 39 agency of the state, a law enforcement training board to carry out the  
 40 provisions of this chapter. The board members are to be selected as  
 41 provided by this chapter. The board is composed of the following  
 42 members:

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- 1 (1) The superintendent of the Indiana state police department,
- 2 who shall serve as chairperson of the board.
- 3 (2) The deputy director of the division of preparedness and
- 4 training of the department of homeland security. The deputy
- 5 director shall serve as the vice chair of the board.
- 6 (3) The chief of police of a consolidated city.
- 7 (4) One (1) county sheriff from a county with a population of at
- 8 least one hundred thousand (100,000).
- 9 (5) One (1) county sheriff from a county of at least fifty thousand
- 10 (50,000) but less than one hundred thousand (100,000)
- 11 population.
- 12 (6) One (1) county sheriff from a county of under fifty thousand
- 13 (50,000) population.
- 14 (7) One (1) chief of police from a city of at least thirty-five
- 15 thousand (35,000) population, who is not the chief of police of a
- 16 consolidated city.
- 17 (8) One (1) chief of police from a city of at least ten thousand
- 18 (10,000) but under thirty-five thousand (35,000) population.
- 19 (9) One (1) chief of police, police officer, or town marshal from
- 20 a city or town of under ten thousand (10,000) population.
- 21 (10) One (1) prosecuting attorney.
- 22 (11) One (1) judge of a circuit or superior court exercising
- 23 criminal jurisdiction.
- 24 (12) One (1) member representing professional journalism.
- 25 (13) One (1) member representing the medical profession.
- 26 (14) One (1) member representing education.
- 27 (15) One (1) member representing business and industry.
- 28 (16) One (1) member representing labor.
- 29 (17) One (1) member representing Indiana elected officials of
- 30 counties, cities, and towns.
- 31 (b) The following members constitute an advisory council to assist
- 32 the members of the board in an advisory, nonvoting capacity:
- 33 (1) The special agent in charge of the Federal Bureau of
- 34 Investigation field office covering the state of Indiana, subject to
- 35 the agent's approval to serve in such capacity.
- 36 (2) The attorney general of Indiana.
- 37 (3) One (1) member representing forensic science, to be
- 38 appointed by the governor.
- 39 (4) One (1) member representing theology, to be appointed by the
- 40 governor.
- 41 (5) The director of the law enforcement division of the
- 42 department of natural resources.

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1 SECTION 25. IC 5-2-1-4, AS AMENDED BY P.L.52-2005,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2011]: Sec. 4. ~~(a)~~ All members of the board shall be appointed  
 4 to the board by the governor. The appointments shall be made on a  
 5 bipartisan basis so that not more than one-half (1/2) of the members of  
 6 the board shall at any time be members of either of the two (2) major  
 7 political parties. All appointments shall be for terms of four (4) years  
 8 or while maintaining the position held at the time of appointment to the  
 9 board, whichever is the lesser period. Appointees to the board shall  
 10 serve as members of the board only while holding the office or position  
 11 held at the time of appointment to the board in order that the  
 12 representative nature of the board outlined in section 3 of this chapter  
 13 may be maintained. However, each member of the board shall serve  
 14 until the member's successor has been appointed and qualified, unless  
 15 the member's services are terminated earlier for sufficient reason.  
 16 Vacancies on the board caused by expiration of a term, termination of  
 17 the office or position held at time of appointment, or for any other  
 18 reason shall be filled in the same manner as original appointments. A  
 19 member appointed to fill a vacancy created other than by expiration of  
 20 a term shall be appointed for the unexpired term of the member  
 21 succeeded in the same manner as an original appointment. Members of  
 22 the board may be reappointed for additional terms. All members of the  
 23 board shall serve, unless their services are terminated earlier for  
 24 sufficient reason, until their successors have been appointed and  
 25 qualified. Members of the board may be removed by the governor for  
 26 inefficiency, incompetence, neglect of duty, or other good cause after  
 27 having been accorded a hearing by the governor upon reasonable notice  
 28 of the charge being made against them.

29 ~~(b) Members of the advisory council who serve by virtue of their~~  
 30 ~~office or position shall serve as members of the advisory council only~~  
 31 ~~during the term of their office or position as the case may be. The~~  
 32 ~~governor is authorized and empowered to appoint members to the~~  
 33 ~~advisory council in addition to those enumerated in section 3(b) of this~~  
 34 ~~chapter. All members appointed to the advisory council by the~~  
 35 ~~governor shall serve only during the pleasure of the governor. Advisory~~  
 36 ~~council appointments need not be made on a bipartisan basis.~~

37 SECTION 26. IC 5-2-1-5 IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2011]: Sec. 5. Membership on the law  
 39 enforcement training board ~~or the advisory council~~ shall not constitute  
 40 holding a public office and members of the board ~~and advisory council~~  
 41 shall not be required to take and file oaths of office before serving in  
 42 such capacities. The board ~~and the advisory council~~ shall exercise only

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1 the powers granted by this chapter. No member of the board ~~or of the~~  
2 ~~advisory council~~ shall be disqualified from holding any public office or  
3 position by reason of ~~his the member's~~ appointment or membership on  
4 the board, ~~or advisory council~~, nor shall any such person forfeit any  
5 office, position, or employment by reason of an appointment pursuant  
6 to this chapter, notwithstanding the provisions of any statute,  
7 ordinance, or city charter.

8 SECTION 27. IC 5-2-1-6, AS AMENDED BY P.L.110-2009,  
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2011]: Sec. 6. The board ~~and advisory council~~ shall meet at  
11 least four (4) times in each year and shall hold special meetings when  
12 called by the chairperson. The presence of nine (9) members of the  
13 board constitutes a quorum for doing business. At least nine (9)  
14 affirmative votes are required for the passage of any matter put to a  
15 vote of the board. ~~Advisory council members are entitled to participate~~  
16 ~~in the business and deliberation of the board; but only board members~~  
17 ~~are entitled to vote.~~ The board shall establish its own procedure and  
18 requirements with respect to place and conduct of its meetings.

19 SECTION 28. IC 5-2-1-8 IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2011]: Sec. 8. The members of the board ~~and~~  
21 ~~the advisory council~~ shall serve without compensation except that a  
22 salary per diem and actual expenses incurred, in accordance with travel  
23 policies and procedures established by the department of  
24 administration and the state budget agency, shall be allowed to each  
25 member for attendance at regular or special meetings or otherwise  
26 engaging in official business of the board.

27 SECTION 29. IC 8-10-9-3 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There is  
29 established in each city to which this chapter applies a waterway  
30 management district.

31 (b) The district includes all territory, including both dry land and  
32 water, within a distance of one-half (1/2) mile on either side of the  
33 center line of any waterway within the city in which the district is  
34 established, excluding the land and water occupied by any marina  
35 owned by a unit of government located in the corridor (as defined in  
36 ~~IC 14-13-3-2~~). **IC 36-7-13.5-1**).

37 (c) The district boundary is formed by an imaginary line one-half  
38 (1/2) mile distant from the center line of a waterway in all directions.  
39 However, the boundary of the district does not extend beyond the  
40 boundaries of the city in which the district is located in those areas  
41 where the city boundary is located less than one-half (1/2) mile from  
42 the center line of a waterway.

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SECTION 30. IC 9-17-3-3.1, AS AMENDED BY P.L.131-2008, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3.1. The affidavit required by section 3(a)(5) of this chapter shall be printed in the following form:

STATE OF INDIANA )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

I affirm under the penalties for perjury that all of the following are true:

- (1) That I am a dealer licensed under ~~IC 9-23-1~~. **IC 9-23-2-1.**
  - (2) That I cannot deliver a valid certificate of title to the retail purchaser of the vehicle described in paragraph (3) at the time of sale of the vehicle to the retail purchaser. The identity of the previous seller or transferor is \_\_\_\_\_. Payoff of lien was made on (date) \_\_\_\_\_. I expect to deliver a valid and transferable certificate of title not later than (date) \_\_\_\_\_ from the (State of) \_\_\_\_\_ to the purchaser.
  - (3) That I will undertake reasonable commercial efforts to produce the valid certificate of title. The vehicle identification number is \_\_\_\_\_.
- Signed \_\_\_\_\_, Dealer

By \_\_\_\_\_  
Dated \_\_\_\_\_, \_\_\_\_\_

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AFFIDAVIT.

\_\_\_\_\_  
Customer Signature

**NOTICE TO THE CUSTOMER**

If you do not receive a valid certificate of title within the time specified by this affidavit, you have the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and after the vehicle dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the vehicle dealer in the same or similar condition as when it was delivered to you, the vehicle dealer shall pay you the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount that you paid to the vehicle dealer.

If a lien is present on the previous owner's certificate of title, it is the responsibility of the third party lienholder to timely deliver the certificate of title in the third party's possession to the dealer not more

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1 than ten (10) business days after there is no obligation secured by the  
2 vehicle. If the dealer's inability to deliver a valid certificate of title to  
3 you within the above-described ten (10) day period results from the  
4 acts or omissions of a third party who has failed to timely deliver the  
5 certificate of title in the third party's possession to the dealer, the dealer  
6 may be entitled to claim against the third party the damages allowed by  
7 law.

8 SECTION 31. IC 9-27-2-4, AS AMENDED BY P.L.210-2005,  
9 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2011]: Sec. 4. The office shall do the following to carry out  
11 this chapter:

12 (1) Develop, plan, and conduct programs and activities designed  
13 to prevent and reduce traffic accidents and to facilitate the control  
14 of traffic on Indiana streets and highways.

15 (2) Advise, recommend, and consult with state departments,  
16 divisions, boards, commissions, and agencies concerning traffic  
17 safety, accident prevention, and traffic facilitation programs and  
18 activities and coordinate these programs and activities on an  
19 effective statewide basis.

20 (3) Organize and conduct, in cooperation with state departments  
21 and agencies, programs, services, and activities designed to aid  
22 political subdivisions in the control of traffic and prevention of  
23 traffic accidents.

24 (4) Develop informational, educational, and promotional material  
25 on traffic control and traffic accident prevention, disseminate the  
26 material through all possible means of public information, and  
27 serve as a clearinghouse for information and publicity on traffic  
28 control and accident prevention programs and activities of state  
29 departments and agencies. These activities must include materials  
30 and information designed to make senior citizens aware of the  
31 effect of age on driving ability.

32 (5) Cooperate with public and private agencies interested in  
33 traffic control and traffic accident prevention in the development  
34 and conduct of public informational and educational activities  
35 designed to promote traffic safety or to support the official traffic  
36 safety program of Indiana.

37 (6) Study and determine the merits of proposals affecting traffic  
38 control, traffic safety, or traffic accident prevention activities in  
39 Indiana and recommend to the governor and the general assembly  
40 the measures that will serve to further control and reduce traffic  
41 accidents.

42 (7) Study proposed revisions and amendments to the motor

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1 vehicle laws and all other laws concerning traffic safety and make  
 2 recommendations relative to those laws to the governor and  
 3 general assembly.  
 4 (8) Develop and conduct a program of effective alcohol and drug  
 5 countermeasures to protect and conserve life and property on  
 6 Indiana streets and highways.  
 7 ~~(9) Administer the operation lifesaver program referred to in~~  
 8 ~~section 12 of this chapter to promote and coordinate public~~  
 9 ~~education concerning railroad grade crossing safety.~~  
 10 SECTION 32. IC 10-17-9-8 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Each member,  
 12 the estate of a deceased member, or the estate of a member under  
 13 guardianship is liable for the costs of maintenance of the member in an  
 14 amount up to one hundred percent (100%) of the daily per capita cost  
 15 of personal services and all other operating expenses for the preceding  
 16 fiscal year. The per capita charge may be adjusted to reflect the level  
 17 of care provided.  
 18 (b) The level of care must be as consistent as possible with:  
 19 (1) the care category of the facility in which the member is  
 20 placed;  
 21 (2) the rules of the Indiana health facilities, **home health care,**  
 22 **and hospice** council adopted under IC 16-28; and  
 23 (3) the applicable code of the federal government covering  
 24 reimbursement from the United States Department of Veterans'  
 25 Affairs or another department of the federal government.  
 26 (c) The liability created for the costs of maintenance of a member  
 27 constitutes a lien upon the real property of the member if the lien is  
 28 recorded as provided in this chapter. The lien has priority over all liens  
 29 subsequently acquired.  
 30 SECTION 33. IC 12-7-2-44, AS AMENDED BY P.L.130-2009,  
 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2011]: Sec. 44. "Council" means the following:  
 33 (1) For purposes of IC 12-9-4, the meaning set forth in  
 34 IC 12-9-4-1.  
 35 (2) For purposes of IC 12-12-8, the meaning set forth in  
 36 IC 12-12-8-2.5.  
 37 (3) For purposes of IC 12-13-4, the meaning set forth in  
 38 IC 12-13-4-1.  
 39 ~~(4) For purposes of IC 12-15-41 and IC 12-15-42, the Medicaid~~  
 40 ~~work incentives council established by IC 12-15-42-1.~~  
 41 ~~(5)~~ (4) For purposes of IC 12-12.7-2, the meaning set forth in  
 42 IC 12-12.7-2-2.

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1           ~~(5)~~ (5) For purposes of IC 12-21-4, the meaning set forth in  
2           IC 12-21-4-1.

3           ~~(6)~~ (6) For purposes of IC 12-28-5, the meaning set forth in  
4           IC 12-28-5-1.

5           SECTION 34. IC 12-10-6-5, AS AMENDED BY P.L.99-2007,  
6           SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7           JULY 1, 2011]: Sec. 5. (a) An individual who is determined under  
8           section 2.1(a)(2) of this chapter to be incapable of residing in the  
9           individual's own home because of mental illness may be admitted to a  
10          home or facility that provides residential care to the extent that money  
11          is available for the care.

12          (b) Within thirty (30) days after an individual with a mental illness  
13          is placed in a home or facility that provides residential care, a  
14          comprehensive care plan must be developed for the individual.

15          (c) The residential care facility, in cooperation with the community  
16          mental health center or an individual's managed care provider (as  
17          defined in IC 12-7-2-127(b)) serving the area in which the residential  
18          care facility is located, shall develop the comprehensive care plan for  
19          the individual. The plan must include the following:

20                 (1) Psychosocial rehabilitation services that are provided within  
21                 the community.

22                 (2) A comprehensive range of activities to meet multiple levels of  
23                 need, including the following:

24                         (A) Recreational and socialization activities.

25                         (B) Social skills.

26                         (C) Educational, training, occupational, and work programs.

27                         (D) Opportunities for progression into less restrictive and  
28                         more independent living arrangements.

29                 (3) Appropriate alternate placement if the individual's needs  
30                 cannot be met by the facility.

31          (d) The **Indiana** health facilities, **home health care, and hospice**  
32          council shall, in coordination with the division of mental health and  
33          addiction and the division, adopt rules under IC 4-22-2 to govern:

34                 (1) residential care; and

35                 (2) the comprehensive care plan;

36          provided to individuals with a mental illness who reside under this  
37          chapter in a home or facility that provides residential care.

38          SECTION 35. IC 12-11-2.1-1, AS AMENDED BY P.L.99-2007,  
39          SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40          JULY 1, 2011]: Sec. 1. (a) The bureau shall determine whether or not  
41          an individual has a developmental disability. For individuals for whom  
42          there is not enough current information available to make a

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1 determination of eligibility, the bureau shall use the results of a  
2 diagnostic assessment in determining whether an individual has a  
3 developmental disability. A diagnostic assessment must include the  
4 following:

5 (1) Diagnostic information concerning the individual's  
6 functioning level and medical and habilitation needs.

7 (2) All information necessary for the use of the office of Medicaid  
8 policy and planning, the Indiana health facilities, **home health**  
9 **care, and hospice** council, and the division.

10 (3) The use of all appropriate assessments conducted under rules  
11 adopted under IC 16-28.

12 (b) An individual who is found not to have a developmental  
13 disability may appeal the bureau's finding under IC 4-21.5.

14 (c) If an individual is determined to have a developmental disability,  
15 the office shall determine whether the individual meets the appropriate  
16 federal level of care requirements.

17 SECTION 36. IC 12-15-41-2 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this  
19 chapter, "countable resources" means all cash, other liquid assets, real  
20 property, and personal property owned by an applicant for or a  
21 recipient of Medicaid under this chapter, or the spouse of an applicant  
22 or a recipient, that could be converted to cash to be used for support or  
23 maintenance, except the following:

24 (1) All resources disregarded by the office under this article for  
25 the purpose of determining eligibility for Medicaid.

26 (2) Any resource eligible for exclusion under 42 U.S.C.  
27 1396a(r)(2), including a retirement account established under 26  
28 U.S.C. 220 and held by either the applicant or recipient or the  
29 applicant's or recipient's spouse.

30 (3) Subject to approval by the office, not more than twenty  
31 thousand dollars (\$20,000) in independence and self-sufficiency  
32 accounts held by the applicant or recipient for the sole purpose of  
33 purchasing goods or services, including assistive technology and  
34 personal assistance, that:

35 (A) will increase the employability or independence of the  
36 applicant or recipient; and

37 (B) are not services to which the recipient is entitled under  
38 Medicaid or any other publicly funded program.

39 ~~In determining the types of accounts to be approved under this~~  
40 ~~subdivision, the office shall consider any recommendations made~~  
41 ~~by the Medicaid work incentives council established by~~  
42 ~~IC 12-15-42-1.~~

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1 SECTION 37. IC 12-15-41-13 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) The office shall  
 3 establish criteria to determine the effectiveness of:

- 4 (1) the buy-in program; and  
 5 (2) continued Medicaid coverage through Section 1619 of the  
 6 federal Social Security Act (42 U.S.C. 1382h).

7 (b) The criteria required under subsection (a) must include the  
 8 following:

- 9 (1) The number of individuals with disabilities who are:  
 10 (A) enrolled in the buy-in program; or  
 11 (B) receiving Medicaid through Section 1619 of the federal  
 12 Social Security Act (42 U.S.C. 1382h).  
 13 (2) State revenues resulting from premiums paid by participants  
 14 in the buy-in program.  
 15 (3) State costs incurred as a result of implementing the buy-in  
 16 program, including administrative costs and costs of providing  
 17 services.

18 (c) In addition to the criteria required under subsection (b), the  
 19 office may establish criteria to determine the following:

- 20 (1) Comparative costs of Medicaid funded services for  
 21 participants in the buy-in program and work incentives created  
 22 through Section 1619 of the federal Social Security Act (42  
 23 U.S.C. 1382h) before and after employment.  
 24 (2) The number of Supplemental Security Income and Social  
 25 Security Disability Insurance recipients in Indiana who are no  
 26 longer dependent on, or who have reduced dependence on, public  
 27 assistance or health care entitlement services, other than Medicaid  
 28 or the children's health insurance program, due to participation in  
 29 the buy-in program or work incentives created through Section  
 30 1619 of the federal Social Security Act (42 U.S.C. 1382h).  
 31 (3) The number of individuals with severe disabilities who are no  
 32 longer dependent on, or who have reduced dependence on, public  
 33 benefits or services, other than Medicaid or the children's health  
 34 insurance program, due to income or support services received  
 35 through participation in the buy-in program or work incentives  
 36 created through Section 1619 of the federal Social Security Act  
 37 (42 U.S.C. 1382h).  
 38 (4) The change in the number of buy-in program participants or  
 39 participants in work incentives created through Section 1619 of  
 40 the federal Social Security Act (42 U.S.C. 1382h) who have  
 41 health care needs and related services covered though employer  
 42 based benefit programs.

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1 (d) In evaluating the effectiveness of the state's work incentive  
 2 initiatives for individuals with disabilities, the office:  
 3 (1) shall collaborate with other state agencies on data collection;  
 4 and  
 5 (2) may consult with an independent contractor to collect data on  
 6 the criteria listed under subsection (b).  
 7 ~~(e) The office shall provide an annual report of its evaluation under~~  
 8 ~~this section to the council not later than October 1 each year, beginning~~  
 9 ~~in 2003.~~  
 10 SECTION 38. IC 12-15-41-15 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) The office shall  
 12 adopt rules under IC 4-22-2 to implement this chapter.  
 13 (b) The office may adopt emergency rules under IC 4-22-2-37.1 to  
 14 implement this chapter on an emergency basis.  
 15 ~~(c) In adopting rules under this section, the office shall:~~  
 16 ~~(1) submit proposed rules to the council; and~~  
 17 ~~(2) consider any recommendations of the council before adopting~~  
 18 ~~final rules.~~  
 19 SECTION 39. IC 12-28-5-10, AS AMENDED BY P.L.99-2007,  
 20 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2011]: Sec. 10. In conjunction with the division  
 22 of disability and rehabilitative services, the council shall do the  
 23 following:  
 24 (1) Determine the current and projected needs of each geographic  
 25 area of Indiana for residential services for individuals with a  
 26 developmental disability.  
 27 (2) Determine how the provision of developmental or vocational  
 28 services for residents in these geographic areas affects the  
 29 availability of developmental or vocational services to individuals  
 30 with a developmental disability living in their own homes.  
 31 (3) Develop standards for licensure of supervised group living  
 32 facilities regarding the following:  
 33 (A) A sanitary and safe environment for residents and  
 34 employees.  
 35 (B) Classification of supervised group living facilities.  
 36 (C) Any other matters that will ensure that the residents will  
 37 receive a residential environment.  
 38 (4) Develop standards for the approval of entities providing  
 39 supported living services.  
 40 (5) Recommend social and habilitation programs to the Indiana  
 41 health facilities, **home health care, and hospice** council for  
 42 individuals with a developmental disability who reside in health

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facilities licensed under IC 16-28.

(6) Develop and update semiannually a report that identifies the numbers of individuals with a developmental disability who live in health facilities licensed under IC 16-28. The Indiana health facilities, **home health care, and hospice** council shall assist in developing and updating this report.

SECTION 40. IC 14-8-2-48, AS AMENDED BY P.L.85-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 48. (a) "Commission", except as provided in subsections (b) through (r), refers to the natural resources commission.

(b) "Commission", for purposes of IC 14-13-1, has the meaning set forth in IC 14-13-1-1.

(c) "Commission", for purposes of IC 14-13-2, has the meaning set forth in IC 14-13-2-2.

~~(d) "Commission", for purposes of IC 14-13-3, has the meaning set forth in IC 14-13-3-1.~~

~~(e)~~ (d) "Commission", for purposes of IC 14-13-4, has the meaning set forth in IC 14-13-4-1.

~~(f)~~ (e) "Commission", for purposes of IC 14-13-5, has the meaning set forth in IC 14-13-5-1.

~~(g)~~ (f) "Commission", for purposes of IC 14-13-6, has the meaning set forth in IC 14-13-6-2.

~~(h)~~ (g) "Commission", for purposes of IC 14-14-1, has the meaning set forth in IC 14-14-1-3.

~~(i)~~ "Commission", for purposes of ~~IC 14-20-4~~, has the meaning set forth in ~~IC 14-20-4-1~~.

~~(j)~~ (h) "Commission", for purposes of IC 14-20-11, has the meaning set forth in IC 14-20-11-1.

~~(k)~~ (i) "Commission", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-1.

~~(l)~~ (j) "Commission", for purposes of IC 14-25-11, has the meaning set forth in IC 14-25-11-1.

~~(m)~~ (k) "Commission", for purposes of IC 14-28-4, has the meaning set forth in IC 14-28-4-1.

~~(n)~~ (l) "Commission", for purposes of IC 14-30-1, has the meaning set forth in IC 14-30-1-2.

~~(o)~~ (m) "Commission", for purposes of IC 14-30-2, has the meaning set forth in IC 14-30-2-2.

~~(p)~~ (n) "Commission", for purposes of IC 14-30-3, has the meaning set forth in IC 14-30-3-2.

~~(q)~~ (o) "Commission", for purposes of IC 14-30-4, has the meaning set forth in IC 14-30-4-2.

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1           (†) (p) "Commission", for purposes of IC 14-33-20, has the meaning  
2 set forth in IC 14-33-20-2.

3           SECTION 41. IC 14-8-2-59 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 59. "Corridor" has the  
5 following meaning:

6           (†) For purposes of IC 14-13-3, the meaning set forth in  
7 IC 14-13-3-2.

8           (‡) (1) For purposes of IC 14-13-4, the meaning set forth in  
9 IC 14-13-4-2.

10           (‡) (2) For purposes of IC 14-13-5, the meaning set forth in  
11 IC 14-13-5-2.

12           (‡) (3) For purposes of IC 14-13-6, the meaning set forth in  
13 IC 14-13-6-3.

14           SECTION 42. IC 14-8-2-61 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 61. "Council", ~~has the~~  
16 following meaning

17           (†) For purposes of IC 14-13-1-22, the meaning set forth in  
18 IC 14-13-1-22.

19           (†) (2) For purposes of IC 14-13-1-23, the meaning set forth in  
20 IC 14-13-1-23.

21           (†) (3) For purposes of IC 14-13-1-24, the meaning set forth in  
22 IC 14-13-1-24.

23           (†) (4) For purposes of IC 14-13-1-25, the meaning set forth in  
24 IC 14-13-1-25.

25           (†) (5) for purposes of IC 14-21-1, ~~has~~ the meaning set forth in  
26 IC 14-21-1-5.

27           SECTION 43. IC 14-13-1-27 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. The commission  
29 shall ~~do the following~~:

30           (†) Consult with the following:

31           (A) The health council.

32           (B) The food and agriculture council.

33           (C) The athletic council.

34           (D) The animal and wildlife council.

35           (†) (2) study the feasibility of programs, projects, events, and  
36 facilities of national and international significance in the areas of  
37 health, nutrition, physical fitness, medical science, recreation,  
38 athletics, animal study, veterinary science, and related areas.

39           SECTION 44. IC 14-13-1-40 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 40. It is the intent of the  
41 general assembly that consideration be given to the selection of persons  
42 who are members of racial minorities for the following:

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- (1) Appointment to the commission.
- ~~(2) Appointment to the advisory councils created by this chapter.~~
- ~~(3)~~ (2) Constructing, improving, developing, operating, or managing projects, facilities, or improvements of the commission.
- ~~(4)~~ (3) Entering into contracts or leases or receiving licenses to be awarded under this chapter.

SECTION 45. IC 15-15-8-2, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this chapter, "certifying agent" refers to a person or entity acting as an independent contractor who is:

- (1) accredited by the director; **and**
- ~~(2) approved by the panel to conduct field or farm certification;~~  
~~and~~
- ~~(3)~~ (2) accredited by the United States Department of Agriculture under the Organic Foods Production Act.

SECTION 46. IC 15-15-8-7, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The director may grant accreditation to an applicant under this chapter.

~~(b) In determining whether to grant accreditation to an applicant, the director shall consider the report concerning the applicant that is prepared by the panel under section 13 of this chapter.~~

~~(c)~~ (b) The director shall make a determination and respond to the applicant not later than three (3) months after the date of receipt of the application.

SECTION 47. IC 15-15-8-12, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. The director shall implement this chapter. ~~with the assistance of the panel.~~ The director has no regulatory authority under this chapter except as provided under section 17 of this chapter.

SECTION 48. IC 16-18-2-84 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 84. "Council" refers to the following:

- (1) For purposes of IC 16-21, the hospital council.
- ~~(2) For purposes of IC 16-25 and IC 16-27, the home health care services and hospice services council.~~
- ~~(3)~~ (2) For purposes of IC 16-28 and IC 16-29, the Indiana health facilities, **home health care, and hospice** council.
- ~~(4)~~ (3) For purposes of IC 16-46-6, the interagency state council on black and minority health.

SECTION 49. IC 16-18-2-150, AS AMENDED BY P.L.152-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 150. (a) "Governing body", for purposes of  
2 IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

3 (b) "~~Governing body~~", for purposes of ~~IC 16-27-0.5~~, has the  
4 meaning set forth in ~~IC 16-27-0.5-0.5~~.

5 (e) (b) "Governing body", for purposes of IC 16-41-22, has the  
6 meaning set forth in IC 16-41-22-3.

7 SECTION 50. IC 16-21-1-8 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. For that part of a  
9 hospital that functions as a health facility described by IC 16-28,  
10 IC 16-28 applies. The **Indiana** health facilities, **home health care, and**  
11 **hospice** council does not have greater authority to adopt rules  
12 concerning facilities that are licensed under this article than the health  
13 facilities council has with regard to health facilities licensed under  
14 IC 16-28.

15 SECTION 51. IC 16-25-3-2.5 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. The state  
17 department shall administer this chapter with the advice of the ~~home~~  
18 ~~health care services and hospice services council established by~~  
19 ~~IC 16-27-0.5-1~~. **health facilities, home health care, and hospice**  
20 **council established by IC 16-28-1-1.**

21 SECTION 52. IC 16-28-1-1, AS AMENDED BY P.L.1-2007,  
22 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The Indiana health facilities,  
24 **home health care, and hospice** council is created. The council  
25 consists of ~~fourteen (14)~~ **sixteen (16)** members as follows:

- 26 (1) One (1) **physician** licensed ~~physician~~. **under IC 25-22.5 with**  
27 **experience in long term care or hospice and palliative**  
28 **medicine.**
- 29 (2) ~~Two (2)~~ **One (1) administrator**, licensed  
30 under IC 25-19-1, of a proprietary health facility licensed under  
31 this article.
- 32 (3) One (1) administrator, licensed under IC 25-19-1, of a  
33 nonproprietary health facility licensed under this article.
- 34 (4) **One (1) administrator, licensed under IC 25-19-1, of a**  
35 **residential care facility licensed under this article.**
- 36 (5) **One (1) administrator of a hospital based home health**  
37 **agency licensed under IC 16-27.**
- 38 (6) **One (1) administrator of a nonhospital based home health**  
39 **agency licensed under IC 16-27.**
- 40 (7) **One (1) administrator or director of a hospital based**  
41 **hospice agency licensed under IC 16-25.**
- 42 (8) **One (1) administrator or director of a nonhospital based**

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1 **hospice agency licensed under IC 16-25.**

2 ~~(4)~~ **(9)** One (1) registered nurse licensed under IC 25-23 **who has**  
 3 **experience with a licensed health facility, licensed home health**  
 4 **agency, or licensed hospice agency.**

5 ~~(5)~~ **(10)** One (1) registered pharmacist licensed under IC 25-26  
 6 **with experience in long term care or hospice and palliative**  
 7 **medicine.**

8 ~~(6)~~ **Two (2)** citizens having knowledge or experience in the field  
 9 of gerontology.

10 ~~(7)~~ **One (1)** representative of a statewide senior citizens  
 11 organization.

12 ~~(8)~~ **(11)** One (1) citizen **individual** having knowledge or  
 13 experience in the field of mental health, **bereavement**  
 14 **counseling, or Alzheimer's disease and related senile**  
 15 **dementia.**

16 ~~(9)~~ **One (1)** nurse-educator of a practical nurse program.

17 ~~(10)~~ **(12)** The commissioner.

18 ~~(11)~~ **(13)** The director of the division of family resources **state**  
 19 **long term care ombudsman** or the director's **ombudsman's**  
 20 designee.

21 ~~(12)~~ **(14)** The director of the division of aging or the director's  
 22 designee.

23 **(15)** **One (1) individual having knowledge of or experience in**  
 24 **health care quality improvement, patient safety, or health**  
 25 **care law.**

26 **(16)** **One (1) individual who is a health care educator in a**  
 27 **nursing, allied health, or medical profession and who has**  
 28 **experience in an accredited college or university in a health**  
 29 **care education program.**

30 (b) The members of the council designated by subsection (a)(1)  
 31 through ~~(a)(9)~~ **(a)(11) and subsection (a)(15) and (a)(16)** shall be  
 32 appointed by the governor.

33 (c) Except for the members of the council designated by subsection  
 34 ~~(a)(10)~~ **(a)(12)** through ~~(a)(12)~~; **(a)(14)**, all appointments are for four  
 35 (4) years. If a vacancy occurs, the appointee serves for the remainder  
 36 of the unexpired term. A vacancy is filled from the same group that was  
 37 represented by the outgoing member.

38 (d) Except for the members of the council designated by subsection  
 39 (a)(2) through (a)(3), a member of the council may not have a  
 40 pecuniary interest in the operation of or provide professional services  
 41 through employment or under contract to a facility licensed under this  
 42 article.



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1 SECTION 53. IC 16-28-1-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) ~~Eight (8)~~ **Nine**  
3 **(9)** members of the council constitute a quorum for the transaction of  
4 all business of the council.

5 (b) The council shall establish procedures to govern the council's  
6 deliberations.

7 SECTION 54. IC 16-28-1-8.5 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2011]: **Sec. 8.5. (a) Subject to the rulemaking**  
10 **authority granted in IC 16-25 and IC 16-27, the council shall do the**  
11 **following:**

12 **(1) Propose the adoption of rules by the state department**  
13 **under IC 4-22-2 governing the following:**

14 **(A) Health and sanitation standards necessary to protect**  
15 **the health, safety, security, rights, and welfare of home**  
16 **health care patients and hospice patients.**

17 **(B) Qualifications of applicants for licenses issued under**  
18 **IC 16-25 and IC 16-27.**

19 **(2) Recommend to other state agencies or governing bodies**  
20 **rules necessary to protect the health, safety, security, rights,**  
21 **and welfare of home health care patients and hospice patients.**

22 **(3) Act as an advisory body for the division, state health**  
23 **commissioner, and state department.**

24 **(b) The council may recommend interpretive guidelines when**  
25 **necessary to assist a home health agency or hospice in meeting the**  
26 **requirements of a rule.**

27 **(c) The state department may request the council to propose a**  
28 **new rule or an amendment to a rule necessary to protect the**  
29 **health, safety, security rights, and welfare of the home health care**  
30 **patients and hospice patients. If the council does not propose a rule**  
31 **within ninety (90) days after the state department's request, the**  
32 **state department may propose the rule. The executive board shall**  
33 **consider rules proposed by the council under this section. The**  
34 **executive board may adopt, modify, remand, or reject specific**  
35 **rules or parts of rules proposed by the council. To become**  
36 **effective, all rules proposed by the council under this chapter must**  
37 **be adopted by the executive board in accordance with IC 4-22-2.**

38 SECTION 55. IC 16-29-4-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The Indiana health  
40 facilities, **home health care, and hospice** council may recommend,  
41 before the conversion of existing health facility beds to ICF/MR beds  
42 or the construction of a new ICF/MR facility, that the state department

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1 issue a preliminary approval of the proposed project, but only if the  
 2 council determines that there is an insufficient number of available  
 3 beds to care for all the persons who are determined under IC 12-11-2.1  
 4 to be appropriate for placement in an ICF/MR facility.

5 SECTION 56. IC 16-29-4-4 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. A proposed project  
 7 that receives preliminary approval under this chapter may not add more  
 8 beds than the number determined by the Indiana health facilities, **home**  
 9 **health care, and hospice** council to be necessary to provide an  
 10 available bed for each person determined under IC 12-11-2.1 to be  
 11 appropriate for placement in an ICF/MR facility. Upon completion of  
 12 the proposed project and compliance with the other requirements for  
 13 licensure under IC 16-28, the state department shall issue a license to  
 14 the facility.

15 SECTION 57. IC 25-19-1-5, AS AMENDED BY P.L.54-2007,  
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2011]: Sec. 5. (a) The Indiana health facilities, **home health**  
 18 **care, and hospice** council, pursuant to authority provided by IC 16-28,  
 19 has, by rule duly promulgated, classified health facilities into  
 20 comprehensive health facilities and residential health facilities. The fee  
 21 for a health facility administrator's license in either classification shall  
 22 be set by the board under section 8 of this chapter.

23 (b) Such fee and application shall be submitted to the board, and the  
 24 board shall transmit all such funds so received to the treasurer of state  
 25 to be deposited by ~~him~~ **the treasurer of state** in the general fund of the  
 26 state. All expenses incurred in the administration of this chapter shall  
 27 be paid from the general fund upon appropriation being made therefor  
 28 in the manner provided by law for making such appropriations.

29 (c) The administrator of a comprehensive care facility must have a  
 30 comprehensive care facility administrator license issued by the board  
 31 in accordance with rules adopted under section 8 of this chapter.

32 (d) The administrator of a residential care facility must have one (1)  
 33 of the following licenses issued by the board under rules adopted under  
 34 section 8 of this chapter:

35 (1) A comprehensive care facility administrator license.

36 (2) A residential care facility administrator license.

37 SECTION 58. IC 36-7-13.5-1 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following  
 39 definitions apply throughout this chapter:

40 (1) "Commission" refers to the **Lake Michigan marina and**  
 41 **shoreline development commission** established by section 2 of  
 42 this chapter.

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- 1 (2) "Corridor" ~~has the meaning set forth in IC 14-13-3-2.~~ **means**
- 2 **the strip of land in Indiana abutting Lake Michigan and the**
- 3 **tributaries of Lake Michigan.**
- 4 (3) "Executive committee" refers to the executive committee of
- 5 the commission established by section 13 of this chapter.
- 6 (4) "Fund" refers to the shoreline environmental trust fund
- 7 established by section 19 of this chapter.
- 8 (3) "Environmental fund" refers to the shoreline
- 9 **environmental trust fund established by section 19 of this**
- 10 **chapter.**
- 11 (4) "Environmental grant" means a grant from the
- 12 **environmental fund.**
- 13 (5) "Qualifying property" means one (1) or more parcels of land
- 14 in the corridor under common ownership, regardless of whether
- 15 any improvements are located on the land, with respect to which:
- 16 (A) the:
  - 17 (i) land is unused, if there are no improvements on the land;
  - 18 or
  - 19 (ii) land and improvements are unused;
- 20 (B) all or a part of each parcel of the land is located within five
- 21 hundred (500) yards of a lake or river; and
- 22 (C) there are significant obstacles to redevelopment because
- 23 of any of the following:
  - 24 (i) Obsolete or inefficient buildings.
  - 25 (ii) Aging infrastructure or inefficient utility services.
  - 26 (iii) Utility relocation requirements.
  - 27 (iv) Transportation or access problems.
  - 28 (v) Topographical obstacles.
  - 29 (vi) Environmental contamination.
- 30 SECTION 59. IC 36-7-13.5-2, AS AMENDED BY P.L.33-2008,
- 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2011]: Sec. 2. The **Lake Michigan marina and** shoreline
- 33 development commission is established.
- 34 SECTION 60. IC 36-7-13.5-3, AS AMENDED BY P.L.33-2008,
- 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2011]: Sec. 3. The commission consists of the following
- 37 members:
  - 38 (1) The following **voting** members: ~~appointed by the governor:~~
  - 39 (A) The mayor of East Chicago.
  - 40 (B) The mayor of Gary.
  - 41 (C) The mayor of Hammond.
  - 42 (D) The mayor of Michigan City.

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- 1 (E) The mayor of Portage.
- 2 (F) The mayor of Whiting.
- 3 (G) Two (2) ~~representatives~~ **members**, each from a
- 4 **representing and appointed by a different** steel company
- 5 that owns land abutting Lake Michigan with a continuous
- 6 shoreline of not less than one (1) mile.
- 7 (H) One (1) ~~representative of member to represent and to be~~
- 8 **appointed by** a company that:
- 9 (i) is not a steel company; and
- 10 (ii) owns land abutting Lake Michigan with a continuous
- 11 shoreline of not less than three-tenths (0.3) mile.
- 12 ~~(I) One (1) representative of the department of environmental~~
- 13 ~~management.~~
- 14 ~~(J) One (1) representative of the department of natural~~
- 15 ~~resources.~~
- 16 ~~(K) One (1) representative of the Indiana department of~~
- 17 ~~transportation.~~
- 18 ~~(L) One (1) representative of member appointed jointly~~
- 19 ~~by the executives of the following municipalities:~~
- 20 (i) Beverly Shores.
- 21 ~~(M) One (1) representative of Burns Harbor.~~
- 22 ~~(N) One (1) representative of (ii) Dune Acres.~~
- 23 ~~(O) One (1) representative of (iii) Ogden Dunes.~~
- 24 **(J) One (1) member appointed jointly by the executives of**
- 25 **the following municipalities:**
- 26 **(i) Burns Harbor.**
- 27 **(ii) Chesterton.**
- 28 **(iii) Porter.**
- 29 ~~(P) One (1) representative of the northwest Indiana advisory~~
- 30 ~~board established under IC 13-13-6.~~
- 31 ~~(Q) (K) One (1) representative of member appointed by a~~
- 32 ~~public utility that owns real property that:~~
- 33 (i) is located in the counties contiguous to Lake Michigan;
- 34 and
- 35 (ii) has a total assessed value that exceeds the total assessed
- 36 value of real property in the counties contiguous to Lake
- 37 Michigan that is owned by any other public utility.
- 38 ~~(R) The port director of the Port of Indiana-Burns Harbor.~~
- 39 ~~(2) One (1) member, preferably from a visitor and tourism~~
- 40 ~~business, appointed by the lieutenant governor.~~
- 41 ~~(3) (L) Two (2) members appointed by the speaker of the~~
- 42 ~~house of representatives who:~~

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1           ~~(A)~~ (i) are members of the house of representatives;  
2           ~~(B)~~ (ii) represent house districts that have territory within  
3           the corridor; and  
4           ~~(C)~~ (iii) are not affiliated with the same political party.  
5           If all the house districts that have territory within the corridor  
6           are represented by members of the house of representatives  
7           who are from the same political party, **the requirement under**  
8           **item (iii) cannot be satisfied**, the speaker shall appoint a  
9           member of the house of representatives who represents a  
10          house district that is located anywhere in a county that has  
11          territory within the corridor to satisfy **may disregard** the  
12          requirement under clause ~~(C)~~: **item (iii) when appointing**  
13          **members under this clause.**  
14          ~~(4)~~ (M) Two (2) members appointed by the president pro  
15          tempore of the senate who:  
16          ~~(A)~~ (i) are members of the senate;  
17          ~~(B)~~ (ii) represent senate districts that have territory within  
18          the corridor; and  
19          ~~(C)~~ (iii) are not affiliated with the same political party.  
20          If all the senate districts that have territory within the corridor  
21          are represented by members of the senate who are from the  
22          same political party, **the requirement under item (iii) cannot**  
23          **be satisfied**, the president pro tempore shall appoint a member  
24          of the senate who represents a senate district that is located  
25          anywhere in a county that has territory within the corridor to  
26          satisfy **may disregard** the requirement under clause ~~(C)~~: **item**  
27          **(iii) when appointing members under this clause.**  
28          (2) The following nonvoting members:  
29          (A) One (1) member to represent the department of  
30          environmental management, appointed by the governor.  
31          (B) One (1) member to represent the department of natural  
32          resources, appointed by the governor.  
33          (C) One (1) member to represent the Indiana department  
34          of transportation, appointed by the governor.  
35          (D) One (1) member appointed by the executive of the  
36          Indiana Dunes National Lakeshore.  
37          (E) The port director of the Port of Indiana-Burns Harbor.  
38          (F) One (1) member appointed by the Lake County  
39          Convention and Visitors Bureau.  
40          (G) One (1) member appointed by the LaPorte County  
41          Convention and Visitors Bureau.  
42          (H) One (1) member appointed by the Porter County

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**Convention Recreation and Visitor Commission.**

SECTION 61. IC 36-7-13.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The members of the commission referred to in section 3(1)(G) of this chapter **and their designees** may not represent the same steel company.

(b) A member of the commission ~~referred to in section 3(1)(A) through 3(1)(F) of this chapter~~ may designate an individual to serve on the commission in the member's place.

SECTION 62. IC 36-7-13.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) A quorum of the commission must be present to conduct the commission's business. A quorum consists of a majority of the voting members of the commission.**

**(b)** The affirmative votes of a majority of the **voting** members of the commission are required for the commission to take action on any measure.

SECTION 63. IC 36-7-13.5-11, AS AMENDED BY P.L.4-2005, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a)** The commission shall **do the following:**

- (1) Identify qualifying properties.
- (2) Prepare a comprehensive **environmental** master plan for development and redevelopment within the corridor that:
  - (A) plans for remediation of environmental contamination;
  - (B) accounts for economic development and transportation issues relating to environmental contamination; and
  - (C) establishes priorities for development or redevelopment of qualifying properties.
- (3) Establish guidelines for the evaluation of applications for **environmental** grants from the **environmental** fund.
- (4) After reviewing a report from the department of environmental management under section 22 of this chapter, ~~refer to the executive committee~~ **make decisions on** applications for **environmental** grants from the **environmental** fund under section 21 of this chapter. ~~that the commission recommends for approval.~~
- (5) Prepare and provide information to political subdivisions on the availability of financial assistance from the **environmental** fund.
- (6) Coordinate the implementation of the comprehensive **environmental** master plan.
- (7) Monitor the progress of implementation of the comprehensive

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**environmental** master plan.  
(8) Report at least ~~annually~~ **once every two (2) years** to the governor, the lieutenant governor, the Indiana economic development corporation, the legislative council, **the budget committee**, and all political subdivisions that have territory within the corridor on:

- (A) the activities of the commission; and
- (B) the progress of implementation of the comprehensive **environmental** master plan. ~~and~~

**An annual report under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.**

~~(9) employ an executive director and other individuals that are necessary to carry out the commission's duties.~~

~~An annual report under subdivision (8) to the legislative council must be in an electronic format under IC 5-14-6.~~

**(9) Study various plans and recommendations that are proposed concerning marina development along the corridor. Based on these studies, the commission shall do the following:**

- (A) Prepare a comprehensive marina plan.**
- (B) Recommend state and local legislation for the development of marinas along the corridor.**
- (C) Coordinate the implementation of the marina plan and legislation.**

**(10) Make marina grants of money to units of local government for the construction or improvement of a marina in the corridor if the grants are consistent with the marina plans, standards, and criteria established by the commission.**

**(b) It is the goal of marina projects under this chapter to create employment in the private sector.**

SECTION 64. IC 36-7-13.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) When necessary to accomplish the purposes of the commission, the commission may do the following:

- (1) Conduct studies necessary for the performance of the commission's duties.
- (2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.
- (3) Provide recommendations in matters related to the commission's functions and objectives to the following:
  - (A) Political subdivisions that have territory within the corridor.
  - (B) Other public and private agencies.

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- 1 (4) When requested, act as a coordinating agency for programs
- 2 and activities of other public and private agencies that are related
- 3 to the commission's objectives.
- 4 (5) Receive grants and appropriations from the following:
- 5 (A) Federal, state, and local governments.
- 6 (B) Individuals.
- 7 (C) Foundations.
- 8 (D) Other organizations.
- 9 **(6) Enter into agreements or contracts regarding the**
- 10 **acceptance or use of these grants and appropriations for the**
- 11 **purpose of carrying out the commission's activities under this**
- 12 **chapter.**
- 13 **(7) Acquire and dispose of real or personal property by grant,**
- 14 **gift, purchase, lease, devise, or otherwise.**
- 15 **(8) Hold, use, improve, maintain, operate, own, manage, or**
- 16 **lease as lessor or lessee:**
- 17 (A) real or personal property; or
- 18 (B) any interest in real or personal property.
- 19 **(9) Employ an executive director and other individuals who**
- 20 **are necessary to carry out the commission's duties.**
- 21 (b) The commission may **(10) Contract for staff services with:**
- 22 (1) (A) qualified agencies or individuals; or
- 23 (2) **(B) a regional planning commission established under**
- 24 **IC 36-7-7.**
- 25 **(11) Appoint advisory committees, which may include**
- 26 **representatives of the following:**
- 27 (A) **Municipal parks.**
- 28 (B) **County parks.**
- 29 (C) **National parks.**
- 30 (D) **Port authorities.**

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31 SECTION 65. IC 36-7-13.5-14 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The ~~executive~~  
 33 ~~committee~~ **commission** shall elect the following officers from among  
 34 the ~~voting~~ members of the ~~executive committee:~~ **commission:**

- 35 (1) A chairman.
- 36 (2) A vice chairman.
- 37 (3) A treasurer.

38 (b) Each officer serves a term of one (1) year beginning July 1 of  
 39 each year.

40 SECTION 66. IC 36-7-13.5-17 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. The ~~executive~~  
 42 ~~committee~~ **commission** shall:



- 1 (1) ~~be responsible for the management of~~ **carry out** all functions
- 2 related to the provision of **environmental** grants to political
- 3 subdivisions from the **environmental fund and marina grants**
- 4 for the purposes set forth in this chapter;
- 5 (2) review each **environmental** grant application ~~referred to the~~
- 6 ~~executive committee by the commission under~~ **described in**
- 7 section 11 of this chapter, including the report received from the
- 8 department of environmental management under section 22 of
- 9 this chapter, to determine whether to approve ~~a~~ **an**
- 10 **environmental** grant;
- 11 (3) determine the amount of each **environmental** grant to a
- 12 political subdivision approved by the ~~executive committee;~~
- 13 **commission;**
- 14 (4) approve, with appropriate signatures, each **environmental**
- 15 grant that the ~~executive committee~~ **commission** determines to
- 16 make under this chapter; and
- 17 (5) prepare and adopt by majority vote an annual budget for
- 18 carrying out the activities of the commission.

19 SECTION 67. IC 36-7-13.5-18 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) After approval  
 21 of the budget by the ~~executive committee;~~ **commission**, money may be  
 22 expended only as budgeted, unless a majority vote of the ~~executive~~  
 23 ~~committee~~ **commission** authorizes other expenditures.

24 (b) Appropriated money remaining unexpended or unencumbered  
 25 at the end of the year **and not otherwise restricted by law or**  
 26 **agreement** becomes part of a nonreverting cumulative fund to be held  
 27 in the name of the commission. The ~~executive committee~~ **commission**  
 28 may authorize unbudgeted expenditures from this fund by a majority  
 29 vote of the ~~executive committee.~~ **commission. However,**  
 30 **unencumbered money appropriated from the environmental fund**  
 31 **at the end of a budget year reverts to the environmental fund.**

32 (c) The ~~executive committee~~ **treasurer of the commission** is  
 33 responsible for the safekeeping and deposit of money the commission  
 34 receives under this chapter. The state board of accounts shall:

- 35 (1) prescribe the methods and forms for keeping; and
  - 36 (2) periodically audit;
- 37 the accounts, records, and books of the commission. **The commission**  
 38 **may establish the funds and the accounts that the commission**  
 39 **determines necessary to operate the commission.**

40 (d) The treasurer of the ~~executive committee~~ **commission** may  
 41 receive, disburse, and handle money belonging to the commission,  
 42 subject to the following:

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- (1) Applicable statutes.
- (2) Procedures established by the ~~executive committee~~  
**commission.**

SECTION 68. IC 36-7-13.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. The shoreline environmental trust fund is established to provide a source of money for the following:

- (1) The rehabilitation, redevelopment, and reuse of qualifying property by providing **environmental** grants to political subdivisions to conduct any of the following activities:
  - (A) Identification and acquisition of qualifying property within a political subdivision.
  - (B) Environmental assessment of identified qualifying property and other activities necessary or convenient to complete the environmental assessments.
  - (C) Remediation of environmental contamination conducted on qualifying property.
  - (D) Clearance of real property under IC 36-7-14-12.2 or IC 36-7-15.1-7 in connection with remediation activities.
  - (E) Other activities necessary or convenient to return qualified property to full use.

- (2) **Payment of the share of the operations of the commission, as determined by the commission.**

SECTION 69. IC 36-7-13.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) The budget agency shall:

- (1) administer the **environmental** fund; and
- (2) report to the ~~executive committee~~ **commission** semiannually:
  - (A) revenue received to the **environmental** fund;
  - (B) distributions from the **environmental** fund; and
  - (C) the balance in the **environmental** fund.

(b) The following shall be paid from money in the **environmental** fund:

- (1) The expenses of administering the **environmental** fund.
- (2) **Environmental** grants approved by the ~~executive committee~~ **commission** under section 17 of this chapter.
- (3) The amount budgeted **from the environmental fund** by the ~~executive committee~~ **commission** for the operations of the commission.
- (c) The **environmental** fund consists of the following:
  - (1) Appropriations made by the general assembly.
  - (2) **Environmental** grants and gifts intended for deposit in the

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**environmental** fund.

(3) Interest, gains, or other earnings of the **environmental** fund.

(d) The budget agency shall invest the money in the **environmental** fund not currently needed to meet the obligations of the **environmental** fund in the same manner as other public funds may be invested. Interest, gains, or other earnings from these investments shall be credited to the **environmental** fund.

(e) As an alternative to subsection (d), the budget agency may invest or cause to be invested all or a part of the **environmental** fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow disbursements by the trustee to the budget agency as provided in the trust agreement or indenture. The budget agency and the state board of finance must approve any trust agreement or indenture before its execution.

(f) Money in the **environmental** fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 70. IC 36-7-13.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) Before a political subdivision may receive ~~a~~ **an environmental** grant from the **environmental** fund, the political subdivision must submit to the department of environmental management and the commission the following:

(1) ~~A~~ **An environmental** grant application, in the form prescribed by the department of environmental management and the commission, that:

- (A) identifies the qualifying property;
- (B) includes any ordinances, resolutions, or other documentation of the political subdivision's determination to submit the **environmental** grant application;
- (C) identifies the entity from which the qualifying property has been acquired or will be acquired by the political subdivision;
- (D) specifies the cost of acquisition of the qualifying property to the political subdivision, if any;
- (E) identifies any environmental contamination of the qualifying property that will be subject to remediation;
- (F) specifies the environmental remediation objectives with respect to the qualifying property;
- (G) estimates all costs the political subdivision will incur with respect to the qualifying property;
- (H) evaluates the prospect for conveyance of the qualifying

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- 1 property for use by a private or public entity; and  
 2 (I) includes a schedule of all actions taken or to be taken by  
 3 the political subdivision with respect to the qualifying property  
 4 between the time of acquisition and the anticipated time of  
 5 conveyance by the political subdivision.  
 6 (2) Documentation of community and neighborhood comment  
 7 concerning the use of a qualifying property on which  
 8 environmental remediation activities will be undertaken after  
 9 environmental remediation activities are completed.  
 10 (b) A political subdivision may apply for ~~a~~ **an environmental** grant  
 11 under this section for activities under this chapter with respect to:  
 12 (1) qualifying property previously acquired by the political  
 13 subdivision by:  
 14 (A) purchase; or  
 15 (B) donation from a private or public entity; or  
 16 (2) qualifying property to be acquired using **environmental** grant  
 17 money.  
 18 SECTION 71. IC 36-7-13.5-22 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. The department of  
 20 environmental management shall do the following under this chapter:  
 21 (1) Upon receipt of ~~a~~ **an environmental** grant application from a  
 22 political subdivision under section 21 of this chapter with respect  
 23 to a qualifying property, evaluate the technical aspects of the  
 24 political subdivision's:  
 25 (A) environmental assessment of the property; and  
 26 (B) proposed environmental remediation with respect to the  
 27 property.  
 28 (2) Submit to the commission a report of its evaluation under  
 29 subdivision (1).  
 30 (3) Evaluate the technical aspects of the political subdivision's  
 31 environmental remediation activities conducted on qualifying  
 32 properties.  
 33 (4) Act as a liaison with the United States Environmental  
 34 Protection Agency.  
 35 SECTION 72. IC 36-7-13.5-23 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. The ~~executive~~  
 37 ~~committee~~ **commission** shall develop a priority ranking system for  
 38 making **environmental** grants under this chapter based on the  
 39 following:  
 40 (1) The comprehensive **environmental** master plan.  
 41 (2) Socioeconomic distress in an area, as determined by the  
 42 poverty level and unemployment rate in the area.

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- 1 (3) The technical evaluation by the department of environmental
- 2 management under section 22 of this chapter.
- 3 (4) Other factors determined by the commission, including the
- 4 following:
- 5 (A) The number and quality of jobs that would result from
- 6 reuse of the qualifying property.
- 7 (B) Housing, recreational, and educational needs of
- 8 communities.
- 9 (C) Any other factors the ~~executive committee~~ **commission**
- 10 determines will assist in the implementation of this chapter.

11 SECTION 73. IC 36-7-13.5-24 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Based on the  
 13 priority ranking system established under section 23 of this chapter, the  
 14 ~~executive committee~~ **commission** may make **environmental** grants  
 15 from the **environmental** fund to political subdivisions under this  
 16 section.

17 (b) ~~▲ An environmental~~ grant must be used for at least one (1) of  
 18 the purposes set forth in section 19 of this chapter and may be used to  
 19 pay consultant, advisory, and legal fees and any other costs or expenses  
 20 resulting from the assessment, planning, or environmental remediation  
 21 of a qualifying property.

22 SECTION 74. IC 36-7-13.5-25 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. If:

- 24 (1) a private entity offers a political subdivision a donation of
- 25 property for which the political subdivision intends to submit ~~a~~ **an**
- 26 **environmental** grant application under section 21 of this chapter;
- 27 and
- 28 (2) the donation of the property is conditioned on obtaining from
- 29 the state a covenant not to sue the private entity for any potential
- 30 liability arising under state law associated with environmental
- 31 contamination of the property;

32 the political subdivision may request that the commission seek the  
 33 covenant not to sue from the governor. The governor may execute a  
 34 covenant not to sue under this section.

35 SECTION 75. IC 36-7-13.5-26 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. The ~~executive~~  
 37 ~~committee~~ **commission** may adopt guidelines or guidance documents  
 38 to implement this chapter without complying with IC 4-22-2.

39 SECTION 76. IC 36-7-13.5-27 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2011]: **Sec. 27. This chapter does not limit**  
 42 **the power of a participating county, township, port authority, or**

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1 **municipal corporation to develop or improve a port, terminal, or**  
2 **lakefront facility.**

3 SECTION 77. IC 36-7.5-1-12, AS AMENDED BY P.L.47-2006,  
4 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2011]: Sec. 12. "Eligible political subdivision" means the  
6 following:

- 7 (1) An airport authority.
- 8 (2) A commuter transportation district.
- 9 (3) A regional bus authority under IC 36-9-3-2(c).
- 10 (4) A regional transportation authority established under
- 11 IC 36-9-3-2.
- 12 (5) ~~A~~ **The Lake Michigan marina and** shoreline development
- 13 commission under IC 36-7-13.5.

14 SECTION 78. IC 36-7.5-1-12.4 IS ADDED TO THE INDIANA  
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2011]: **Sec. 12.4. "Lake Michigan marina and**  
17 **shoreline development commission" means the commission**  
18 **established by IC 36-7-13.5-2.**

19 SECTION 79. IC 36-7.5-1-12.5 IS ADDED TO THE INDIANA  
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2011]: **Sec. 12.5. "Lake Michigan marina and**  
22 **shoreline development commission project" means a project that**  
23 **can be financed with the proceeds of bonds issued by the Lake**  
24 **Michigan marina and shoreline development commission.**

25 SECTION 80. IC 36-7.5-1-13, AS AMENDED BY P.L.47-2006,  
26 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2011]: Sec. 13. "Project" means an airport authority project,  
28 a commuter transportation district project, an economic development  
29 project, a regional bus authority project, a regional transportation  
30 authority project, or a **Lake Michigan marina and** shoreline  
31 development commission project.

32 SECTION 81. IC 36-7.5-2-1, AS AMENDED BY P.L.47-2006,  
33 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2011]: Sec. 1. The northwest Indiana regional development  
35 authority is established as a separate body corporate and politic to carry  
36 out the purposes of this article by:

- 37 (1) acquiring, constructing, equipping, owning, leasing, and
- 38 financing projects and facilities for lease to or for the benefit of
- 39 eligible political subdivisions under this article;
- 40 (2) funding and developing the Gary/Chicago International
- 41 Airport expansion and other airport authority projects, commuter
- 42 transportation district and other rail projects and services,

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1 regional bus authority projects and services, regional  
 2 transportation authority projects and services, **Lake Michigan**  
 3 **marina and** shoreline development projects and activities, and  
 4 economic development projects in northwestern Indiana; and  
 5 (3) assisting with the funding of infrastructure needed to sustain  
 6 development of an intermodal facility in northwestern Indiana.

7 SECTION 82. IC 36-7.5-3-1, AS AMENDED BY P.L.47-2006,  
 8 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2011]: Sec. 1. The development authority shall do the  
 10 following:

- 11 (1) Assist in the coordination of local efforts concerning projects.
- 12 (2) Assist a commuter transportation district, an airport authority,
- 13 **α the Lake Michigan marina and** shoreline development
- 14 commission, a regional transportation authority, and a regional
- 15 bus authority in coordinating regional transportation and
- 16 economic development efforts.
- 17 (3) Fund projects as provided in this article.
- 18 (4) Fund bus services (including fixed route services and flexible
- 19 or demand-responsive services) and projects related to bus
- 20 services and bus terminals, stations, or facilities.

21 SECTION 83. IC 36-7.5-3-2, AS AMENDED BY P.L.182-2009(ss),  
 22 SECTION 424, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The development authority  
 24 may do any of the following:

- 25 (1) Finance, improve, construct, reconstruct, renovate, purchase,
- 26 lease, acquire, and equip land and projects located in an eligible
- 27 county or eligible municipality.
- 28 (2) Lease land or a project to an eligible political subdivision.
- 29 (3) Finance and construct additional improvements to projects or
- 30 other capital improvements owned by the development authority
- 31 and lease them to or for the benefit of an eligible political
- 32 subdivision.
- 33 (4) Acquire land or all or a portion of one (1) or more projects
- 34 from an eligible political subdivision by purchase or lease and
- 35 lease the land or projects back to the eligible political subdivision,
- 36 with any additional improvements that may be made to the land
- 37 or projects.
- 38 (5) Acquire all or a portion of one (1) or more projects from an
- 39 eligible political subdivision by purchase or lease to fund or
- 40 refund indebtedness incurred on account of the projects to enable
- 41 the eligible political subdivision to make a savings in debt service
- 42 obligations or lease rental obligations or to obtain relief from

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- 1 covenants that the eligible political subdivision considers to be
- 2 unduly burdensome.
- 3 (6) Make loans, loan guarantees, and grants or provide other
- 4 financial assistance to or on behalf of the following:
- 5 (A) A commuter transportation district.
- 6 (B) An airport authority or airport development authority.
- 7 (C) ~~A~~ **The Lake Michigan marina and** shoreline
- 8 development commission.
- 9 (D) A regional bus authority. A loan, loan guarantee, grant, or
- 10 other financial assistance under this clause may be used by a
- 11 regional bus authority for acquiring, improving, operating,
- 12 maintaining, financing, and supporting the following:
- 13 (i) Bus services (including fixed route services and flexible
- 14 or demand-responsive services) that are a component of a
- 15 public transportation system.
- 16 (ii) Bus terminals, stations, or facilities or other regional bus
- 17 authority projects.
- 18 (E) A regional transportation authority.
- 19 (7) Provide funding to assist a railroad that is providing commuter
- 20 transportation services in an eligible county or eligible
- 21 municipality.
- 22 (8) Provide funding to assist an airport authority located in an
- 23 eligible county or eligible municipality in the construction,
- 24 reconstruction, renovation, purchase, lease, acquisition, and
- 25 equipping of an airport facility or airport project.
- 26 (9) Provide funding to assist in the development of an intermodal
- 27 facility to facilitate the interchange and movement of freight.
- 28 (10) Provide funding to assist ~~a~~ **the Lake Michigan marina and**
- 29 shoreline development commission in carrying out the purposes
- 30 of IC 36-7-13.5.
- 31 (11) Provide funding for economic development projects in an
- 32 eligible county or eligible municipality.
- 33 (12) Hold, use, lease, rent, purchase, acquire, and dispose of by
- 34 purchase, exchange, gift, bequest, grant, condemnation, lease, or
- 35 sublease, on the terms and conditions determined by the
- 36 development authority, any real or personal property located in an
- 37 eligible county or eligible municipality.
- 38 (13) After giving notice, enter upon any lots or lands for the
- 39 purpose of surveying or examining them to determine the location
- 40 of a project.
- 41 (14) Make or enter into all contracts and agreements necessary or
- 42 incidental to the performance of its duties and the execution of its

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1 powers under this article.  
 2 (15) Sue, be sued, plead, and be impleaded.  
 3 (16) Design, order, contract for, and construct, reconstruct, and  
 4 renovate a project or improvements to a project.  
 5 (17) Appoint an executive director and employ appraisers, real  
 6 estate experts, engineers, architects, surveyors, attorneys,  
 7 accountants, auditors, clerks, construction managers, and any  
 8 consultants or employees that are necessary or desired by the  
 9 development authority in exercising its powers or carrying out its  
 10 duties under this article.  
 11 (18) Accept loans, grants, and other forms of financial assistance  
 12 from the federal government, the state government, a political  
 13 subdivision, or any other public or private source.  
 14 (19) Use the development authority's funds to match federal  
 15 grants or make loans, loan guarantees, or grants to carry out the  
 16 development authority's powers and duties under this article.  
 17 (20) Except as prohibited by law, take any action necessary to  
 18 carry out this article.  
 19 (b) If the development authority is unable to agree with the owners,  
 20 lessees, or occupants of any real property selected for the purposes of  
 21 this article, the development authority may proceed under IC 32-24-1  
 22 to procure the condemnation of the property. The development  
 23 authority may not institute a proceeding until it has adopted a  
 24 resolution that:  
 25 (1) describes the real property sought to be acquired and the  
 26 purpose for which the real property is to be used;  
 27 (2) declares that the public interest and necessity require the  
 28 acquisition by the development authority of the property involved;  
 29 and  
 30 (3) sets out any other facts that the development authority  
 31 considers necessary or pertinent.  
 32 The resolution is conclusive evidence of the public necessity of the  
 33 proposed acquisition.  
 34 SECTION 84. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 35 JULY 1, 2011]: IC 4-12-4-16; IC 4-12-5-5; IC 4-15-1-1; IC 4-15-2-2.2;  
 36 IC 4-15-2.5-2; IC 4-23-20; IC 9-23-1; IC 9-27-2-12; IC 12-15-42;  
 37 IC 14-3-3; IC 14-13-1-22; IC 14-13-1-23; IC 14-13-1-24;  
 38 IC 14-13-1-25; IC 14-13-1-26; IC 14-20-4; IC 15-15-8-6; IC 15-15-8-9;  
 39 IC 15-15-8-10; IC 15-15-8-11; IC 15-15-8-13; IC 15-15-8-16;  
 40 IC 15-15-8-18; IC 16-27-0.5; IC 27-1-3-30; IC 36-7-13.5-9;  
 41 IC 36-7-13.5-13; IC 36-7-13.5-15; IC 36-7-13.5-16; IC 36-7.5-1-16;  
 42 IC 36-7.5-1-17.

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1 SECTION 85. [EFFECTIVE JULY 1, 2011] (a) On July 1, 2011,  
2 the rights, duties, property, personnel, liabilities, and contractual  
3 obligations of the following are transferred to the Lake Michigan  
4 marina and shoreline development commission established by  
5 IC 36-7-13.5-2, as amended by this act:

6 (1) The Lake Michigan marina development commission.

7 (2) The shoreline development commission.

8 The commissions described in subdivisions (1) and (2) are  
9 abolished as soon the property, personnel, liabilities, and  
10 contractual obligations of the commissions are transferred to the  
11 Lake Michigan marina and shoreline development commission.  
12 The only actions that a commission described in subdivision (1) or  
13 (2) may take after June 30, 2011, are those actions necessary to  
14 wind up the affairs of that commission.

15 (b) The members of the governing body of a commission  
16 described in subsection (a)(1) or (a)(2) remain members of the  
17 governing body until the commission is abolished. The governing  
18 bodies of each commission described in subsection (a)(1) or (a)(2)  
19 shall adopt a resolution as the last act of the governing body  
20 specifying the abolishment of the commission.

21 (c) Money transferred from the Lake Michigan marina  
22 development commission to the Lake Michigan marina and  
23 shoreline development commission shall initially be transferred to  
24 a fund that is separate from the shoreline environmental trust fund  
25 established by IC 36-7-13.5-19, as amended by this act, and used in  
26 accordance with the budget adopted by the Lake Michigan marina  
27 and shoreline development commission. The budget may provide  
28 for part or all of the money to be transferred and used for the  
29 purposes of the shoreline environmental trust fund.

30 (d) This SECTION expires July 1, 2014.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 4-10-18-10, AS AMENDED BY P.L.182-2009(ss), SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The state board of finance may lend money from the fund to entities listed in subsections (e) through (k) for the purposes specified in those subsections.

(b) An entity must apply for the loan before May 1, 1989, in a form approved by the state board of finance. As part of the application, the entity shall submit a plan for its use of the loan proceeds and for the repayment of the loan. Within sixty (60) days after receipt of each application, the board shall meet to consider the application and to review its accuracy and completeness and to determine the need for the loan. The board shall authorize a loan to an entity that makes an application if the board approves its accuracy and completeness and determines that there is a need for the loan and an adequate method of repayment.

(c) The state board of finance shall determine the terms of each loan, which must include the following:

- (1) The duration of the loan, which must not exceed twelve (12) years.
- (2) The repayment schedule of the loan, which must provide that no payments are due during the first two (2) years of the loan.
- (3) A variable rate of interest to be determined by the board and adjusted annually. The interest rate must be the greater of:
  - (A) five percent (5%); or
  - (B) two-thirds (2/3) of the interest rate for fifty-two (52) week United States Treasury bills on the anniversary date of the loan, but not to exceed ten percent (10%).
- (4) The amount of the loan or loans, which may not exceed the maximum amounts established for the entity by this section.
- (5) Any other conditions specified by the board.

(d) An entity may borrow money under this section by adoption of an ordinance or a resolution and, as set forth in IC 5-1-14, may use any source of revenue to repay a loan under this section. This section constitutes complete authority for the entity to borrow from the fund. If an entity described in subsection (i) fails to make any repayments of

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a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the consolidated city. If any other entity described in this section fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the entity. The amount withheld shall be transferred to the fund to the credit of the entity.

(e) A loan under this section may be made to a city located in a county having a population of more than twenty-four thousand (24,000) but less than twenty-five thousand (25,000) for the city's waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars (\$1,600,000).

(f) A loan under this section may be made to a city the territory of which is included in part within the Lake Michigan corridor (as defined in IC 14-13-3-2, **before its repeal**) for a marina development project. As a part of its application under subsection (b), the city must include the following:

- (1) Written approval by the Lake Michigan marina development commission of the project to be funded by the loan proceeds.
- (2) A written determination by the commission of the amount needed by the city, for the project and of the amount of the maximum loan amount under this subsection that should be lent to the city.

The maximum amount of loans available for all cities that are eligible for a loan under this subsection is eight million six hundred thousand dollars (\$8,600,000).

(g) A loan under this section may be made to a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000) for use by the airport authority in the county for the construction of runways. The amount of the loan may not exceed seven million dollars (\$7,000,000). The county may lend the proceeds of its loan to an airport authority for the public purpose of fostering economic growth in the county.

(h) A loan under this section may be made to a city having a population of more than fifty-nine thousand (59,000) but less than fifty-nine thousand seven hundred (59,700) for the construction of parking facilities. The amount of the loan may not exceed three million dollars (\$3,000,000).

(i) A loan or loans under this section may be made to a consolidated city, a local public improvement bond bank, or any board, authority, or commission of the consolidated city, to fund economic development projects under IC 36-7-15.2-5 or to refund obligations issued to fund economic development projects. The amount of the loan may not

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exceed thirty million dollars (\$30,000,000).

(j) A loan under this section may be made to a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000) for extension of airport runways. The amount of the loan may not exceed three hundred thousand dollars (\$300,000).

(k) A loan under this section may be made to Covington Community School Corporation to refund the amount due on a tax anticipation warrant loan. The amount of the loan may not exceed two million seven hundred thousand dollars (\$2,700,000), to be paid back from any source of money that is legally available to the school corporation. Notwithstanding subsection (b), the school corporation must apply for the loan before June 30, 2010. Notwithstanding subsection (c), repayment of the loan shall be made in equal installments over five (5) years with the first installment due not more than six (6) months after the date loan proceeds are received by the school corporation.

(l) IC 6-1.1-20 does not apply to a loan made by an entity under this section.

(m) As used in this section, "entity" means a governmental entity authorized to obtain a loan under subsections (e) through (k).

SECTION 3. IC 4-12-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. In addition to any other power granted by this chapter, the executive board may:

- (1) adopt an official seal and alter the seal at its pleasure;
- (2) adopt rules, under IC 4-22-2, for the regulation of its affairs and the conduct of its business and prescribe policies in connection with the performance of its functions and duties;
- (3) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to that aid;
- (4) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this chapter, including contracts for the provision of all or any portion of the services the executive board considers necessary for the management and operations of the executive board;
- (5) recommend legislation to the governor and general assembly;  
and
- (6) make recommendations to the governor, the budget**

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**agency, and the general assembly concerning the priorities for appropriation and distribution of money from the Indiana health care account established by IC 4-12-5-3; and**

**(6) (7) do any and all acts and things necessary, proper, or convenient to carry out this article."**

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 22. IC 4-15-5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. As used in this chapter, "board" refers to the Indiana tobacco use prevention and cessation executive board created by IC 4-12-4-4.**"

Page 18, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 30. IC 8-10-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. (a) There is established in each city to which this chapter applies a waterway management district.**

**(b) The district includes all territory, including both dry land and water, within a distance of one-half (1/2) mile on either side of the center line of any waterway within the city in which the district is established, excluding the land and water occupied by any marina owned by a unit of government located in the corridor (as defined in ~~IC 14-13-3-2~~: IC 36-7-13.5-1).**

**(c) The district boundary is formed by an imaginary line one-half (1/2) mile distant from the center line of a waterway in all directions. However, the boundary of the district does not extend beyond the boundaries of the city in which the district is located in those areas where the city boundary is located less than one-half (1/2) mile from the center line of a waterway."**

Page 25, strike lines 38 through 39.

Page 25, line 40, strike "(e)" and insert "**(d)**".

Page 25, line 42, strike "(f)" and insert "**(e)**".

Page 26, line 2, strike "(g)" and insert "**(f)**".

Page 26, line 4, strike "(h)" and insert "**(g)**".

Page 26, line 8, delete "(i)" and insert "**(h)**".

Page 26, line 10, delete "(j)" and insert "**(i)**".

Page 26, line 12, delete "(k)" and insert "**(j)**".

Page 26, line 14, delete "(l)" and insert "**(k)**".

Page 26, line 16, delete "(m)" and insert "**(l)**".

Page 26, line 18, delete "(n)" and insert "**(m)**".

Page 26, line 20, delete "(o)" and insert "**(n)**".

Page 26, line 22, delete "(p)" and insert "**(o)**".

Page 26, line 24, delete "(q)" and insert "**(p)**".

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Page 26, between lines 25 and 26, begin a new paragraph and insert:  
"SECTION 41. IC 14-8-2-59 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 59. "Corridor" has the following meaning:

- (1) For purposes of IC 14-13-3, the meaning set forth in IC 14-13-3-2.
- (2) (1) For purposes of IC 14-13-4, the meaning set forth in IC 14-13-4-2.
- (3) (2) For purposes of IC 14-13-5, the meaning set forth in IC 14-13-5-2.
- (4) (3) For purposes of IC 14-13-6, the meaning set forth in IC 14-13-6-3.

SECTION 42. IC 14-8-2-61 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 61. "Council", has the following meaning

- (1) For purposes of IC 14-13-1-22, the meaning set forth in IC 14-13-1-22.
- (2) For purposes of IC 14-13-1-23, the meaning set forth in IC 14-13-1-23.
- (3) For purposes of IC 14-13-1-24, the meaning set forth in IC 14-13-1-24.
- (4) For purposes of IC 14-13-1-25, the meaning set forth in IC 14-13-1-25.
- (5) for purposes of IC 14-21-1, has the meaning set forth in IC 14-21-1-5.

SECTION 43. IC 14-13-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. The commission shall do the following:

- (1) Consult with the following:
  - (A) The health council.
  - (B) The food and agriculture council.
  - (C) The athletic council.
  - (D) The animal and wildlife council.
- (2) study the feasibility of programs, projects, events, and facilities of national and international significance in the areas of health, nutrition, physical fitness, medical science, recreation, athletics, animal study, veterinary science, and related areas.

SECTION 44. IC 14-13-1-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 40. It is the intent of the general assembly that consideration be given to the selection of persons who are members of racial minorities for the following:

- (1) Appointment to the commission.

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- ~~(2) Appointment to the advisory councils created by this chapter.~~  
~~(3) (2) Constructing, improving, developing, operating, or managing projects, facilities, or improvements of the commission.~~  
~~(4) (3) Entering into contracts or leases or receiving licenses to be awarded under this chapter.~~

SECTION 45. IC 15-15-8-2, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this chapter, "certifying agent" refers to a person or entity acting as an independent contractor who is:

- (1) accredited by the director; **and**  
~~(2) approved by the panel to conduct field or farm certification;~~  
~~and~~  
~~(3) (2) accredited by the United States Department of Agriculture under the Organic Foods Production Act.~~

SECTION 46. IC 15-15-8-7, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The director may grant accreditation to an applicant under this chapter.

~~(b) In determining whether to grant accreditation to an applicant, the director shall consider the report concerning the applicant that is prepared by the panel under section 13 of this chapter.~~

~~(c) (b) The director shall make a determination and respond to the applicant not later than three (3) months after the date of receipt of the application.~~

SECTION 47. IC 15-15-8-12, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. The director shall implement this chapter. ~~with the assistance of the panel.~~ The director has no regulatory authority under this chapter except as provided under section 17 of this chapter."

Page 30, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 58. IC 36-7-13.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "Commission" refers to the **Lake Michigan marina and shoreline development commission** established by section 2 of this chapter.  
(2) "Corridor" ~~has the meaning set forth in IC 14-13-3-2.~~ **means the strip of land in Indiana abutting Lake Michigan and the tributaries of Lake Michigan.**  
(3) "Executive committee" refers to the executive committee of the commission established by section 13 of this chapter.  
(4) "Fund" refers to the shoreline environmental trust fund

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established by section 19 of this chapter.

(3) "Environmental fund" refers to the shoreline environmental trust fund established by section 19 of this chapter.

(4) "Environmental grant" means a grant from the environmental fund.

(5) "Qualifying property" means one (1) or more parcels of land in the corridor under common ownership, regardless of whether any improvements are located on the land, with respect to which:

(A) the:

- (i) land is unused, if there are no improvements on the land; or
- (ii) land and improvements are unused;

(B) all or a part of each parcel of the land is located within five hundred (500) yards of a lake or river; and

(C) there are significant obstacles to redevelopment because of any of the following:

- (i) Obsolete or inefficient buildings.
- (ii) Aging infrastructure or inefficient utility services.
- (iii) Utility relocation requirements.
- (iv) Transportation or access problems.
- (v) Topographical obstacles.
- (vi) Environmental contamination.

SECTION 59. IC 36-7-13.5-2, AS AMENDED BY P.L.33-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The **Lake Michigan marina and** shoreline development commission is established.

SECTION 60. IC 36-7-13.5-3, AS AMENDED BY P.L.33-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The commission consists of the following members:

- (1) The following **voting** members: ~~appointed by the governor~~:
  - (A) The mayor of East Chicago.
  - (B) The mayor of Gary.
  - (C) The mayor of Hammond.
  - (D) The mayor of Michigan City.
  - (E) The mayor of Portage.
  - (F) The mayor of Whiting.
  - (G) Two (2) ~~representatives~~ **members**, each from a **representing and appointed by a different** steel company that owns land abutting Lake Michigan with a continuous shoreline of not less than one (1) mile.

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~~(H) One (1) representative of member to represent and to be appointed by~~ a company that:

- (i) is not a steel company; and
- (ii) owns land abutting Lake Michigan with a continuous shoreline of not less than three-tenths (0.3) mile.

~~(I) One (1) representative of the department of environmental management:~~

~~(J) One (1) representative of the department of natural resources:~~

~~(K) One (1) representative of the Indiana department of transportation:~~

~~(L) (I) One (1) representative of member appointed jointly by the executives of the following municipalities:~~

- (i) Beverly Shores.
- ~~(M) One (1) representative of Burns Harbor.~~
- ~~(N) One (1) representative of (ii) Dune Acres.~~
- ~~(O) One (1) representative of (iii) Ogden Dunes.~~

~~(J) One (1) member appointed jointly by the executives of the following municipalities:~~

- (i) Burns Harbor.
- (ii) Chesterton.
- (iii) Porter.

~~(P) One (1) representative of the northwest Indiana advisory board established under IC 13-13-6:~~

~~(Q) (K) One (1) representative of member appointed by a public utility that owns real property that:~~

- (i) is located in the counties contiguous to Lake Michigan; and
- (ii) has a total assessed value that exceeds the total assessed value of real property in the counties contiguous to Lake Michigan that is owned by any other public utility.

~~(R) The port director of the Port of Indiana-Burns Harbor:~~

~~(2) One (1) member, preferably from a visitor and tourism business, appointed by the lieutenant governor:~~

~~(3) (L) Two (2) members appointed by the speaker of the house of representatives who:~~

- ~~(A) (i) are members of the house of representatives;~~
- ~~(B) (ii) represent house districts that have territory within the corridor; and~~
- ~~(C) (iii) are not affiliated with the same political party.~~

~~If all the house districts that have territory within the corridor are represented by members of the house of representatives~~

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who are from the same political party; **the requirement under item (iii) cannot be satisfied**, the speaker shall appoint a member of the house of representatives who represents a house district that is located anywhere in a county that has territory within the corridor to satisfy **may disregard** the requirement under ~~clause (C)~~; **item (iii) when appointing members under this clause.**

~~(4)~~ **(M)** Two (2) members appointed by the president pro tempore of the senate who:

~~(A)~~ **(i)** are members of the senate;

~~(B)~~ **(ii)** represent senate districts that have territory within the corridor; and

~~(C)~~ **(iii)** are not affiliated with the same political party.

If ~~all the senate districts that have territory within the corridor~~ are represented by members of the senate who are from the same political party; **the requirement under item (iii) cannot be satisfied**, the president pro tempore shall appoint a member of the senate who represents a senate district that is located anywhere in a county that has territory within the corridor to satisfy **may disregard** the requirement under ~~clause (C)~~; **item (iii) when appointing members under this clause.**

**(2) The following nonvoting members:**

**(A) One (1) member to represent the department of environmental management, appointed by the governor.**

**(B) One (1) member to represent the department of natural resources, appointed by the governor.**

**(C) One (1) member to represent the Indiana department of transportation, appointed by the governor.**

**(D) One (1) member appointed by the executive of the Indiana Dunes National Lakeshore.**

**(E) The port director of the Port of Indiana-Burns Harbor.**

**(F) One (1) member appointed by the Lake County Convention and Visitors Bureau.**

**(G) One (1) member appointed by the LaPorte County Convention and Visitors Bureau.**

**(H) One (1) member appointed by the Porter County Convention Recreation and Visitor Commission.**

SECTION 61. IC 36-7-13.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The members of the commission referred to in section 3(1)(G) of this chapter **and their designees** may not represent the same steel company.

(b) A member of the commission ~~referred to in section 3(1)(A)~~

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through 3(1)(F) of this chapter may designate an individual to serve on the commission in the member's place.

SECTION 62. IC 36-7-13.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) A quorum of the commission must be present to conduct the commission's business. A quorum consists of a majority of the voting members of the commission.**

**(b)** The affirmative votes of a majority of the **voting** members of the commission are required for the commission to take action on any measure.

SECTION 63. IC 36-7-13.5-11, AS AMENDED BY P.L.4-2005, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a)** The commission shall **do the following:**

- (1) Identify qualifying properties.
- (2) Prepare a comprehensive **environmental** master plan for development and redevelopment within the corridor that:
  - (A) plans for remediation of environmental contamination;
  - (B) accounts for economic development and transportation issues relating to environmental contamination; and
  - (C) establishes priorities for development or redevelopment of qualifying properties.
- (3) Establish guidelines for the evaluation of applications for **environmental** grants from the **environmental** fund.
- (4) After reviewing a report from the department of environmental management under section 22 of this chapter, ~~refer to the executive committee make decisions on~~ applications for **environmental** grants from the **environmental** fund under section 21 of this chapter. ~~that the commission recommends for approval.~~
- (5) Prepare and provide information to political subdivisions on the availability of financial assistance from the **environmental** fund.
- (6) Coordinate the implementation of the comprehensive **environmental** master plan.
- (7) Monitor the progress of implementation of the comprehensive **environmental** master plan.
- (8) Report at least ~~annually~~ **once every two (2) years** to the governor, the lieutenant governor, the Indiana economic development corporation, the legislative council, **the budget committee**, and all political subdivisions that have territory within the corridor on:

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- (A) the activities of the commission; and
- (B) the progress of implementation of the comprehensive **environmental** master plan. ~~and~~

**An annual report under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.**

~~(9) employ an executive director and other individuals that are necessary to carry out the commission's duties:~~

~~An annual report under subdivision (8) to the legislative council must be in an electronic format under IC 5-14-6.~~

**(9) Study various plans and recommendations that are proposed concerning marina development along the corridor.**

**Based on these studies, the commission shall do the following:**

- (A) Prepare a comprehensive marina plan.**
- (B) Recommend state and local legislation for the development of marinas along the corridor.**
- (C) Coordinate the implementation of the marina plan and legislation.**

**(10) Make marina grants of money to units of local government for the construction or improvement of a marina in the corridor if the grants are consistent with the marina plans, standards, and criteria established by the commission.**

**(b) It is the goal of marina projects under this chapter to create employment in the private sector.**

SECTION 64. IC 36-7-13.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) When necessary to accomplish the purposes of the commission, the commission may do the following:

- (1) Conduct studies necessary for the performance of the commission's duties.
- (2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.
- (3) Provide recommendations in matters related to the commission's functions and objectives to the following:
  - (A) Political subdivisions that have territory within the corridor.
  - (B) Other public and private agencies.
- (4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.
- (5) Receive grants and appropriations from the following:
  - (A) Federal, state, and local governments.
  - (B) Individuals.

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(C) Foundations.

(D) Other organizations.

**(6) Enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.**

**(7) Acquire and dispose of real or personal property by grant, gift, purchase, lease, devise, or otherwise.**

**(8) Hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee:**

**(A) real or personal property; or**

**(B) any interest in real or personal property.**

**(9) Employ an executive director and other individuals who are necessary to carry out the commission's duties.**

~~(10) The commission may~~ **(10) Contract for staff services with:**

~~(A)~~ **(A) qualified agencies or individuals; or**

~~(B)~~ **(B) a regional planning commission established under IC 36-7-7.**

**(11) Appoint advisory committees, which may include representatives of the following:**

**(A) Municipal parks.**

**(B) County parks.**

**(C) National parks.**

**(D) Port authorities.**

SECTION 65. IC 36-7-13.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The ~~executive committee~~ **commission** shall elect the following officers from among the ~~voting~~ members of the ~~executive committee:~~ **commission:**

(1) A chairman.

(2) A vice chairman.

(3) A treasurer.

(b) Each officer serves a term of one (1) year beginning July 1 of each year.

SECTION 66. IC 36-7-13.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. The ~~executive committee~~ **commission** shall:

(1) ~~be responsible for the management of~~ **carry out** all functions related to the provision of **environmental** grants to political subdivisions from the **environmental** fund **and marina grants** for the purposes set forth in this chapter;

(2) review each **environmental** grant application referred to the ~~executive committee~~ by the ~~commission~~ under **described in**

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section 11 of this chapter, including the report received from the department of environmental management under section 22 of this chapter, to determine whether to approve ~~a~~ **an environmental** grant;

(3) determine the amount of each **environmental** grant to a political subdivision approved by the ~~executive committee;~~ **commission;**

(4) approve, with appropriate signatures, each **environmental** grant that the ~~executive committee~~ **commission** determines to make under this chapter; and

(5) prepare and adopt by majority vote an annual budget for carrying out the activities of the commission.

SECTION 67. IC 36-7-13.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) After approval of the budget by the ~~executive committee;~~ **commission**, money may be expended only as budgeted, unless a majority vote of the ~~executive committee~~ **commission** authorizes other expenditures.

(b) Appropriated money remaining unexpended or unencumbered at the end of the year **and not otherwise restricted by law or agreement** becomes part of a nonreverting cumulative fund to be held in the name of the commission. The ~~executive committee~~ **commission** may authorize unbudgeted expenditures from this fund by a majority vote of the ~~executive committee.~~ **commission. However, unencumbered money appropriated from the environmental fund at the end of a budget year reverts to the environmental fund.**

(c) The ~~executive committee treasurer of the commission~~ is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for keeping; and
- (2) periodically audit;

the accounts, records, and books of the commission. **The commission may establish the funds and the accounts that the commission determines necessary to operate the commission.**

(d) The treasurer of the ~~executive committee~~ **commission** may receive, disburse, and handle money belonging to the commission, subject to the following:

- (1) Applicable statutes.
- (2) Procedures established by the ~~executive committee.~~ **commission.**

SECTION 68. IC 36-7-13.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. The shoreline environmental trust fund is established to provide a source of money

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for the following:

(1) The rehabilitation, redevelopment, and reuse of qualifying property by providing **environmental** grants to political subdivisions to conduct any of the following activities:

(A) Identification and acquisition of qualifying property within a political subdivision.

(B) Environmental assessment of identified qualifying property and other activities necessary or convenient to complete the environmental assessments.

(C) Remediation of environmental contamination conducted on qualifying property.

(D) Clearance of real property under IC 36-7-14-12.2 or IC 36-7-15.1-7 in connection with remediation activities.

(E) Other activities necessary or convenient to return qualified property to full use.

(2) **Payment of the share of the operations of the commission, as determined by the commission.**

SECTION 69. IC 36-7-13.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) The budget agency shall:

(1) administer the **environmental** fund; and

(2) report to the ~~executive committee~~ **commission** semiannually:

(A) revenue received to the **environmental** fund;

(B) distributions from the **environmental** fund; and

(C) the balance in the **environmental** fund.

(b) The following shall be paid from money in the **environmental** fund:

(1) The expenses of administering the **environmental** fund.

(2) **Environmental** grants approved by the ~~executive committee~~ **commission** under section 17 of this chapter.

(3) The amount budgeted **from the environmental fund** by the ~~executive committee~~ **commission** for the operations of the commission.

(c) The **environmental** fund consists of the following:

(1) Appropriations made by the general assembly.

(2) **Environmental** grants and gifts intended for deposit in the **environmental** fund.

(3) Interest, gains, or other earnings of the **environmental** fund.

(d) The budget agency shall invest the money in the **environmental** fund not currently needed to meet the obligations of the **environmental** fund in the same manner as other public funds may be invested. Interest, gains, or other earnings from these investments shall be

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credited to the **environmental** fund.

(e) As an alternative to subsection (d), the budget agency may invest or cause to be invested all or a part of the **environmental** fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow disbursements by the trustee to the budget agency as provided in the trust agreement or indenture. The budget agency and the state board of finance must approve any trust agreement or indenture before its execution.

(f) Money in the **environmental** fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 70. IC 36-7-13.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) Before a political subdivision may receive ~~a~~ **an environmental** grant from the **environmental** fund, the political subdivision must submit to the department of environmental management and the commission the following:

(1) ~~A~~ **An environmental** grant application, in the form prescribed by the department of environmental management and the commission, that:

- (A) identifies the qualifying property;
- (B) includes any ordinances, resolutions, or other documentation of the political subdivision's determination to submit the **environmental** grant application;
- (C) identifies the entity from which the qualifying property has been acquired or will be acquired by the political subdivision;
- (D) specifies the cost of acquisition of the qualifying property to the political subdivision, if any;
- (E) identifies any environmental contamination of the qualifying property that will be subject to remediation;
- (F) specifies the environmental remediation objectives with respect to the qualifying property;
- (G) estimates all costs the political subdivision will incur with respect to the qualifying property;
- (H) evaluates the prospect for conveyance of the qualifying property for use by a private or public entity; and
- (I) includes a schedule of all actions taken or to be taken by the political subdivision with respect to the qualifying property between the time of acquisition and the anticipated time of conveyance by the political subdivision.

(2) Documentation of community and neighborhood comment

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concerning the use of a qualifying property on which environmental remediation activities will be undertaken after environmental remediation activities are completed.

(b) A political subdivision may apply for ~~a~~ **an environmental** grant under this section for activities under this chapter with respect to:

- (1) qualifying property previously acquired by the political subdivision by:
  - (A) purchase; or
  - (B) donation from a private or public entity; or
- (2) qualifying property to be acquired using **environmental** grant money.

SECTION 71. IC 36-7-13.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. The department of environmental management shall do the following under this chapter:

- (1) Upon receipt of ~~a~~ **an environmental** grant application from a political subdivision under section 21 of this chapter with respect to a qualifying property, evaluate the technical aspects of the political subdivision's:
  - (A) environmental assessment of the property; and
  - (B) proposed environmental remediation with respect to the property.
- (2) Submit to the commission a report of its evaluation under subdivision (1).
- (3) Evaluate the technical aspects of the political subdivision's environmental remediation activities conducted on qualifying properties.
- (4) Act as a liaison with the United States Environmental Protection Agency.

SECTION 72. IC 36-7-13.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. The ~~executive committee~~ **commission** shall develop a priority ranking system for making **environmental** grants under this chapter based on the following:

- (1) The comprehensive **environmental** master plan.
- (2) Socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area.
- (3) The technical evaluation by the department of environmental management under section 22 of this chapter.
- (4) Other factors determined by the commission, including the following:
  - (A) The number and quality of jobs that would result from reuse of the qualifying property.

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(B) Housing, recreational, and educational needs of communities.

(C) Any other factors the ~~executive committee~~ **commission** determines will assist in the implementation of this chapter.

SECTION 73. IC 36-7-13.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Based on the priority ranking system established under section 23 of this chapter, the ~~executive committee~~ **commission** may make **environmental** grants from the **environmental** fund to political subdivisions under this section.

(b) ~~▲ An environmental~~ grant must be used for at least one (1) of the purposes set forth in section 19 of this chapter and may be used to pay consultant, advisory, and legal fees and any other costs or expenses resulting from the assessment, planning, or environmental remediation of a qualifying property.

SECTION 74 IC 36-7-13.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. If:

- (1) a private entity offers a political subdivision a donation of property for which the political subdivision intends to submit ~~a an~~ **environmental** grant application under section 21 of this chapter; and
- (2) the donation of the property is conditioned on obtaining from the state a covenant not to sue the private entity for any potential liability arising under state law associated with environmental contamination of the property;

the political subdivision may request that the commission seek the covenant not to sue from the governor. The governor may execute a covenant not to sue under this section.

SECTION 75. IC 36-7-13.5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. The ~~executive committee~~ **commission** may adopt guidelines or guidance documents to implement this chapter without complying with IC 4-22-2.

SECTION 76. IC 36-7-13.5-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 27. This chapter does not limit the power of a participating county, township, port authority, or municipal corporation to develop or improve a port, terminal, or lakefront facility.**

SECTION 77. IC 36-7.5-1-12, AS AMENDED BY P.L.47-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. "Eligible political subdivision" means the following:

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- (1) An airport authority.
- (2) A commuter transportation district.
- (3) A regional bus authority under IC 36-9-3-2(c).
- (4) A regional transportation authority established under IC 36-9-3-2.
- (5) ~~A~~ **The Lake Michigan marina and** shoreline development commission under IC 36-7-13.5.

SECTION 78. IC 36-7.5-1-12.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2011]: **Sec. 12.4. "Lake Michigan marina and shoreline development commission" means the commission established by IC 36-7-13.5-2.**

SECTION 79. IC 36-7.5-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2011]: **Sec. 12.5. "Lake Michigan marina and shoreline development commission project" means a project that can be financed with the proceeds of bonds issued by the Lake Michigan marina and shoreline development commission.**

SECTION 80 IC 36-7.5-1-13, AS AMENDED BY P.L.47-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. "Project" means an airport authority project, a commuter transportation district project, an economic development project, a regional bus authority project, a regional transportation authority project, or a **Lake Michigan marina and** shoreline development commission project.

SECTION 81. IC 36-7.5-2-1, AS AMENDED BY P.L.47-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

- (1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article;
- (2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, regional transportation authority projects and services, **Lake Michigan marina and** shoreline development projects and activities, and economic development projects in northwestern Indiana; and
- (3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana.

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SECTION 82. IC 36-7.5-3-1, AS AMENDED BY P.L.47-2006, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The development authority shall do the following:

- (1) Assist in the coordination of local efforts concerning projects.
- (2) Assist a commuter transportation district, an airport authority, **at the Lake Michigan marina and** shoreline development commission, a regional transportation authority, and a regional bus authority in coordinating regional transportation and economic development efforts.
- (3) Fund projects as provided in this article.
- (4) Fund bus services (including fixed route services and flexible or demand-responsive services) and projects related to bus services and bus terminals, stations, or facilities.

SECTION 83. IC 36-7.5-3-2, AS AMENDED BY P.L.182-2009(ss), SECTION 424, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county or eligible municipality.
- (2) Lease land or a project to an eligible political subdivision.
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.
- (4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.
- (5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.
- (6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:
  - (A) A commuter transportation district.
  - (B) An airport authority or airport development authority.

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(C) ~~A~~ **The Lake Michigan marina and** shoreline development commission.

(D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(E) A regional transportation authority.

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county or eligible municipality.

(8) Provide funding to assist an airport authority located in an eligible county or eligible municipality in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

(10) Provide funding to assist ~~a~~ **the Lake Michigan marina and** shoreline development commission in carrying out the purposes of IC 36-7-13.5.

(11) Provide funding for economic development projects in an eligible county or eligible municipality.

(12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county or eligible municipality.

(13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(14) Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

(15) Sue, be sued, plead, and be impleaded.

(16) Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

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

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accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(18) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(19) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(20) Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

- (1) describes the real property sought to be acquired and the purpose for which the real property is to be used;
- (2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and
- (3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition."

Page 30, line 33, after "2011]:" insert "IC 4-12-4-16; IC 4-12-5-5;".

Page 30, line 33, after "IC 4-15-2.5-2;" insert "IC 4-23-20;".

Page 30, line 34, after "IC 12-15-42;", insert "IC 14-3-3; IC 14-13-1-22; IC 14-13-1-23; IC 14-13-1-24; IC 14-13-1-25; IC 14-13-1-26;".

Page 30, line 34, after "IC 14-20-4;" insert "IC 15-15-8-6; IC 15-15-8-9; IC 15-15-8-10; IC 15-15-8-11; IC 15-15-8-13; IC 15-15-8-16; IC 15-15-8-18;".

Page 30, line 34, delete "IC 27-1-3-30." and insert "IC 27-1-3-30; IC 36-7-13.5-9; IC 36-7-13.5-13; IC 36-7-13.5-15; IC 36-7-13.5-16; IC 36-7.5-1-16; IC 36-7.5-1-17.

**SECTION 84. [EFFECTIVE JULY 1, 2011] (a) On July 1, 2011, the rights, duties, property, personnel, liabilities, and contractual obligations of the following are transferred to the Lake Michigan marina and shoreline development commission established by**

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IC 36-7-13.5-2, as amended by this act:

- (1) The Lake Michigan marina development commission.
- (2) The shoreline development commission.

The commissions described in subdivisions (1) and (2) are abolished as soon the property, personnel, liabilities, and contractual obligations of the commissions are transferred to the Lake Michigan marina and shoreline development commission. The only actions that a commission described in subdivision (1) or (2) may take after June 30, 2011, are those actions necessary to wind up the affairs of that commission.

(b) The members of the governing body of a commission described in subsection (a)(1) or (a)(2) remain members of the governing body until the commission is abolished. The governing bodies of each commission described in subsection (a)(1) or (a)(2) shall adopt a resolution as the last act of the governing body specifying the abolishment of the commission.

(c) Money transferred from the Lake Michigan marina development commission to the Lake Michigan marina and shoreline development commission shall initially be transferred to a fund that is separate from the shoreline environmental trust fund established by IC 36-7-13.5-19, as amended by this act, and used in accordance with the budget adopted by the Lake Michigan marina and shoreline development commission. The budget may provide for part or all of the money to be transferred and used for the purposes of the shoreline environmental trust fund.

(d) This SECTION expires July 1, 2014."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1233 as introduced.)

DOBIS, Chair

Committee Vote: yeas 7, nays 0.

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