



January 21, 2011

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## SENATE BILL No. 295

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DIGEST OF SB 295 (Updated January 19, 2011 12:10 pm - DI 106)

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

**Synopsis:** Technical corrections bill. Resolves: (1) technical conflicts between differing 2010 amendments to Indiana Code sections; and (2) other technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, grammatical problems, and misspellings. Repeals an obsolete chapter and a section defining a term only for purposes of a chapter that has expired. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** Upon passage.

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### Holdman, Delph, Taylor

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January 6, 2011, read first time and referred to Committee on Judiciary.  
January 20, 2011, reported favorably — Do Pass.

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SB 295—LS 6724/DI 55+



January 21, 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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## SENATE BILL No. 295



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

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

1 SECTION 1. IC 3-7-18-21 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. A designated  
3 individual may use any of the following methods to transmit voter  
4 registration applications or declinations under section 19 ~~or 20~~ of this  
5 chapter:

- 6 (1) Hand delivery to the circuit court clerk or board of
- 7 registration.
- 8 (2) Certified mail, return receipt requested.
- 9 (3) Electronic transfer, after approval by the commission.

10 SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.35-2010,  
11 SECTION 2, AND AS AMENDED BY P.L.113-2010, SECTION 9, IS  
12 CORRECTED AND AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies  
14 to a rulemaking action resulting in any of the following rules:

- 15 (1) An order adopted by the commissioner of the Indiana
- 16 department of transportation under IC 9-20-1-3(d) or
- 17 IC 9-21-4-7(a) and designated by the commissioner as an

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- 1 emergency rule.
- 2 (2) An action taken by the director of the department of natural
- 3 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 4 (3) An emergency temporary standard adopted by the
- 5 occupational safety standards commission under
- 6 IC 22-8-1.1-16.1.
- 7 (4) An emergency rule adopted by the solid waste management
- 8 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 9 (5) A rule, other than a rule described in subdivision (6), adopted
- 10 by the department of financial institutions under IC 24-4.5-6-107
- 11 and declared necessary to meet an emergency.
- 12 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 13 department of financial institutions and declared necessary to
- 14 meet an emergency under IC 24-4.5-6-107.
- 15 (7) A rule adopted by the Indiana utility regulatory commission to
- 16 address an emergency under IC 8-1-2-113.
- 17 (8) An emergency rule adopted by the state lottery commission
- 18 under IC 4-30-3-9.
- 19 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 20 executive board of the state department of health declares is
- 21 necessary to meet an emergency.
- 22 (10) An emergency rule adopted by the Indiana finance authority
- 23 under IC 8-21-12.
- 24 (11) An emergency rule adopted by the insurance commissioner
- 25 under IC 27-1-23-7.
- 26 (12) An emergency rule adopted by the Indiana horse racing
- 27 commission under IC 4-31-3-9.
- 28 (13) An emergency rule adopted by the air pollution control
- 29 board, the solid waste management board, or the water pollution
- 30 control board under IC 13-15-4-10(4) or to comply with a
- 31 deadline required by or other date provided by federal law,
- 32 provided:
- 33 (A) the variance procedures are included in the rules; and
- 34 (B) permits or licenses granted during the period the
- 35 emergency rule is in effect are reviewed after the emergency
- 36 rule expires.
- 37 (14) An emergency rule adopted by the Indiana election
- 38 commission under IC 3-6-4.1-14.
- 39 (15) An emergency rule adopted by the department of natural
- 40 resources under IC 14-10-2-5.
- 41 (16) An emergency rule adopted by the Indiana gaming
- 42 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,

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- 1 IC 4-33-4-14, *IC 4-33-22-12*, or IC 4-35-4-2.
- 2 (17) An emergency rule adopted by the alcohol and tobacco
- 3 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 4 IC 7.1-3-20-24.4.
- 5 (18) An emergency rule adopted by the department of financial
- 6 institutions under IC 28-15-11.
- 7 (19) An emergency rule adopted by the office of the secretary of
- 8 family and social services under IC 12-8-1-12.
- 9 (20) An emergency rule adopted by the office of the children's
- 10 health insurance program under IC 12-17.6-2-11.
- 11 (21) An emergency rule adopted by the office of Medicaid policy
- 12 and planning under IC 12-15-41-15.
- 13 (22) An emergency rule adopted by the Indiana state board of
- 14 animal health under IC 15-17-10-9.
- 15 (23) An emergency rule adopted by the board of directors of the
- 16 Indiana education savings authority under IC 21-9-4-7.
- 17 (24) An emergency rule adopted by the Indiana board of tax
- 18 review under IC 6-1.1-4-34 (repealed).
- 19 (25) An emergency rule adopted by the department of local
- 20 government finance under IC 6-1.1-4-33 (repealed).
- 21 (26) An emergency rule adopted by the boiler and pressure vessel
- 22 rules board under IC 22-13-2-8(c).
- 23 (27) An emergency rule adopted by the Indiana board of tax
- 24 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
- 25 adopted by the department of local government finance under
- 26 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 27 (28) An emergency rule adopted by the board of the Indiana
- 28 economic development corporation under IC 5-28-5-8.
- 29 (29) A rule adopted by the department of financial institutions
- 30 under IC 34-55-10-2.5.
- 31 (30) A rule adopted by the Indiana finance authority:
- 32 (A) under IC 8-15.5-7 approving user fees (as defined in
- 33 IC 8-15.5-2-10) provided for in a public-private agreement
- 34 under IC 8-15.5;
- 35 (B) under IC 8-15-2-17.2(a)(10):
- 36 (i) establishing enforcement procedures; and
- 37 (ii) making assessments for failure to pay required tolls;
- 38 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 39 establishing procedures for the implementation of the
- 40 collection of user fees by electronic or other nonmanual
- 41 means; or
- 42 (D) to make other changes to existing rules related to a toll

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1 road project to accommodate the provisions of a public-private  
 2 agreement under IC 8-15.5.

3 (31) An emergency rule adopted by the board of the Indiana  
 4 health informatics corporation under IC 5-31-5-8.

5 ~~(32) An emergency rule adopted by the state athletic commission~~  
 6 ~~under IC 25-9-1-4.5.~~

7 ~~(32)~~ ~~(33)~~ (32) An emergency rule adopted by the department of  
 8 child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2,  
 9 or IC 31-27-4-3.

10 ~~(34)~~ (33) An emergency rule adopted by the Indiana real estate  
 11 commission under IC 25-34.1-2-5(15).

12 ~~(35)~~ (34) A rule adopted by the department of financial  
 13 institutions under IC 24-4.4-1-101 and determined necessary to  
 14 meet an emergency.

15 (b) The following do not apply to rules described in subsection (a):  
 16 (1) Sections 24 through 36 of this chapter.  
 17 (2) IC 13-14-9.

18 (c) After a rule described in subsection (a) has been adopted by the  
 19 agency, the agency shall submit the rule to the publisher for the  
 20 assignment of a document control number. The agency shall submit the  
 21 rule in the form required by section 20 of this chapter and with the  
 22 documents required by section 21 of this chapter. The publisher shall  
 23 determine the format of the rule and other documents to be submitted  
 24 under this subsection.

25 (d) After the document control number has been assigned, the  
 26 agency shall submit the rule to the publisher for filing. The agency  
 27 shall submit the rule in the form required by section 20 of this chapter  
 28 and with the documents required by section 21 of this chapter. The  
 29 publisher shall determine the format of the rule and other documents  
 30 to be submitted under this subsection.

31 (e) Subject to section 39 of this chapter, the publisher shall:  
 32 (1) accept the rule for filing; and  
 33 (2) electronically record the date and time that the rule is  
 34 accepted.

35 (f) A rule described in subsection (a) takes effect on the latest of the  
 36 following dates:  
 37 (1) The effective date of the statute delegating authority to the  
 38 agency to adopt the rule.  
 39 (2) The date and time that the rule is accepted for filing under  
 40 subsection (e).  
 41 (3) The effective date stated by the adopting agency in the rule.  
 42 (4) The date of compliance with every requirement established by

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1 law as a prerequisite to the adoption or effectiveness of the rule.  
 2 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
 3 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in  
 4 subsections (j), (k), and (l), a rule adopted under this section expires  
 5 not later than ninety (90) days after the rule is accepted for filing under  
 6 subsection (e). Except for a rule adopted under subsection (a)(13),  
 7 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting  
 8 another rule under this section, but only for one (1) extension period.  
 9 The extension period for a rule adopted under subsection (a)(28) may  
 10 not exceed the period for which the original rule was in effect. A rule  
 11 adopted under subsection (a)(13) may be extended for two (2)  
 12 extension periods. Subject to subsection (j), a rule adopted under  
 13 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited  
 14 number of extension periods. Except for a rule adopted under  
 15 subsection (a)(13), for a rule adopted under this section to be effective  
 16 after one (1) extension period, the rule must be adopted under:  
 17 (1) sections 24 through 36 of this chapter; or  
 18 (2) IC 13-14-9;  
 19 as applicable.  
 20 (h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires  
 21 on the earlier of the following dates:  
 22 (1) The expiration date stated by the adopting agency in the rule.  
 23 (2) The date that the rule is amended or repealed by a later rule  
 24 adopted under sections 24 through 36 of this chapter or this  
 25 section.  
 26 (i) This section may not be used to readopt a rule under IC 4-22-2.5.  
 27 (j) A rule described in subsection (a)(24) or (a)(25) expires not later  
 28 than January 1, 2006.  
 29 (k) A rule described in subsection (a)(28) expires on the expiration  
 30 date stated by the board of the Indiana economic development  
 31 corporation in the rule.  
 32 (l) A rule described in subsection (a)(30) expires on the expiration  
 33 date stated by the Indiana finance authority in the rule.  
 34 (m) A rule described in subsection (a)(5) or (a)(6) expires on the  
 35 date the department is next required to issue a rule under the statute  
 36 authorizing or requiring the rule.  
 37 SECTION 3. IC 5-10-1.5-1, AS AMENDED BY P.L.227-2007,  
 38 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 UPON PASSAGE]: Sec. 1. Each retirement plan for employees of the  
 40 state or of a political subdivision shall report annually on September 1  
 41 to the public employees' retirement fund the information from the  
 42 preceding fiscal year necessary for the actuary of the fund to perform

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1 an actuarial valuation of each plan. Where the director and actuary of  
 2 the fund consider it appropriate, the actuary may combine one (1)  
 3 retirement plan with another or with the public employees' retirement  
 4 fund for the purposes of the actuarial valuation. The retirement plans  
 5 covered by this chapter are the following:

6 (1) The state excise police, gaming agent, gaming control officer,  
 7 and conservation enforcement officers' retirement plan  
 8 established under IC 5-10-5.5.

9 (2) The "trust fund" and "pension trust" of the state police  
 10 department established under IC 10-12-2.

11 (3) Each of the police pension funds established or covered under  
 12 ~~IC 19-1-18, IC 19-1-30, IC 19-1-25-4,~~ or IC 36-8.

13 (4) Each of the firemen's pension funds established or covered  
 14 under ~~IC 19-1-37, IC 18-1-12, IC 19-1-44,~~ or IC 36-8.

15 (5) Each of the retirement funds for utility employees authorized  
 16 under ~~IC 19-3-22 or IC 36-9. or established under IC 19-3-31.~~

17 (6) Each county police force pension trust and trust fund  
 18 authorized under ~~IC 17-3-14 or IC 36-8.~~

19 (7) The Indiana judges' retirement fund established under  
 20 IC 33-38-6.

21 (8) Each retirement program adopted by a board of a local health  
 22 department as authorized under IC 16-1-4-25 (before its repeal)  
 23 or IC 16-20-1-3.

24 (9) Each retirement benefit program of a joint city-county health  
 25 department under IC 16-1-7-16 (before its repeal).

26 (10) Each pension and retirement plan adopted by the board of  
 27 trustees or governing body of a county hospital as authorized  
 28 under IC 16-12.1-3-8 (before its repeal) or IC 16-22-3-11.

29 (11) Each pension or retirement plan and program for hospital  
 30 personnel in certain city hospitals as authorized under  
 31 IC 16-12.2-5 (before its repeal) or IC 16-23-1.

32 (12) Each retirement program of the health and hospital  
 33 corporation of a county as authorized under IC 16-12-21-27  
 34 (before its repeal) or IC 16-22-8-34.

35 (13) Each pension plan provided by a city, town, or county  
 36 housing authority as authorized under IC 36-7.

37 (14) Each pension and retirement program adopted by a public  
 38 transportation corporation as authorized under IC 36-9.

39 (15) Each system of pensions and retirement benefits of a regional  
 40 transportation authority as authorized or required by IC 36-9.

41 (16) Each employee pension plan adopted by the board of an  
 42 airport authority under IC 8-22-3.

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- 1 (17) The pension benefit paid for the national guard by the state
- 2 as established under IC 10-16-7.
- 3 ~~(18) The pension fund allowed employees of the Wabash Valley~~
- 4 ~~interstate commission as authorized under IC 13-5-1-3.~~
- 5 ~~(19)~~ **(18)** Each system of pensions and retirement provided by a
- 6 unit under IC 36-1-3.

7 SECTION 4. IC 5-20-1-16 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. ~~Capitol~~ **Capital**  
 9 Reserve Fund. (a) The authority may ~~created~~ **create** and establish one  
 10 (1) or more special funds, herein referred to as capital reserve funds, to  
 11 secure the notes and bonds. The authority shall pay into each such  
 12 capital reserve fund: (1) any moneys appropriated and made available  
 13 by the state for the purposes of such fund; (2) any proceeds of sale of  
 14 notes or bonds, to the extent provided in the resolution of the authority  
 15 authorizing the issuance thereof; and (3) any other moneys which may  
 16 be made available to the authority for the purpose of such fund from  
 17 any other source or sources.

18 (b) All moneys held in any capital reserve fund, except as otherwise  
 19 specifically provided, shall be used, as required, solely: (1) for the  
 20 payment of the principal of bonds of the authority secured in whole or  
 21 in part by such fund; (2) for payment of the sinking fund payments  
 22 mentioned in this section with respect to such bonds; (3) for the  
 23 purchase or redemption of such bonds; (4) for the payment of interest  
 24 on such bonds; or (5) for the payment of any redemption premium  
 25 required to be paid when such bonds are redeemed prior to maturity.  
 26 However, if moneys in such fund at any time are less than the capital  
 27 reserve fund requirement established for such fund as provided in this  
 28 section, the authority shall not use such moneys for any optional  
 29 purchase or optional redemption of such bonds. Any income or interest  
 30 earned by, or increment to, any capital reserve fund due to the  
 31 investment thereof may be transferred by the authority to other funds  
 32 or accounts of the authority to the extent such transfer does not reduce  
 33 the amount of such capital reserve fund below the capital reserve fund  
 34 requirement for such fund.

35 (c) The authority shall not at any time issue bonds secured in whole  
 36 or in part by a capital reserve fund, if, upon the issuance of such bonds,  
 37 the amount in such capital reserve fund will be less than the capital  
 38 reserve fund requirement of such fund, unless the authority, at the time  
 39 of issuance of such bonds, deposits in such fund from the proceeds of  
 40 the bonds to be issued, or from other sources, an amount which,  
 41 together with the amount then in such fund, will not be less than the  
 42 capital reserve fund requirement for such fund. For purposes of this

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1 section, "capital reserve fund requirement" means, as of any particular  
 2 date of computation, an amount of money, as provided in the  
 3 resolutions of the authority authorizing the bonds with respect to which  
 4 such fund is established, which amount shall not exceed the average of  
 5 the annual debt service on the bonds of the authority for that calendar  
 6 year and succeeding calendar years secured in whole or in part by such  
 7 fund. The annual debt service for any calendar year is the amount of  
 8 money equal to the aggregate of (1) all interest payable during such  
 9 calendar year on all bonds secured in whole or in part by such fund  
 10 outstanding on the date of computation, plus (2) the principal amount  
 11 of all such bonds outstanding on said date of computation which  
 12 mature during such calendar year, plus (3) all amounts specified as  
 13 payable during such calendar year as a sinking fund payment with  
 14 respect to any of such bonds which mature after such calendar year.  
 15 This calculation shall embody the assumption that such bonds will,  
 16 after such date of computation, cease to be outstanding by reason, but  
 17 only by reason, of (1) the payment of bonds when due, and (2) the  
 18 payment when due of all such sinking fund payments payable at or  
 19 after such date of computation. However, in computing the annual debt  
 20 service for any calendar year, bonds deemed to have been paid in  
 21 accordance with the defeasance provisions of the resolution of the  
 22 authority authorizing the issuance thereof shall not be included in  
 23 bonds outstanding on such date of computation.

24 (d) To assure the continued operation and solvency of the authority  
 25 for the carrying out of the public purposes of this chapter, the authority  
 26 shall accumulate in each capital reserve fund an amount equal to the  
 27 capital reserve fund requirement for such fund.

28 (e) In computing the amount of any capital reserve fund for the  
 29 purposes of this section, securities in which all or a portion of such  
 30 capital reserve fund is invested shall be valued at par, or if purchased  
 31 at less than par, at their cost to the authority.

32 (f) Notwithstanding subsections (a) through ~~(f)~~, (e), the authority,  
 33 subject to such agreements with noteholders or bondholders as may  
 34 then exist, may elect not to secure any particular issue of its bonds with  
 35 a capital reserve fund. Such election shall be made in the resolution  
 36 authorizing such issue. In this event, subsections (b) and (c) shall not  
 37 apply to the bonds of such issue in that they shall not be entitled to  
 38 payment out of, or be eligible for purchase by, any such fund, nor shall  
 39 they be taken into account in computing or applying any capital reserve  
 40 fund requirement.

41 SECTION 5. IC 6-1.1-10-3 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A bridge,

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1 including the tangible property appurtenant to it, is exempt from  
2 property taxation if:

- 3 (1) the bridge is constructed:  
4 (i) (A) entirely within this state and across a navigable stream;  
5 or  
6 (ii) (B) across a stream forming a boundary of this state;  
7 (2) the bridge is owned by a state or a political subdivision of a  
8 state; and  
9 (3) the bridge:  
10 (i) (A) is (except as provided in subsection (b) of this section)  
11 operated free of tolls; or  
12 (ii) (B) was authorized or consented to by an act of Congress.

13 (b) The exemption provided in this section may not be denied  
14 because tolls are charged if the tolls are levied:

- 15 (1) to establish a sinking fund for the cost, including interest and  
16 other financing charges, of the bridge and its approaches; or  
17 (2) to provide for the proper maintenance, repair, and operation  
18 of the bridge and its approaches.

19 SECTION 6. IC 6-1.1-10-34 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) A contract  
21 is not valid or enforceable in any court of this state if:

- 22 (1) the contract is related to tangible property which is given,  
23 devised, or bequeathed to an educational, literary, scientific,  
24 religious, or charitable institution;  
25 (2) the contract provides that the institution shall pay any income  
26 or proceeds received for the tangible property to the donor, or  
27 other person designated by the donor, for life or for a determinate  
28 period of time; and  
29 (3) the contract does not provide that all property taxes that the  
30 donor would have paid if ~~he~~ the donor had retained title to the  
31 property shall be paid by:

- 32 (i) (A) the donor;  
33 (ii) (B) the person, if any, designated by the donor to receive  
34 the income or proceeds; or  
35 (iii) (C) the institution.

36 (b) Tangible property transferred in the manner described in  
37 subsection (a) ~~of this section~~ is subject to property taxation to the same  
38 extent as tangible property which is owned by an individual.

39 (c) This section does not apply to real property transferred under  
40 contracts which were entered into before March 9, 1937.

41 SECTION 7. IC 6-1.1-18.5-3, AS AMENDED BY P.L.146-2008,  
42 SECTION 169, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A civil taxing unit that is  
2 treated as not being located in an adopting county under section 4 of  
3 this chapter may not impose an ad valorem property tax levy for an  
4 ensuing calendar year that exceeds the amount determined in the last  
5 STEP of the following STEPS:

6 STEP ONE: Add the civil taxing unit's maximum permissible ad  
7 valorem property tax levy for the preceding calendar year to the  
8 part of the civil taxing unit's certified share, if any, that was used  
9 to reduce the civil taxing unit's ad valorem property tax levy under  
10 STEP EIGHT of subsection (b) for that preceding calendar year.

11 STEP TWO: Multiply the amount determined in STEP ONE by  
12 the amount determined in the last STEP of section 2(b) of this  
13 chapter.

14 STEP THREE: Determine the lesser of one and fifteen hundredths  
15 (1.15) or the quotient (rounded to the nearest ten-thousandth  
16 (0.0001)), of the assessed value of all taxable property subject to  
17 the civil taxing unit's ad valorem property tax levy for the ensuing  
18 calendar year, divided by the assessed value of all taxable  
19 property that is subject to the civil taxing unit's ad valorem  
20 property tax levy for the ensuing calendar year and that is  
21 contained within the geographic area that was subject to the civil  
22 taxing unit's ad valorem property tax levy in the preceding  
23 calendar year.

24 STEP FOUR: Determine the greater of the amount determined in  
25 STEP THREE or one (1).

26 STEP FIVE: Multiply the amount determined in STEP TWO by  
27 the amount determined in STEP FOUR.

28 STEP SIX: Add the amount determined under STEP TWO to the  
29 amount determined under subsection (c).

30 STEP SEVEN: Determine the greater of the amount determined  
31 under STEP FIVE or the amount determined under STEP SIX.

32 (b) Except as otherwise provided in this chapter, a civil taxing unit  
33 that is treated as being located in an adopting county under section 4 of  
34 this chapter may not impose an ad valorem property tax levy for an  
35 ensuing calendar year that exceeds the amount determined in the last  
36 STEP of the following STEPS:

37 STEP ONE: Add the civil taxing unit's maximum permissible ad  
38 valorem property tax levy for the preceding calendar year to the  
39 part of the civil taxing unit's certified share, if any, used to reduce  
40 the civil taxing unit's ad valorem property tax levy under STEP  
41 EIGHT of this subsection for that preceding calendar year.

42 STEP TWO: Multiply the amount determined in STEP ONE by

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1 the amount determined in the last STEP of section 2(b) of this  
 2 chapter.  
 3 STEP THREE: Determine the lesser of one and fifteen hundredths  
 4 (1.15) or the quotient of the assessed value of all taxable property  
 5 subject to the civil taxing unit's ad valorem property tax levy for  
 6 the ensuing calendar year divided by the assessed value of all  
 7 taxable property that is subject to the civil taxing unit's ad  
 8 valorem property tax levy for the ensuing calendar year and that  
 9 is contained within the geographic area that was subject to the  
 10 civil taxing unit's ad valorem property tax levy in the preceding  
 11 calendar year.  
 12 STEP FOUR: Determine the greater of the amount determined in  
 13 STEP THREE or one (1).  
 14 STEP FIVE: Multiply the amount determined in STEP TWO by  
 15 the amount determined in STEP FOUR.  
 16 STEP SIX: Add the amount determined under STEP TWO to the  
 17 amount determined under subsection (c).  
 18 STEP SEVEN: Determine the greater of the amount determined  
 19 under STEP FIVE or the amount determined under STEP SIX.  
 20 STEP EIGHT: Subtract the amount determined under STEP FIVE  
 21 of subsection (e) from the amount determined under STEP  
 22 SEVEN of this subsection.  
 23 (c) The amount to be entered under STEP SIX of subsection (a) or  
 24 STEP SIX of subsection (b), as applicable, equals the sum of the  
 25 following:  
 26 (1) If a civil taxing unit in the immediately preceding calendar  
 27 year provided an area outside its boundaries with services on a  
 28 contractual basis and in the ensuing calendar year that area has  
 29 been annexed by the civil taxing unit, the amount paid by the  
 30 annexed area during the immediately preceding calendar year for  
 31 services that the civil taxing unit must provide to that area during  
 32 the ensuing calendar year as a result of the annexation.  
 33 (2) If the civil taxing unit has had an excessive levy appeal  
 34 approved under section ~~13(a)(1)~~ **13(1)** of this chapter for the  
 35 ensuing calendar year, an amount determined by the civil taxing  
 36 unit for the ensuing calendar year that does not exceed the amount  
 37 of that excessive levy.  
 38 In all other cases, the amount to be entered under STEP SIX of  
 39 subsection (a) or STEP SIX of subsection (b), as the case may be,  
 40 equals zero (0).  
 41 (d) This subsection applies only to civil taxing units located in a  
 42 county having a county adjusted gross income tax rate for resident

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1 county taxpayers (as defined in IC 6-3.5-1.1-1) of one percent (1%) as  
2 of January 1 of the ensuing calendar year. For each civil taxing unit, the  
3 amount to be added to the amount determined in subsection (e), STEP  
4 FOUR, is determined using the following formula:

5 STEP ONE: Multiply the civil taxing unit's maximum permissible  
6 ad valorem property tax levy for the preceding calendar year by  
7 two percent (2%).

8 STEP TWO: For the determination year, the amount to be used as  
9 the STEP TWO amount is the amount determined in subsection  
10 (f) for the civil taxing unit. For each year following the  
11 determination year the STEP TWO amount is the lesser of:

- 12 (A) the amount determined in STEP ONE; or
- 13 (B) the amount determined in subsection (f) for the civil taxing  
14 unit.

15 STEP THREE: Determine the greater of:

- 16 (A) zero (0); or
- 17 (B) the civil taxing unit's certified share for the ensuing  
18 calendar year minus the greater of:
  - 19 (i) the civil taxing unit's certified share for the calendar year  
20 that immediately precedes the ensuing calendar year; or
  - 21 (ii) the civil taxing unit's base year certified share.

22 STEP FOUR: Determine the greater of:

- 23 (A) zero (0); or
- 24 (B) the amount determined in STEP TWO minus the amount  
25 determined in STEP THREE.

26 Add the amount determined in STEP FOUR to the amount determined  
27 in subsection (e), STEP THREE, as provided in subsection (e), STEP  
28 FOUR.

29 (e) For each civil taxing unit, the amount to be subtracted under  
30 subsection (b), STEP EIGHT, is determined using the following  
31 formula:

32 STEP ONE: Determine the lesser of the civil taxing unit's base  
33 year certified share for the ensuing calendar year, as determined  
34 under section 5 of this chapter, or the civil taxing unit's certified  
35 share for the ensuing calendar year.

36 STEP TWO: Determine the greater of:

- 37 (A) zero (0); or
- 38 (B) the remainder of:
  - 39 (i) the amount of federal revenue sharing money that was  
40 received by the civil taxing unit in 1985; minus
  - 41 (ii) the amount of federal revenue sharing money that will be  
42 received by the civil taxing unit in the year preceding the

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1           ensuing calendar year.  
 2           STEP THREE: Determine the lesser of:  
 3           (A) the amount determined in STEP TWO; or  
 4           (B) the amount determined in subsection (f) for the civil taxing  
 5           unit.  
 6           STEP FOUR: Add the amount determined in subsection (d),  
 7           STEP FOUR, to the amount determined in STEP THREE.  
 8           STEP FIVE: Subtract the amount determined in STEP FOUR  
 9           from the amount determined in STEP ONE.  
 10          (f) As used in this section, a taxing unit's "determination year"  
 11          means the latest of:  
 12          (1) calendar year 1987, if the taxing unit is treated as being  
 13          located in an adopting county for calendar year 1987 under  
 14          section 4 of this chapter;  
 15          (2) the taxing unit's base year, as defined in section 5 of this  
 16          chapter, if the taxing unit is treated as not being located in an  
 17          adopting county for calendar year 1987 under section 4 of this  
 18          chapter; or  
 19          (3) the ensuing calendar year following the first year that the  
 20          taxing unit is located in a county that has a county adjusted gross  
 21          income tax rate of more than one-half percent (0.5%) on July 1 of  
 22          that year.

23          The amount to be used in subsections (d) and (e) for a taxing unit  
 24          depends upon the taxing unit's certified share for the ensuing calendar  
 25          year, the taxing unit's determination year, and the county adjusted gross  
 26          income tax rate for resident county taxpayers (as defined in  
 27          IC 6-3.5-1.1-1) that is in effect in the taxing unit's county on July 1 of  
 28          the year preceding the ensuing calendar year. For the determination  
 29          year and the ensuing calendar years following the taxing unit's  
 30          determination year, the amount is the taxing unit's certified share for  
 31          the ensuing calendar year multiplied by the appropriate factor  
 32          prescribed in the following table:

33                    COUNTIES WITH A TAX RATE OF 1/2%	
34                    Year	Subsection (e) Factor
35                    For the determination year and each ensuing	
36                    calendar year following the determination year	0
37                    COUNTIES WITH A TAX RATE OF 3/4%	
38                    Year	Subsection (e) Factor
39                    For the determination year and each ensuing	
40                    calendar year following the determination year	1/2

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COUNTIES WITH A TAX RATE OF 1.0%

Year	Subsection (d) Factor	Subsection (e) Factor
For the determination year	1/6	1/3
For the ensuing calendar year following the determination year	1/4	1/3
For the ensuing calendar year following the determination year by two (2) years	1/3	1/3

(g) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a civil taxing unit that is located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30. Notwithstanding any provision in this section or any other section of this chapter and except as provided in subsection (h), the maximum permissible ad valorem property tax levy calculated under this section for the ensuing calendar year for a civil taxing unit subject to this section is equal to the civil taxing unit's maximum permissible ad valorem property tax levy for the current calendar year.

(h) This subsection applies only to property taxes first due and payable after December 31, 2007. In the case of a civil taxing unit that:

- (1) is partially located in a county for which a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24 or a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30; and
- (2) is partially located in a county that is not described in subdivision (1);

the department of local government finance shall, notwithstanding subsection (g), adjust the portion of the civil taxing unit's maximum permissible ad valorem property tax levy that is attributable (as determined by the department of local government finance) to the county or counties described in subdivision (2). The department of local government finance shall adjust this portion of the civil taxing unit's maximum permissible ad valorem property tax levy so that, notwithstanding subsection (g), this portion is allowed to increase as otherwise provided in this section. If the department of local government finance increases the civil taxing unit's maximum permissible ad valorem property tax levy under this subsection, any additional property taxes imposed by the civil taxing unit under the

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1 adjustment shall be paid only by the taxpayers in the county or counties  
2 described in subdivision (2).

3 SECTION 8. IC 6-1.1-20-3.1, AS AMENDED BY P.L.41-2010,  
4 SECTION 2, AND AS AMENDED BY P.L.113-2010, SECTION 33,  
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section applies  
7 only to the following:

8 (1) A controlled project (as defined in section 1.1 of this chapter  
9 as in effect June 30, 2008) for which the proper officers of a  
10 political subdivision make a preliminary determination in the  
11 manner described in subsection (b) before July 1, 2008.

12 (2) An elementary school building, middle school building, or  
13 other school building for academic instruction that:

- 14 (A) is a controlled project;
- 15 (B) will be used for any combination of kindergarten through  
16 grade 8;
- 17 (C) will not be used for any combination of grade 9 through  
18 grade 12; and
- 19 (D) will not cost more than ten million dollars (\$10,000,000).

20 (3) A high school building or other school building for academic  
21 instruction that:

- 22 (A) is a controlled project;
- 23 (B) will be used for any combination of grade 9 through grade  
24 12;
- 25 (C) will not be used for any combination of kindergarten  
26 through grade 8; and
- 27 (D) will not cost more than twenty million dollars  
28 (\$20,000,000).

29 (4) Any other controlled project that:

- 30 (A) is not a controlled project described in subdivision (1), (2),  
31 or (3); and
- 32 (B) will not cost the political subdivision more than the lesser  
33 of the following:
  - 34 (i) Twelve million dollars (\$12,000,000).
  - 35 (ii) An amount equal to one percent (1%) of the total gross  
36 assessed value of property within the political subdivision  
37 on the last assessment date, if that amount is at least one  
38 million dollars (\$1,000,000).

39 (b) A political subdivision may not impose property taxes to pay  
40 debt service on bonds or lease rentals on a lease for a controlled project  
41 without completing the following procedures:

42 (1) The proper officers of a political subdivision shall:

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- 1 (A) publish notice in accordance with IC 5-3-1; and
- 2 (B) send notice by first class mail to *the circuit court clerk and*
- 3 *to any organization that delivers to the officers, before January*
- 4 *1 of that year, an annual written request for such notices;*
- 5 of any meeting to consider adoption of a resolution or an
- 6 ordinance making a preliminary determination to issue bonds or
- 7 enter into a lease and shall conduct a public hearing on a
- 8 preliminary determination before adoption of the resolution or
- 9 ordinance.
- 10 (2) When the proper officers of a political subdivision make a
- 11 preliminary determination to issue bonds or enter into a lease for
- 12 a controlled project, the officers shall give notice of the
- 13 preliminary determination by:
- 14 (A) publication in accordance with IC 5-3-1; and
- 15 (B) first class mail to *the circuit court clerk and to the*
- 16 *organizations described in subdivision (1)(B).*
- 17 (3) A notice under subdivision (2) of the preliminary
- 18 determination of the political subdivision to issue bonds or enter
- 19 into a lease for a controlled project must include the following
- 20 information:
- 21 (A) The maximum term of the bonds or lease.
- 22 (B) The maximum principal amount of the bonds or the
- 23 maximum lease rental for the lease.
- 24 (C) The estimated interest rates that will be paid and the total
- 25 interest costs associated with the bonds or lease.
- 26 (D) The purpose of the bonds or lease.
- 27 (E) A statement that any owners of ~~real~~ property within the
- 28 political subdivision or registered voters residing within the
- 29 political subdivision who want to initiate a petition and
- 30 remonstrance process against the proposed debt service or
- 31 lease payments must file a petition that complies with
- 32 subdivisions (4) and (5) not later than thirty (30) days after
- 33 publication in accordance with IC 5-3-1.
- 34 (F) With respect to bonds issued or a lease entered into to
- 35 open:
- 36 (i) a new school facility; or
- 37 (ii) an existing facility that has not been used for at least
- 38 three (3) years and that is being reopened to provide
- 39 additional classroom space;
- 40 the estimated costs the school corporation expects to incur
- 41 annually to operate the facility.
- 42 (G) A statement of whether the school corporation expects to

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- 1 appeal for a new facility adjustment (as defined in  
 2 IC 20-45-1-16 (**repealed**) before January 1, 2009) for an  
 3 increased maximum permissible tuition support levy to pay the  
 4 estimated costs described in clause (F).  
 5 (H) The political subdivision's current debt service levy and  
 6 rate and the estimated increase to the political subdivision's  
 7 debt service levy and rate that will result if the political  
 8 subdivision issues the bonds or enters into the lease.
- 9 (4) After notice is given, a petition requesting the application of  
 10 a petition and remonstrance process may be filed by the lesser of:  
 11 (A) one hundred (100) persons who are either owners of *real*  
 12 property within the political subdivision or registered voters  
 13 residing within the political subdivision; or  
 14 (B) five percent (5%) of the registered voters residing within  
 15 the political subdivision.
- 16 (5) The state board of accounts shall design and, upon request by  
 17 the county voter registration office, deliver to the county voter  
 18 registration office or the county voter registration office's  
 19 designated printer the petition forms to be used solely in the  
 20 petition process described in this section. The county voter  
 21 registration office shall issue to an owner or owners of *real*  
 22 property within the political subdivision or a registered voter  
 23 residing within the political subdivision the number of petition  
 24 forms requested by the owner or owners or the registered voter.  
 25 Each form must be accompanied by instructions detailing the  
 26 requirements that:  
 27 (A) the carrier and signers must be owners of *real* property or  
 28 registered voters;  
 29 (B) the carrier must be a signatory on at least one (1) petition;  
 30 (C) after the signatures have been collected, the carrier must  
 31 swear or affirm before a notary public that the carrier  
 32 witnessed each signature; and  
 33 (D) govern the closing date for the petition period.
- 34 Persons requesting forms may be required to identify themselves  
 35 as owners of *real* property or registered voters and may be  
 36 allowed to pick up additional copies to distribute to other *property*  
 37 owners *of property* or registered voters. Each person signing a  
 38 petition must indicate whether the person is signing the petition  
 39 as a registered voter within the political subdivision or is signing  
 40 the petition as the owner of *real* property within the political  
 41 subdivision. A person who signs a petition as a registered voter  
 42 must indicate the address at which the person is registered to vote.

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A person who signs a petition as ~~a~~ *real* an owner of property ~~owner~~ must indicate the address of the *real* property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of *real* property in the political subdivision; and

(B) whether a person who signed the petition as an owner of *real* property within the political subdivision does in fact own *real* property within the political subdivision.

(9) The county voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8) make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own *real* property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is

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1 not required to comply with the provisions concerning providing  
 2 proof of identification to be considered a registered voter for  
 3 purposes of this chapter. A person is entitled to sign a petition  
 4 only one (1) time in a particular petition and remonstrance  
 5 process under this chapter, regardless of whether the person owns  
 6 more than one (1) parcel of real property, *mobile home assessed*  
 7 *as personal property, or manufactured home assessed as*  
 8 *personal property or a combination of those types of property*  
 9 within the subdivision and regardless of whether the person is  
 10 both a registered voter in the political subdivision and the owner  
 11 of ~~real~~ property within the political subdivision. Notwithstanding  
 12 any other provision of this section, if a petition is presented to the  
 13 county voter registration office within forty-five (45) days before  
 14 an election, the county voter registration office may defer acting  
 15 on the petition, and the time requirements under this section for  
 16 action by the county voter registration office do not begin to run  
 17 until five (5) days after the date of the election.

18 (10) The county voter registration office must file a certificate and  
 19 each petition with:

20 (A) the township trustee, if the political subdivision is a  
 21 township, who shall present the petition or petitions to the  
 22 township board; or

23 (B) the body that has the authority to authorize the issuance of  
 24 the bonds or the execution of a lease, if the political  
 25 subdivision is not a township;

26 within thirty-five (35) business days of the filing of the petition  
 27 requesting a petition and remonstrance process. The certificate  
 28 must state the number of petitioners that are owners of ~~real~~  
 29 property within the political subdivision and the number of  
 30 petitioners who are registered voters residing within the political  
 31 subdivision.

32 If a sufficient petition requesting a petition and remonstrance process  
 33 is not filed by owners of ~~real~~ property or registered voters as set forth  
 34 in this section, the political subdivision may issue bonds or enter into  
 35 a lease by following the provisions of law relating to the bonds to be  
 36 issued or lease to be entered into.

37 SECTION 9. IC 6-1.1-20-3.2, AS AMENDED BY P.L.41-2010,  
 38 SECTION 3, AND AS AMENDED BY P.L.113-2010, SECTION 34,  
 39 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) This section applies  
 41 only to controlled projects described in section 3.1(a) of this chapter.

42 (b) If a sufficient petition requesting the application of a petition and

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1 remonstrance process has been filed as set forth in section 3.1 of this  
2 chapter, a political subdivision may not impose property taxes to pay  
3 debt service on bonds or lease rentals on a lease for a controlled project  
4 without completing the following procedures:

5 (1) The proper officers of the political subdivision shall give  
6 notice of the applicability of the petition and remonstrance  
7 process by:

- 8 (A) publication in accordance with IC 5-3-1; and
- 9 (B) first class mail to *the circuit court clerk and to the*  
10 *organizations described in section 3.1(b)(1)(B) of this chapter.*

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

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

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

25 may be filed by an owner or owners of *real* property within the  
26 political subdivision or a registered voter residing within the  
27 political subdivision. Each signature on a petition must be dated,  
28 and the date of signature may not be before the date on which the  
29 petition and remonstrance forms may be issued under subdivision  
30 (3). A petition described in clause (A) or a remonstrance  
31 described in clause (B) must be verified in compliance with  
32 subdivision (4) before the petition or remonstrance is filed with  
33 the county voter registration office under subdivision (4).

34 (3) The state board of accounts shall design and, upon request by  
35 the county voter registration office, deliver to the county voter  
36 registration office or the county voter registration office's  
37 designated printer the petition and remonstrance forms to be used  
38 solely in the petition and remonstrance process described in this  
39 section. The county voter registration office shall issue to an  
40 owner or owners of *real* property within the political subdivision  
41 or a registered voter residing within the political subdivision the  
42 number of petition or remonstrance forms requested by the owner

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or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

- (A) the carrier and signers must be owners of *real* property or registered voters;
- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;
- (D) govern the closing date for the petition and remonstrance period; and
- (E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may be required to identify themselves as owners of *real* property or registered voters and may be allowed to pick up additional copies to distribute to other *property* owners of *property* or registered voters. Each person signing a petition or remonstrance must indicate whether the person is signing the petition or remonstrance as a registered voter within the political subdivision or is signing the petition or remonstrance as the owner of *real* property within the political subdivision. A person who signs a petition or remonstrance as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition or remonstrance as *a real property an owner of property* must indicate the address of the *real* property owned by the person in the political subdivision. The county voter registration office may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county voter registration office shall certify the date of issuance on each petition or remonstrance form that is distributed under this subdivision.

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

(5) The county voter registration office shall determine whether each person who signed the petition or remonstrance is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition or remonstrance forward a copy of the petition or remonstrance to the county auditor. Not more than ten (10) business days after

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receiving the copy of the petition or remonstrance, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition or remonstrance as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of *real* property in the political subdivision; and

(B) whether a person who signed the petition or remonstrance as an owner of *real* property within the political subdivision does in fact own *real* property within the political subdivision.

(6) The county voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (5) make the final determination of:

(A) the number of registered voters in the political subdivision that signed a petition and, based on the statement provided by the county auditor, the number of owners of *real* property within the political subdivision that signed a petition; and

(B) the number of registered voters in the political subdivision that signed a remonstrance and, based on the statement provided by the county auditor, the number of owners of *real* property within the political subdivision that signed a remonstrance.

Whenever the name of an individual who signs a petition or remonstrance as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition or remonstrance under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition or remonstrance only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, *mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property* within the subdivision and regardless of whether the

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1 person is both a registered voter in the political subdivision and  
 2 the owner of ~~real~~ property within the political subdivision.  
 3 Notwithstanding any other provision of this section, if a petition  
 4 or remonstrance is presented to the county voter registration  
 5 office within forty-five (45) days before an election, the county  
 6 voter registration office may defer acting on the petition or  
 7 remonstrance, and the time requirements under this section for  
 8 action by the county voter registration office do not begin to run  
 9 until five (5) days after the date of the election.

10 (7) The county voter registration office must file a certificate and  
 11 the petition or remonstrance with the body of the political  
 12 subdivision charged with issuing bonds or entering into leases  
 13 within thirty-five (35) business days of the filing of a petition or  
 14 remonstrance under subdivision (4), whichever applies,  
 15 containing ten thousand (10,000) signatures or less. The county  
 16 voter registration office may take an additional five (5) days to  
 17 review and certify the petition or remonstrance for each additional  
 18 five thousand (5,000) signatures up to a maximum of sixty (60)  
 19 days. The certificate must state the number of petitioners and  
 20 remonstrators that are owners of ~~real~~ property within the political  
 21 subdivision and the number of petitioners who are registered  
 22 voters residing within the political subdivision.

23 (8) If a greater number of persons who are either owners of ~~real~~  
 24 property within the political subdivision or registered voters  
 25 residing within the political subdivision sign a remonstrance than  
 26 the number that signed a petition, the bonds petitioned for may  
 27 not be issued or the lease petitioned for may not be entered into.  
 28 The proper officers of the political subdivision may not make a  
 29 preliminary determination to issue bonds or enter into a lease for  
 30 the controlled project defeated by the petition and remonstrance  
 31 process under this section or any other controlled project that is  
 32 not substantially different within one (1) year after the date of the  
 33 county voter registration office's certificate under subdivision (7).  
 34 Withdrawal of a petition carries the same consequences as a  
 35 defeat of the petition.

36 (9) After a political subdivision has gone through the petition and  
 37 remonstrance process set forth in this section, the political  
 38 subdivision is not required to follow any other remonstrance or  
 39 objection procedures under any other law (including section 5 of  
 40 this chapter) relating to bonds or leases designed to protect  
 41 owners of ~~real~~ property within the political subdivision from the  
 42 imposition of property taxes to pay debt service or lease rentals.

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1           However, the political subdivision must still receive the approval  
2           of the department of local government finance if required by:

- 3                   (A) IC 6-1.1-18.5-8; or
- 4                   (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

5           SECTION 10. IC 6-1.1-22-3, AS AMENDED BY P.L.146-2008,  
6           SECTION 249, IS AMENDED TO READ AS FOLLOWS  
7           [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in  
8           subsection (b), the auditor of each county shall, before March 15 of  
9           each year, prepare a roll of property taxes payable in that year for the  
10           county. This roll shall be known as the "tax duplicate" and shall show:

- 11                   (1) the value of all the assessed property of the county;
- 12                   (2) the person liable for the taxes on the assessed property; and
- 13                   (3) any other information that the state board of accounts, with the  
14                   advice and approval of the department of local government  
15                   finance, may prescribe.

16           (b) If the county auditor receives a copy of an appeal petition under  
17           ~~IC 6-1.1-18.5-12(d)~~ **IC 6-1.1-18.5-12(g)** before the county auditor  
18           completes preparation of the tax duplicate under subsection (a), the  
19           county auditor shall complete preparation of the tax duplicate when the  
20           appeal is resolved by the department of local government finance.

21           (c) If the county auditor receives a copy of an appeal petition under  
22           ~~IC 6-1.1-18.5-12(d)~~ **IC 6-1.1-18.5-12(g)** after the county auditor  
23           completes preparation of the tax duplicate under subsection (a), the  
24           county auditor shall prepare a revised tax duplicate when the appeal is  
25           resolved by the department of local government finance that reflects  
26           the action of the department.

27           (d) The county auditor shall comply with the instructions issued by  
28           the state board of accounts for the preparation, preservation, alteration,  
29           and maintenance of the tax duplicate. The county auditor shall deliver  
30           a copy of the tax duplicate prepared under subsection (a) to the county  
31           treasurer when preparation of the tax duplicate is completed.

32           SECTION 11. IC 6-1.1-22-4 IS AMENDED TO READ AS  
33           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Immediately  
34           upon the receipt of the tax duplicate, the county treasurer shall give  
35           notice of the rate of tax per one ~~hundred~~ **hundred** dollars (\$100) of  
36           assessed valuation to be collected in the county for each purpose and  
37           the total of the rates in each taxing district. This notice shall be  
38           published in the form prescribed by the department of local  
39           government finance three (3) times with each publication one (1) week  
40           apart.

41           (b) The notice required by this section shall be printed in two (2)  
42           newspapers which represent different political parties and which are

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1 published in the county. However, if two (2) newspapers which  
2 represent different political parties are not published in the county, the  
3 notice shall be printed in one (1) newspaper.

4 SECTION 12. IC 6-1.1-25-4, AS AMENDED BY P.L.73-2010,  
5 SECTION 6, AND AS AMENDED BY P.L.98-2010, SECTION 3, IS  
6 CORRECTED AND AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The period for  
8 redemption of real property sold under IC 6-1.1-24 is:

- 9 (1) one (1) year after the date of sale;
- 10 (2) one hundred twenty (120) days after the date of sale to a
- 11 purchasing agency qualified under IC 36-7-17; or
- 12 (3) one hundred twenty (120) days after the date of sale of real
- 13 property on the list prepared under IC 6-1.1-24-1(a)(2) or
- 14 IC 6-1.1-24-1.5.

15 (b) *Subject to IC 6-1.1-24-9(d)*, the period for redemption of real  
16 property:

- 17 (1) on which the county executive acquires a lien under
- 18 IC 6-1.1-24-6; and
- 19 (2) for which the certificate of sale is not sold under
- 20 IC 6-1.1-24-6.1;

21 is one hundred twenty (120) days after the date the county executive  
22 acquires the lien under IC 6-1.1-24-6.

23 (c) The period for redemption of real property:

- 24 (1) on which the county executive acquires a lien under
- 25 IC 6-1.1-24-6; and
- 26 (2) for which the certificate of sale is sold under IC 6-1.1-24;

27 is one hundred twenty (120) days after the date of sale of the certificate  
28 of sale under IC 6-1.1-24.

29 (d) When a deed for real property is executed under this chapter, the  
30 county auditor shall cancel the certificate of sale and file the canceled  
31 certificate in the office of the county auditor. If real property that  
32 appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale  
33 and an amount that is at least equal to the minimum sale price required  
34 under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a  
35 deed to the real property, subject to this chapter.

36 (e) When a deed is issued to a county executive under this chapter,  
37 the taxes and special assessments for which the real property was  
38 offered for sale, and all subsequent taxes, special assessments, interest,  
39 penalties, and cost of sale shall be removed from the tax duplicate in  
40 the same manner that taxes are removed by certificate of error.

41 (f) A tax deed executed under this chapter vests in the grantee an  
42 estate in fee simple absolute, free and clear of all liens and

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1 encumbrances created or suffered before or after the tax sale except  
2 those liens granted priority under federal law and the lien of the state  
3 or a political subdivision for taxes and special assessments which  
4 accrue subsequent to the sale and which are not removed under  
5 subsection (e). However, *subject to subsection (g)*, the estate is subject  
6 to:

- 7 (1) all easements, covenants, declarations, and other deed
- 8 restrictions shown by public records;
- 9 (2) laws, ordinances, and regulations concerning governmental
- 10 police powers, including zoning, building, land use,
- 11 improvements on the land, land division, and environmental
- 12 protection; and
- 13 (3) liens and encumbrances created or suffered by the grantee.

14 *(g) A tax deed executed under this chapter for real property sold in*  
15 *a tax sale:*

- 16 *(1) does not operate to extinguish an easement recorded before*
- 17 *the date of the tax sale in the office of the recorder of the county*
- 18 *in which the real property is located, regardless of whether the*
- 19 *easement was taxed under this article separately from the real*
- 20 *property; and*
- 21 *(2) conveys title subject to all easements recorded before the date*
- 22 *of the tax sale in the office of the recorder of the county in which*
- 23 *the real property is located.*

24 ~~(g)~~ *(h) A tax deed executed under this chapter is prima facie*  
25 *evidence of:*

- 26 (1) the regularity of the sale of the real property described in the
- 27 deed;
- 28 (2) the regularity of all proper proceedings; and
- 29 (3) valid title in fee simple in the grantee of the deed.

30 ~~(h)~~ *(i) A county auditor is not required to execute a deed to the*  
31 *county executive under this chapter if the county executive determines*  
32 *that the property involved contains hazardous waste or another*  
33 *environmental hazard for which the cost of abatement or alleviation*  
34 *will exceed the fair market value of the property. The county executive*  
35 *may enter the property to conduct environmental investigations.*

36 ~~(i)~~ *(j) If the county executive makes the determination under*  
37 *subsection ~~(h)~~ (i) as to any interest in an oil or gas lease or separate*  
38 *mineral rights, the county treasurer shall certify all delinquent taxes,*  
39 *interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk,*  
40 *following the procedures in IC 6-1.1-23-9. After the date of the county*  
41 *treasurer's certification, the certified amount is subject to collection as*  
42 *delinquent personal property taxes under IC 6-1.1-23. Notwithstanding*

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1 IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an  
2 interest shall be zero (0) until production commences.

3 ~~f)~~ (k) When a deed is issued to a purchaser of a certificate of sale  
4 sold under IC 6-1.1-24-6.1, the county auditor shall, in the same  
5 manner that taxes are removed by certificate of error, remove from the  
6 tax duplicate the taxes, special assessments, interest, penalties, and  
7 costs remaining due as the difference between the amount of the last  
8 minimum bid under IC 6-1.1-24-5(e) and the amount paid for the  
9 certificate of sale.

10 SECTION 13. IC 6-2.5-5-30 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) Sales of  
12 tangible personal property are exempt from the state gross retail tax if:

- 13 (1) the property constitutes, is incorporated into, or is consumed
- 14 in the operation of, a device, facility, or structure predominantly
- 15 used and acquired for the purpose of complying with any state,
- 16 local, or federal environmental quality statutes, regulations, or
- 17 standards; and
- 18 (2) the person acquiring the property is engaged in the business
- 19 of manufacturing, processing, refining, mining, or agriculture.

20 (b) The portion of the sales price of tangible personal property  
21 which is exempt from state gross retail and use taxes under this section  
22 equals the product of:

- 23 ~~(A)~~ (1) the total sales price; multiplied by
- 24 ~~(B)~~ (2) one hundred percent (100%).

25 SECTION 14. IC 6-3-4-17, AS ADDED BY P.L.146-2008,  
26 SECTION 322, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE UPON PASSAGE]: Sec. 17. Beginning after December  
28 31, 2010, the department and the office of management and budget  
29 shall:

- 30 (1) develop a quarterly report that summarizes the amount
- 31 reported to and processed by the department under section 4.1(h)
- 32 of this chapter, section 15.7(a)(3) of this chapter,
- 33 IC 6-3.5-1.1-18(c), IC 6-3.5-6-22(c), **and** IC 6-3.5-7-18(c) ~~and~~
- 34 ~~IC 6-3.5-8-22(c)~~ for each county; and
- 35 (2) make the quarterly report available to county auditors within
- 36 forty-five (45) days after the end of the calendar quarter.

37 SECTION 15. IC 6-3.1-31.2-3, AS ADDED BY P.L.218-2007,  
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 UPON PASSAGE]: Sec. 3. (a) As used in this chapter, "small  
40 employer" means an employer that:

- 41 (1) is actively engaged in business; **and**
- 42 (2) on at least fifty percent (50%) of the working days of the

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1 employer during the preceding calendar year, employed at least  
 2 two (2) but not more than one hundred (100) eligible employees,  
 3 the majority of whom work in Indiana.

4 (b) In determining the number of eligible employees for purposes of  
 5 subsection (a), employers that are affiliated employers or that are  
 6 eligible to file a combined tax return for purposes of state taxation are  
 7 considered one (1) employer.

8 SECTION 16. IC 6-4.1-2-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The inheritance  
 10 tax applies to a property interest transfer made by a nonresident  
 11 decedent if the interest transferred is in:

12 (1) real property located in this state, regardless of whether the  
 13 property is held in a trust or whether the trustee is required to  
 14 distribute the property in-kind, unless:

15 (A) the real property was transferred to an irrevocable trust  
 16 during the decedent's lifetime;

17 (B) the transfer to the trust was not made in contemplation of  
 18 the transferor's death, as determined under ~~IC 6-4.1-2-4;~~  
 19 **section 4 of this chapter;** and

20 (C) the decedent does not have a retained interest in the trust;  
 21 or

22 (2) tangible personal property which has an actual situs in this  
 23 state.

24 SECTION 17. IC 6-6-6.5-9 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The  
 26 provisions of this chapter pertaining to registration and taxation shall  
 27 not apply to any of the following:

28 (1) An aircraft owned by and used exclusively in the service of:  
 29 (i) (A) the United States government;

30 (ii) (B) a state (except Indiana), territory, or possession of the  
 31 United States;

32 (iii) (C) the District of Columbia; or

33 (iv) (D) a political subdivision of an entity listed in clause (i);  
 34 (A), (ii); (B), or (iii); (C).

35 (2) An aircraft owned by a resident of another state and registered  
 36 in accordance with the laws of that state. However, the aircraft  
 37 shall not be exempt under this subdivision if a nonresident  
 38 establishes a base for the aircraft inside this state and the base is  
 39 used for a period of sixty (60) days or more.

40 (3) An aircraft which this state is prohibited from taxing under  
 41 this chapter by the Constitution or the laws of the United States.

42 (4) An aircraft owned or operated by a person who is either an air

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1 carrier certificated under Federal Air Regulation Part 121 or a  
2 scheduled air taxi operator certified under Federal Air Regulation  
3 Part 135, unless such person is a corporation incorporated under  
4 the laws of the state of Indiana, an individual who is a resident of  
5 Indiana, or a corporation with Indiana corporate headquarters (as  
6 defined in IC 6-1.1-12.2-6).

7 (5) An aircraft which has been scrapped, dismantled, or  
8 destroyed, and for which the airworthiness certificate and federal  
9 certificate of registration have been surrendered to the Federal  
10 Aviation Administration by the owner.

11 (6) An aircraft owned by a resident of this state that is not a dealer  
12 and that is not based in this state at any time, if the owner files the  
13 required form not later than thirty-one (31) days after the date of  
14 purchase; and furnishes the department with evidence,  
15 satisfactory to the department, verifying where the aircraft is  
16 based during the year.

17 (7) An aircraft owned by a dealer for not more than five (5) days  
18 if the ownership is part of an ultimate sale or transfer of an  
19 aircraft that will not be based in this state at any time. However,  
20 the dealer described in this subdivision is required to file a report  
21 of the transaction within thirty-one (31) days after the ultimate  
22 sale or transfer of ownership of the aircraft. The report is not  
23 required to identify the seller or purchaser but must list the  
24 aircraft's origin, destination, N number, date of each transaction,  
25 and ultimate sales price.

26 (8) An aircraft owned by a registered nonprofit museum, if the  
27 owner furnishes the department with evidence satisfactory to the  
28 department not later than thirty-one (31) days after the purchase  
29 date. The aircraft must be reported for registration, but the  
30 department shall issue the registration without charge.

31 (b) The provisions of this chapter pertaining to taxation shall not  
32 apply to an aircraft owned by and used exclusively in the service of  
33 Indiana or a political subdivision of Indiana or any university or college  
34 supported in part by state funds. That aircraft must be reported for  
35 registration, but the department will issue the registration without  
36 charge.

37 SECTION 18. IC 8-1-17.5-10, AS ADDED BY P.L.18-2010,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 UPON PASSAGE]: Sec. 10. (a) If at each meeting of members at  
40 which a vote is taken on a plan of merger or consolidation, as required  
41 by section 9 of this chapter, the plan of merger or consolidation is  
42 approved by a resolution adopted and receiving the affirmative vote of

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1 at least a majority of the members present and voting at the meeting,  
2 the directors of the surviving corporation or successor corporation, as  
3 identified in the plan of merger or consolidation, shall subscribe and  
4 acknowledge articles entitled and endorsed "Articles of merger  
5 (consolidation) of \_\_\_\_\_" (the blank space being filled in with  
6 the names of the corporations being merged or consolidated, as  
7 appropriate).

8 (b) The articles of merger or consolidation required by subsection  
9 (a) must include the following:

10 (1) The names of the corporations being merged or consolidated.

11 (2) The name of the surviving corporation or successor  
12 corporation.

13 (3) A statement that each merging or consolidating corporation  
14 agrees to the merger or consolidation.

15 (4) The maximum number of directors for the surviving  
16 corporation or successor corporation, which number may not be  
17 less than three (3).

18 (5) The names and addresses of the directors of the surviving  
19 corporation or successor corporation.

20 (6) The terms and conditions of the merger or consolidation and  
21 the mode of carrying the merger or consolidation into effect,  
22 including the manner in which members of the merging or  
23 consolidating corporations may or shall become members of the  
24 surviving corporation or successor corporation.

25 (7) The location of the surviving corporation's or successor  
26 corporation's principal office, along with the mailing address for  
27 the surviving corporation or successor corporation.

28 (8) A specified period for the duration of the surviving  
29 corporation or successor corporation or a statement that the  
30 duration of the surviving corporation or successor corporation is  
31 to be perpetual.

32 (c) In addition to the items required by subsection (b), the articles  
33 of merger or consolidation required by subsection (a) may include:

34 (1) provisions creating, defining, limiting, or regulating the  
35 powers of the surviving corporation or successor corporation; and

36 (2) any other provision that:

37 (A) is not contrary to law;

38 (B) is contained in the plan of merger or consolidation  
39 approved by the respective memberships of the merging or  
40 consolidating corporations; and

41 (C) concerns the regulation of the business or conduct of the  
42 affairs of the surviving corporation or successor corporation.

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1 (d) Subject to subsection (f), the articles of merger or consolidation,  
2 or one (1) or more certified copies of the articles of merger or  
3 consolidation, shall be filed in the office of the secretary of state. Upon  
4 filing with the secretary of state, the surviving corporation or successor  
5 corporation, under its designated name, constitutes a body corporate  
6 with all the powers of the merging or consolidating corporations as  
7 originally formed under:

- 8 (1) IC 8-1-13;
- 9 (2) IC 8-1-17; or
- 10 (3) this chapter;

11 as applicable.

12 (e) Upon being filed with the secretary of state under subsection (d),  
13 the articles of merger or consolidation are considered the articles of  
14 incorporation of the surviving corporation or successor corporation,  
15 and the surviving corporation or successor corporation may  
16 subsequently amend the articles of incorporation in accordance with  
17 IC 23-17-17.

18 (f) At any time after a plan of merger or consolidation is approved  
19 by the respective memberships of the corporations that seek to merge  
20 or consolidate, as described in subsection (a), and before articles of  
21 merger or consolidation are filed with the secretary of state under  
22 subsection (d), the plan of merger or consolidation may be abandoned  
23 without further action by the respective memberships, boards of  
24 directors, or other persons who proposed or approved the plan of  
25 merger or consolidation for the corporations that sought to merge or  
26 consolidate. A plan of merger or consolidation that is abandoned under  
27 this subsection must be ~~done~~ **abandoned**:

- 28 (1) in accordance with any procedure set forth for that purpose in  
29 the plan of merger or consolidation; or
- 30 (2) in the manner determined by the boards of directors of the  
31 corporations that sought to merge or consolidate, if a procedure  
32 described in subdivision (1) is not set forth in the plan of merger  
33 or consolidation.

34 SECTION 19. IC 8-1-17.5-18, AS ADDED BY P.L.18-2010,  
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 18. A surviving corporation or successor  
37 corporation formed under this chapter may perform any acts necessary  
38 or convenient for carrying out the purpose for which the surviving  
39 corporation or successor corporation was formed, including the  
40 following:

- 41 (1) To sue and be sued.
- 42 (2) To have a seal and alter the seal as the board considers

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appropriate.  
(3) To acquire, hold, and dispose of property, real and personal, tangible and intangible, or any interest in property, and to pay for the property or interest in property in cash or on credit, and to secure and procure payment of all or any part of the purchase price on the terms and conditions that the board determines appropriate.  
(4) To acquire, own, exchange, operate, maintain, and improve a system or systems for the delivery of retail electric service or communications service.  
(5) To borrow money and otherwise contract indebtedness, and to issue or guarantee notes, bonds, and other evidences of indebtedness and to secure the payment of the notes, bonds, and other evidences of indebtedness by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of the surviving corporation's or successor corporation's then owned or later acquired real or personal property, assets, franchises, or revenues.  
(6) To construct, purchase, lease as lessee, or otherwise acquire, and to improve, expand, install, equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber electric or communications facilities or systems, lands, buildings, structures, plants and equipment, exchanges, and any other real or personal property, tangible or intangible that is necessary or appropriate to accomplish the purpose for which the surviving corporation or successor corporation was formed.  
(7) To construct, operate, and maintain electric or communications facilities across or along any street or public highway, or over any lands which are now or may be the property of this state or any political subdivision of the state, after obtaining any necessary franchise or permit. Before any electric or communications facilities are constructed across or along a highway in the state highway system, the surviving corporation or successor corporation shall obtain a permit to do so from the Indiana department of transportation, and the permit from the Indiana department of transportation shall not be unreasonably withheld, delayed, or denied. The location and setting of the facilities shall be approved by the Indiana department of transportation and, upon that approval, shall be subject to the supervision of the Indiana department of transportation. Before any electric or communications facilities are constructed on or

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1 across lands belonging to the state, the surviving corporation or  
 2 successor corporation shall first obtain a permit to do so from the  
 3 department having charge of the lands, and the permit from that  
 4 department shall not be unreasonably withheld, delayed, or  
 5 denied. The location and setting of the facilities shall be approved  
 6 by the department having jurisdiction and, upon that approval,  
 7 shall be subject to the supervision of that department. The electric  
 8 or communications facilities shall be erected and maintained so  
 9 as not to interfere with the use and maintenance of the streets,  
 10 highways, and lands, and the facilities or any part of the facilities  
 11 may not be located so as to interfere with the ingress or egress  
 12 from any premises on a street or highway. This section does not  
 13 prohibit the body having charge of the street or highway from  
 14 requiring the relocation of any facility or part of a facility which  
 15 may affect the proper use of the street or highway for public  
 16 travel, for drainage, or for the repair, construction, or  
 17 reconstruction of the street or highway. The surviving corporation  
 18 or successor corporation shall restore the street, highway, or lands  
 19 to their former condition or state to the extent possible and shall  
 20 not use the street, highway, or lands in a manner that impairs  
 21 unnecessarily their usefulness or injures the property of others.  
 22 (8) To connect and interconnect the surviving corporation's or  
 23 successor corporation's communications facilities or systems with  
 24 other communications facilities or systems.  
 25 (9) To accept gifts or grants of property, real or personal, from  
 26 any person, municipality, or federal agency and to accept  
 27 voluntary and uncompensated services.  
 28 (10) To make any contracts necessary or convenient for the full  
 29 exercise of the powers granted by this chapter, including contracts  
 30 with any person, federal agency, or municipality for the purchase  
 31 of energy needed by the surviving corporation or successor  
 32 corporation to supply its members; for the management and  
 33 conduct of the business of the surviving corporation or successor  
 34 corporation; and for the fixing of the rates, fees, or charges for  
 35 service rendered or to be rendered by the surviving corporation or  
 36 successor corporation.  
 37 (11) To sell, lease, mortgage, or otherwise encumber or dispose  
 38 of all or any part of the surviving corporation's or successor  
 39 corporation's property as provided in this chapter.  
 40 (12) To levy and collect reasonable fees, rents, tolls, and other  
 41 charges for services rendered.  
 42 (13) To exercise the right of eminent domain in the manner

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- 1 provided by law.
- 2 (14) To recover, after a period of two (2) years, any unclaimed
- 3 stocks, dividends, capital credits, patronage capital, utility
- 4 deposits, membership fees, account balances, or book equities for
- 5 which the owner cannot be found and that are the result of
- 6 distributable savings of the surviving corporation or successor
- 7 corporation being returned to the members on a pro rata basis
- 8 under section 24(d) of this chapter.
- 9 (15) To cease doing business and to dissolve and surrender the
- 10 surviving corporation's or successor corporation's corporate
- 11 franchise.
- 12 (16) To issue membership certificates.
- 13 (17) To adopt, amend, and repeal bylaws.
- 14 (18) To perform any of **the** acts set forth in this section under,
- 15 through, or by means of the surviving corporation's or successor
- 16 corporation's own officers, agents, or employees, or by contracts
- 17 with any person, federal agency, or municipality.

18 SECTION 20. IC 8-1-17.5-19, AS ADDED BY P.L.18-2010,  
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 19. A surviving corporation or successor  
 21 corporation formed under this chapter may not sell, lease, exchange,  
 22 mortgage, pledge, or otherwise sell all, or substantially all, of the  
 23 surviving corporation's or successor corporation's property unless the  
 24 transaction is authorized by a resolution adopted at a meeting of the  
 25 surviving corporation's or successor corporation's members duly called  
 26 and held as provided in section 14 of this chapter. Unless otherwise  
 27 provided in the surviving corporation's or successor corporation's  
 28 bylaws or articles of incorporation, the resolution must receive the  
 29 affirmative vote of:

- 30 (1) at least a majority of the surviving corporation's or successor
- 31 corporation's members who are present at the meeting held under
- 32 this section; and
- 33 (2) ~~the affirmative vote of~~ at least a majority of the corporation's
- 34 directors who are present at a meeting of the board of directors
- 35 called and held as provided in the surviving corporation's or
- 36 successor corporation's bylaws or articles of incorporation.

37 SECTION 21. IC 8-21-10-6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Upon  
 39 receiving an application for a permit, the department shall make such  
 40 investigation as may be necessary to properly process the application  
 41 under this chapter. The investigation shall be conducted so as to  
 42 determine, in the opinion of the department, if the proposed structure

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erected in the proposed location would have a substantial adverse effect upon the safe and efficient use of the navigable airspace and would be a hazard to air navigation if constructed. The department may take into consideration findings and recommendations of other governmental agencies or interested persons concerning the proposed structure; however, such findings or recommendations are not binding on the department. Further, the requirements of this chapter do not supersede any other law.

(b) The department must consider an application for a permit for a period of sixty (60) days before making a final determination on the permit if:

- (1) a public use airport is located within a five (5) nautical mile radius surrounding the structure, regardless of county lines; and
- (2) the structure that is the subject of the permit is:
  - (+) (A) a new structure; or
  - (-) (B) an existing structure to which additional height is added.

SECTION 22. IC 9-13-2-157 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 157. (a) **Except as provided in subsection (b), "roadway" means that part of a highway improved, designed, or ordinarily used for vehicular travel.**

**(b) As used in IC 9-21-12-13, "roadway" means the part of a highway that is improved, designed, or ordinarily used for vehicular travel. The term does not include the sidewalk, berm, or shoulder, even if the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles.**

SECTION 23. IC 9-17-3-3.1, AS AMENDED BY P.L.131-2008, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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) 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

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1 (date) \_\_\_\_\_ from the (State of) \_\_\_\_\_ to the  
 2 purchaser.  
 3 (3) That I will undertake reasonable commercial efforts to  
 4 produce the valid certificate of title. The vehicle identification  
 5 number is \_\_\_\_\_.  
 6 Signed \_\_\_\_\_, Dealer  
 7 By \_\_\_\_\_  
 8 Dated \_\_\_\_\_, \_\_\_\_\_

9 CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS  
 10 AFFIDAVIT.

11 \_\_\_\_\_  
 12 Customer Signature

13 NOTICE TO THE CUSTOMER

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

24 If a lien is present on the previous owner's certificate of title, it is the  
 25 responsibility of the third party lienholder to timely deliver the  
 26 certificate of title in the third party's possession to the dealer not more  
 27 than ten (10) business days after there is no obligation secured by the  
 28 vehicle. If the dealer's inability to deliver a valid certificate of title to  
 29 you within the above-described ten (10) day period results from the  
 30 acts or omissions of a third party who has failed to timely deliver the  
 31 certificate of title in the third party's possession to the dealer, the dealer  
 32 may be entitled to claim against the third party the damages allowed by  
 33 law.

34 SECTION 24. IC 9-19-3-7 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A motor vehicle  
 36 or combination of vehicles, at all times and under all conditions of  
 37 loading, must, upon application of the service (foot) brake, be capable  
 38 of decelerating and developing a braking force equivalent to the  
 39 deceleration according to the minimum requirements set forth in this  
 40 section and must be capable of stopping within the distances set forth  
 41 in the following table:

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	Stopping distance in feet	Deceleration in feet per second per second	breaking braking force in percentage of vehicle or combination weight
Passenger vehicles, not including buses . . . .	25	17	53.0%
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds . . . . .	30	14	43.5%
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds . . . . .	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds . . . . .	50	14	43.5%

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SECTION 25. IC 9-23-2-2, AS AMENDED BY P.L.17-2010, SECTION 1, AND AS AMENDED BY P.L.93-2010, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by the fee required under IC 9-29-8;
- (2) be on a form prescribed by the secretary of state;
- (3) contain the information the secretary of state considers necessary to enable the secretary of state to determine fully the following information:
  - (A) The qualifications and eligibility of the applicant to



1 receive the license.  
 2 (B) The location of each of the applicant's places of business  
 3 in Indiana.  
 4 (C) The ability of the applicant to conduct properly the  
 5 business for which the application is submitted; and  
 6 (4) contain evidence of a bond required in subsection (e).  
 7 (b) An application for a license as a dealer must show whether the  
 8 applicant proposes to sell new or used motor vehicles, or both.  
 9 (c) An applicant who proposes to use the Internet or other computer  
 10 network in aid of its sale of motor vehicles to consumers in Indiana,  
 11 which activities may result in the creation of business records outside  
 12 Indiana, shall provide the division with the name, address, and  
 13 telephone number of the person who has control of those business  
 14 records. The secretary of state may not issue a license to a dealer who  
 15 transacts business in this manner who does not have an established  
 16 place of business in Indiana.  
 17 (d) This subsection applies to an application for a license as a dealer  
 18 in a city having a population of more than ninety thousand (90,000) but  
 19 less than one hundred five thousand (105,000). The application must  
 20 include an affidavit from:  
 21 (1) the person charged with enforcing a zoning ordinance  
 22 described in this subsection; or  
 23 (2) the zoning enforcement officer under IC 36-7-4, if one exists;  
 24 who has jurisdiction over the real property where the applicant wants  
 25 to operate as a dealer. The affidavit must state that the proposed  
 26 location is zoned for the operation of a dealer's establishment. The  
 27 applicant may file the affidavit at any time after the filing of the  
 28 application. However, the secretary of state may not issue a license  
 29 until the applicant files the affidavit.  
 30 (e) *This subsection does not apply to a person listed in the*  
 31 *categories set forth in section 1(a)(10) through 1(a)(12) of this chapter*  
 32 *and that was licensed under this chapter before July 1, 2009. A*  
 33 *licensee shall maintain a bond satisfactory to the secretary of state in*  
 34 *the amount of twenty-five thousand dollars (\$25,000), which must:*  
 35 (1) be in favor of the state; and  
 36 (2) secure payment of fines, penalties, costs, and fees assessed by  
 37 the secretary of state after notice, opportunity for a hearing, and  
 38 opportunity for judicial review, in addition to securing the  
 39 payment of damages to a person aggrieved by a violation of this  
 40 chapter by the licensee after a judgment has been issued.  
 41 (f) Service shall be made in accordance with the Indiana Rules of  
 42 Trial Procedure.

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1 (g) *Instead of meeting the requirement in subsection (e), a licensee*  
2 *may submit to the secretary of state evidence that the licensee is a*  
3 *member of a risk retention group regulated by the Indiana department*  
4 *of insurance.*

5 SECTION 26. IC 9-24-19-1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as  
7 provided in sections 2, 3, and 5 4 of this chapter, a person who operates  
8 a motor vehicle upon a highway while the person's driving privilege,  
9 license, or permit is suspended or revoked commits a Class A  
10 infraction.

11 SECTION 27. IC 9-30-6-13 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. If a court orders  
13 the bureau to rescind an ignition interlock device requirement or  
14 reinstate a person's driving privileges under this article, the bureau  
15 shall comply with the order. Unless the order for reinstatement is  
16 issued under section ~~11(2)~~ 11(a)(2) of this chapter, the bureau shall  
17 also do the following:

18 (1) Remove any record of the ignition interlock device  
19 requirement or suspension from the bureau's recordkeeping  
20 system.

21 (2) Reinstate the privileges without cost to the person.

22 SECTION 28. IC 10-12-2-3 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The pension  
24 trust shall satisfy the qualification requirements in Section 401 of the  
25 Internal Revenue Code, as applicable to the pension trust. In order to  
26 meet those requirements, the pension trust is subject to the following  
27 provisions, notwithstanding any other provision of this chapter,  
28 IC 10-12-3, or IC 10-12-4:

29 (1) The pension advisory board shall distribute the corpus and  
30 income of the pension trust to participants and their beneficiaries  
31 in accordance with this chapter, IC 10-12-3, and IC 10-12-4.

32 (2) A part of the corpus or income of the pension trust may not be  
33 used or diverted to any purpose other than the exclusive benefit  
34 of the participants and their beneficiaries.

35 (3) Forfeitures arising from severance of employment, death, or  
36 any other reason may not be applied to increase the benefits any  
37 participant would otherwise receive under this chapter,  
38 IC 10-12-3, or IC 10-12-4.

39 (4) If the pension trust is terminated or if all contributions to the  
40 pension trust are completely discontinued, the rights of each  
41 affected participant to the benefits accrued at the date of the  
42 termination or discontinuance, to the extent then funded, are

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- 1 nonforfeitable.
- 2 (5) All benefits paid from the pension trust shall be distributed in
- 3 accordance with the requirements of Section 401(a)(9) of the
- 4 Internal Revenue Code and the regulations under that section. To
- 5 meet those requirements, the pension trust is subject to the
- 6 following provisions:
- 7 (A) The life expectancy of a participant, the participant's
- 8 spouse, or the participant's beneficiary shall not be
- 9 recalculated after the initial determination for purposes of
- 10 determining benefits.
- 11 (B) If a participant dies before the distribution of the
- 12 participant's benefits has begun, distributions to beneficiaries
- 13 must begin no later than December 31 of the calendar year
- 14 immediately following the calendar year in which the
- 15 participant died.
- 16 (C) The amount of an annuity paid to a participant's
- 17 beneficiary may not exceed the maximum determined under
- 18 the incidental death benefit requirement of the Internal
- 19 Revenue Code.
- 20 (6) The pension advisory board may not:
- 21 (A) determine eligibility for benefits;
- 22 (B) compute rates of contribution; or
- 23 (C) compute benefits of participants or beneficiaries;
- 24 in a manner that discriminates in favor of participants who are
- 25 considered officers, supervisors, or highly compensated, as
- 26 provided under Section 401(a)(4) of the Internal Revenue Code.
- 27 (7) Benefits paid under this chapter, IC 10-12-3, or IC 10-12-4
- 28 may not exceed the maximum benefit specified by Section 415 of
- 29 the Internal Revenue Code.
- 30 (8) The salary taken into account under this chapter, IC 10-12-3,
- 31 or IC 10-12-4 may not exceed the applicable amount under
- 32 Section 401(a)(17) of the Internal Revenue Code.
- 33 (9) The trustee may not engage in a transaction prohibited by
- 34 Section 503(b) of the Internal Revenue Code.
- 35 (b) Notwithstanding any other provision of this chapter or
- 36 IC 10-12-3, and solely for the purposes of the benefits provided under
- 37 IC 10-12-3, the benefit limitations of Section 415 of the Internal
- 38 Revenue Code shall be determined by applying the provisions of
- 39 Section 415(b)(10) of the Internal Revenue Code, as amended by the
- 40 Technical and Miscellaneous Revenue Act of 1988. This section
- 41 constitutes an election under Section 415(b)(10)(C) of the Internal
- 42 Revenue Code to have Section 415(b) of the Internal Revenue Code,

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1 other than Section 415(b)(2)(G) of the Internal Revenue Code, applied  
 2 without regard to Section 415(b)(2)(F) of the Internal Revenue Code  
 3 **(before its repeal on June 7, 2001, by P.L.107-16)** to anyone who did  
 4 not first become a participant before January 1, 1990.

5 SECTION 29. IC 12-15-13-1.5 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) This  
 7 section applies only to claims submitted for payment by nursing  
 8 facilities.

9 (b) If the office:

10 (1) fails to pay a clean claim in the time required under ~~section~~  
 11 ~~1(a)~~ **section 1(b)** of this chapter; or

12 (2) denies or suspends a claim that is subsequently determined to  
 13 have been a clean claim when the claim was filed;

14 the office shall pay the provider interest on the Medicaid allowable  
 15 amount of the claim.

16 (c) Interest paid under subsection (b):

17 (1) accrues beginning:

18 (A) twenty-two (22) days after the date the claim is filed under  
 19 section 1(b)(1) of this chapter; or

20 (B) thirty-one (31) days after the date the claim is filed under  
 21 section 1(b)(2) of this chapter; and

22 (2) stops accruing on the date the office pays the claim.

23 (d) The office shall pay interest under subsection (b) at the same  
 24 rate as determined under IC 12-15-21-3(7)(A).

25 SECTION 30. IC 12-15-44.2-14, AS ADDED BY P.L.3-2008,  
 26 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 UPON PASSAGE]: Sec. 14. (a) An insurer or health maintenance  
 28 organization that contracts with the office to provide health insurance  
 29 coverage, dental coverage, or vision coverage to an individual ~~that~~ **who**  
 30 participates in the plan:

31 (1) is responsible for the claim processing for the coverage;

32 (2) shall reimburse providers:

33 (A) at a reimbursement rate of ~~(A)~~ not less than the federal  
 34 Medicare reimbursement rate for the service provided; or

35 (B) at a rate of one hundred thirty percent (130%) of the  
 36 Medicaid reimbursement rate for a service that does not have  
 37 a Medicare reimbursement rate; and

38 (3) may not deny coverage to an eligible individual who has been  
 39 approved by the office to participate in the plan, unless the  
 40 individual has met the coverage limitations described in section  
 41 6 of this chapter.

42 (b) An insurer or a health maintenance organization that contracts

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1 with the office to provide health insurance coverage under the plan  
 2 must incorporate cultural competency standards established by the  
 3 office. The standards must include standards for non-English speaking,  
 4 minority, and disabled populations.

5 SECTION 31. IC 14-8-2-47, AS AMENDED BY P.L.78-2010,  
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 47. (a) "Commercially minable coal  
 8 resource", for purposes of IC 14-37, means a seam of coal that:

- 9 (1) can be mined using generally accepted underground practices  
 10 and suitable equipment; and  
 11 (2) consists of coal in sufficient quantities and of sufficient  
 12 quality to be commercially saleable.

13 (b) The term includes a seam of coal to which one (1) or more of the  
 14 following apply:

- 15 (1) The seam is:  
 16 (A) associated with an underground mine permitted under  
 17 IC 14-34; and  
 18 (B) specifically intended to be mined under the permit.  
 19 (2) The seam is associated with an inactive underground mining  
 20 operation at which mining operations:  
 21 (A) have temporarily ceased; and  
 22 (B) are anticipated to be resumed by the person with the right  
 23 to develop the seam.  
 24 (3) The seam is identified as a commercially minable coal  
 25 resource by the owner or lessee of the seam by a map  
 26 accompanied by an affidavit that:  
 27 (A) is filed with the division of oil and gas; and  
 28 (B) states that the coal in the seam is being held for later  
 29 commercial production.  
 30 (4) The seam is:  
 31 (A) at least thirty-six (36) inches thick; and  
 32 (B) located not more than eight hundred (800) feet below the  
 33 surface.

34 SECTION 32. IC 14-37-4-1, AS AMENDED BY P.L.78-2010,  
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 1. (a) Subject to subsection (b), a person may  
 37 not drill, deepen, operate, or convert a well for oil and gas purposes  
 38 without a permit issued by the department.

39 (b) Except as provided in ~~subsection~~ **subsections** (c) and (d):

- 40 (1) the extraction of coal bed methane from a well for oil and gas  
 41 purposes on or after the effective date of this subsection and  
 42 before July 1, 2012, is prohibited; and

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1 (2) the department may not issue a permit under this chapter for  
 2 the extraction of coal bed methane from a well for oil and gas  
 3 purposes before July 1, 2012, regardless of whether the  
 4 application for the permit was made to the department before the  
 5 effective date of this subsection.

6 (c) Subsection (b) does not apply if the owner of the right to the coal  
 7 from which the coal bed methane for which a permit is sought under  
 8 this chapter is derived consents in an instrument binding on that owner  
 9 to the extraction of the coal bed methane and to the issuance of the  
 10 permit.

11 (d) Subsection (b)(1) does not apply to a coal bed methane well that  
 12 is operated under a permit issued by the department.

13 SECTION 33. IC 16-18-2-0.5, AS AMENDED BY P.L.1-2010,  
 14 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 0.5. (a) "Abatement", for purposes of  
 16 IC 16-41-39.8, means any measure or set of measures designed to  
 17 permanently eliminate lead-based paint hazards. The term includes the  
 18 following:

- 19 (1) The removal of lead-based paint and lead-contaminated dust.  
 20 (2) The permanent enclosure or encapsulation of lead-based paint.  
 21 (3) The replacement of lead-painted surfaces or fixtures.  
 22 (4) The removal or covering of lead-contaminated soil.  
 23 (5) All preparation, cleanup, disposal, and postabatement  
 24 clearance testing activities associated with subdivisions (1)  
 25 through (4).  
 26 (6) A project for which there is a written contract or other  
 27 documentation, providing that a person will be conducting  
 28 activities in or to a residential dwelling or child occupied facility  
 29 that:

- 30 (A) will permanently eliminate lead-based paint hazards; or  
 31 (B) are designed to permanently eliminate lead-based paint  
 32 hazards as described under subdivisions (1) through (5).

33 (7) A project resulting in the permanent elimination of lead-based  
 34 paint hazards, conducted by persons certified under 40 CFR  
 35 745.226 or **persons holding valid licenses issued under**  
 36 **IC 13-17-14 (before its repeal) or IC 16-41-39.8**, unless the  
 37 project is described under subsection (b) or (c).

38 (8) A project resulting in the permanent elimination of lead-based  
 39 paint hazards, conducted by persons who, through the person's  
 40 company name or promotional literature, represent, advertise, or  
 41 hold themselves out to be in the business of performing  
 42 lead-based paint activities, unless those projects are described

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under subsection (b) or (c).  
(9) A project resulting in the permanent elimination of lead-based paint hazards that is conducted in response to state or local abatement orders.

(b) The term does not include renovation, remodeling, landscaping, or other activities when those activities are not designed to permanently eliminate lead-based paint hazards but are designed to repair, restore, or remodel a structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.

(c) The term does not include interim controls, operations, or maintenance activities or other measures designed to temporarily reduce lead-based paint hazards.

SECTION 34. IC 16-18-2-10, AS AMENDED BY P.L.101-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) "Agency", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-2.

~~(b) "Agency"; for purposes of IC 16-40-5, has the meaning set forth in IC 16-40-5-1.~~

~~(c)~~ (b) "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.

SECTION 35. IC 16-18-2-121.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 121.3. "Expanded criminal history check", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-0.5.**

SECTION 36. IC 16-18-2-161, AS AMENDED BY P.L.101-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 161. (a) "Health care facility" includes:

- (1) hospitals licensed under IC 16-21-2, private mental health institutions licensed under IC 12-25, and tuberculosis hospitals established under IC 16-11-1 (before its repeal);
- (2) health facilities licensed under IC 16-28; and
- (3) rehabilitation facilities and kidney disease treatment centers.

(b) "Health care facility", for purposes of IC 16-28-13, has the meaning set forth in IC 16-28-13-0.5.

~~(c) "Health care facility"; for purposes of IC 16-40-5, has the meaning set forth in IC 16-40-5-2.~~

SECTION 37. IC 20-33-5-9, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the

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1 financial eligibility standard under section 2 of this chapter, the parent  
 2 or the emancipated minor may receive a reimbursement from the  
 3 department as provided in this chapter for the costs or some of the costs  
 4 incurred by the parent or emancipated minor in fees that are  
 5 reimbursable under section 7 of this chapter. The extent to which the  
 6 fees are reimbursable under this section may not exceed the percentage  
 7 rates of reimbursement under section 7 of this chapter. In addition, if  
 8 a child enrolls in an accredited nonpublic school after the initial request  
 9 for reimbursement is filed under subsection (d), the parent of the child  
 10 or the emancipated minor who meets the financial eligibility standard  
 11 may receive a reimbursement from the department for the costs or  
 12 some of the costs incurred in fees that are reimbursable under section  
 13 7 of this chapter by applying to the accredited nonpublic school for  
 14 assistance. In this case, this section applies. However, section 10 of this  
 15 chapter applies to the making of the supplemental request for  
 16 reimbursement by the principal or other designee of the accredited  
 17 nonpublic school.

18 (b) The department shall provide each accredited nonpublic school  
 19 with sufficient application forms for assistance, prescribed by the state  
 20 board of accounts.

21 (c) Each accredited nonpublic school shall provide the parents or  
 22 emancipated minors who wish to apply for assistance with:

- 23 (1) the appropriate application forms; and
- 24 (2) any assistance needed in completing the application form.

25 (d) The parent or emancipated minor shall submit the application to  
 26 the accredited nonpublic school. The accredited nonpublic school shall  
 27 make a determination of financial eligibility subject to appeal by the  
 28 parent or emancipated minor.

29 (e) If a determination is made that the applicant is eligible for  
 30 assistance, subsection (a) applies.

31 (f) To be guaranteed some level of reimbursement from the  
 32 department, the principal or other designee shall submit the  
 33 reimbursement request before November 1 of a school year.

34 (g) In its request, the principal or other designee shall certify to the  
 35 department:

- 36 (1) the number of students who are enrolled in the accredited  
 37 nonpublic school and who are eligible for assistance under this  
 38 chapter;
- 39 (2) the costs incurred in providing:
  - 40 (A) textbooks (including textbooks used in special education  
 41 and high ability classes); and
  - 42 (B) workbooks and consumable textbooks (including

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- 1 workbooks, consumable textbooks, and other consumable  
 2 teaching materials that are used in special education and high  
 3 ability classes) that are used by students for not more than one  
 4 (1) school year;
- 5 (3) that each textbook described in subdivision (2)(A) and  
 6 included in the reimbursement request (except those textbooks  
 7 used in special education classes and high ability classes) has  
 8 been adopted by the state board under IC 20-20-5-1 through  
 9 **IC 20-20-5-4** or has been waived by the state board of education  
 10 under IC 20-26-12-28;
- 11 (4) that the amount of reimbursement requested for each textbook  
 12 under subdivision (3) does not exceed twenty percent (20%) of  
 13 the costs incurred for the textbook, as provided in the textbook  
 14 adoption list in each year of the adoption cycle;
- 15 (5) that the amount of reimbursement requested for each  
 16 workbook or consumable textbook (or other consumable teaching  
 17 material used in special education and high ability classes) under  
 18 subdivision (2)(B), if applicable, does not exceed one hundred  
 19 percent (100%) of the costs incurred for the workbook or  
 20 consumable textbook (or other consumable teaching material used  
 21 in special education and high ability classes);
- 22 (6) that the amount of reimbursement requested for each textbook  
 23 used in special education and high ability classes is amortized for  
 24 the number of years in which the textbook is used; and
- 25 (7) any other information required by the department, including  
 26 copies of purchase orders used to acquire consumable teaching  
 27 materials used in special education and high ability classes.
- 28 (h) If the amount of reimbursement requested before November 1  
 29 of a particular school year exceeds the amount of money appropriated  
 30 to the department for this purpose, the department shall proportionately  
 31 reduce the amount of reimbursement to each accredited nonpublic  
 32 school. An accredited nonpublic school may submit a supplemental  
 33 reimbursement request under section 10 of this chapter. The parent or  
 34 emancipated minor is entitled to receive a supplemental reimbursement  
 35 only if funds are available. The department shall proportionately reduce  
 36 the amount of supplemental reimbursement to the accredited nonpublic  
 37 schools if the amount requested exceeds the amount of money available  
 38 to the department for this purpose.
- 39 (i) The accredited nonpublic school shall distribute the money  
 40 received under this chapter to the appropriate eligible parents or  
 41 emancipated minors.
- 42 (j) Section 7(h) of this chapter applies to parents or emancipated

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1 minors as described in this section.

2 (k) The accredited nonpublic school and the department shall  
3 maintain complete and accurate information concerning the number of  
4 applicants determined to be eligible for assistance under this section.

5 (l) The state board shall adopt rules under IC 4-22-2 to implement  
6 this section.

7 SECTION 38. IC 22-3-7-9, AS AMENDED BY P.L.180-2009,  
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: Sec. 9. (a) As used in this chapter, "employer"  
10 includes the state and any political subdivision, any municipal  
11 corporation within the state, any individual or the legal representative  
12 of a deceased individual, firm, association, limited liability company,  
13 or corporation or the receiver or trustee of the same, using the services  
14 of another for pay. A parent corporation and its subsidiaries shall each  
15 be considered joint employers of the corporation's, the parent's, or the  
16 subsidiaries' employees for purposes of sections 6 and 33 of this  
17 chapter. Both a lessor and a lessee of employees shall each be  
18 considered joint employers of the employees provided by the lessor to  
19 the lessee for purposes of sections 6 and 33 of this chapter. The term  
20 also includes an employer that provides on-the-job training under the  
21 federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to  
22 the extent set forth under section 2.5 of this chapter. If the employer is  
23 insured, the term includes the employer's insurer so far as applicable.  
24 However, the inclusion of an employer's insurer within this definition  
25 does not allow an employer's insurer to avoid payment for services  
26 rendered to an employee with the approval of the employer. The term  
27 does not include a nonprofit corporation that is recognized as tax  
28 exempt under Section 501(c)(3) of the Internal Revenue Code (as  
29 defined in IC 6-3-1-11(a)) to the extent the corporation enters into an  
30 independent contractor agreement with a person for the performance  
31 of youth coaching services on a part-time basis.

32 (b) As used in this chapter, "employee" means every person,  
33 including a minor, in the service of another, under any contract of hire  
34 or apprenticeship written or implied, except one whose employment is  
35 both casual and not in the usual course of the trade, business,  
36 occupation, or profession of the employer. For purposes of this chapter  
37 the following apply:

38 (1) Any reference to an employee who has suffered disablement,  
39 when the employee is dead, also includes the employee's legal  
40 representative, dependents, and other persons to whom  
41 compensation may be payable.

42 (2) An owner of a sole proprietorship may elect to include the

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1 owner as an employee under this chapter if the owner is actually  
 2 engaged in the proprietorship business. If the owner makes this  
 3 election, the owner must serve upon the owner's insurance carrier  
 4 and upon the board written notice of the election. No owner of a  
 5 sole proprietorship may be considered an employee under this  
 6 chapter unless the notice has been received. If the owner of a sole  
 7 proprietorship is an independent contractor in the construction  
 8 trades and does not make the election provided under this  
 9 subdivision, the owner must obtain ~~an affidavit~~ **a certificate** of  
 10 exemption under section 34.5 of this chapter.

11 (3) A partner in a partnership may elect to include the partner as  
 12 an employee under this chapter if the partner is actually engaged  
 13 in the partnership business. If a partner makes this election, the  
 14 partner must serve upon the partner's insurance carrier and upon  
 15 the board written notice of the election. No partner may be  
 16 considered an employee under this chapter until the notice has  
 17 been received. If a partner in a partnership is an independent  
 18 contractor in the construction trades and does not make the  
 19 election provided under this subdivision, the partner must obtain  
 20 ~~an affidavit~~ **a certificate** of exemption under section 34.5 of this  
 21 chapter.

22 (4) Real estate professionals are not employees under this chapter  
 23 if:

- 24 (A) they are licensed real estate agents;
- 25 (B) substantially all their remuneration is directly related to  
 26 sales volume and not the number of hours worked; and
- 27 (C) they have written agreements with real estate brokers  
 28 stating that they are not to be treated as employees for tax  
 29 purposes.

30 (5) A person is an independent contractor in the construction  
 31 trades and not an employee under this chapter if the person is an  
 32 independent contractor under the guidelines of the United States  
 33 Internal Revenue Service.

34 (6) An owner-operator that provides a motor vehicle and the  
 35 services of a driver under a written contract that is subject to  
 36 IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376, to a motor  
 37 carrier is not an employee of the motor carrier for purposes of this  
 38 chapter. The owner-operator may elect to be covered and have the  
 39 owner-operator's drivers covered under a worker's compensation  
 40 insurance policy or authorized self-insurance that insures the  
 41 motor carrier if the owner-operator pays the premiums as  
 42 requested by the motor carrier. An election by an owner-operator

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1 under this subdivision does not terminate the independent  
 2 contractor status of the owner-operator for any purpose other than  
 3 the purpose of this subdivision.  
 4 (7) An unpaid participant under the federal School to Work  
 5 Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the  
 6 extent set forth under section 2.5 of this chapter.  
 7 (8) A person who enters into an independent contractor agreement  
 8 with a nonprofit corporation that is recognized as tax exempt  
 9 under Section 501(c)(3) of the Internal Revenue Code (as defined  
 10 in IC 6-3-1-11(a)) to perform youth coaching services on a  
 11 part-time basis is not an employee for purposes of this chapter.  
 12 (9) An officer of a corporation who is the sole officer of the  
 13 corporation is an employee of the corporation under this chapter.  
 14 An officer of a corporation who is the sole officer of the  
 15 corporation may elect not to be an employee of the corporation  
 16 under this chapter. If an officer makes this election, the officer  
 17 must serve written notice of the election on the corporation's  
 18 insurance carrier and the board. An officer of a corporation who  
 19 is the sole officer of the corporation may not be considered to be  
 20 excluded as an employee under this chapter until the notice is  
 21 received by the insurance carrier and the board.  
 22 (c) As used in this chapter, "minor" means an individual who has  
 23 not reached seventeen (17) years of age. A minor employee shall be  
 24 considered as being of full age for all purposes of this chapter.  
 25 However, if the employee is a minor who, at the time of the last  
 26 exposure, is employed, required, suffered, or permitted to work in  
 27 violation of the child labor laws of this state, the amount of  
 28 compensation and death benefits, as provided in this chapter, shall be  
 29 double the amount which would otherwise be recoverable. The  
 30 insurance carrier shall be liable on its policy for one-half (1/2) of the  
 31 compensation or benefits that may be payable on account of the  
 32 disability or death of the minor, and the employer shall be wholly liable  
 33 for the other one-half (1/2) of the compensation or benefits. If the  
 34 employee is a minor who is not less than sixteen (16) years of age and  
 35 who has not reached seventeen (17) years of age, and who at the time  
 36 of the last exposure is employed, suffered, or permitted to work at any  
 37 occupation which is not prohibited by law, the provisions of this  
 38 subsection prescribing double the amount otherwise recoverable do not  
 39 apply. The rights and remedies granted to a minor under this chapter on  
 40 account of disease shall exclude all rights and remedies of the minor,  
 41 the minor's parents, the minor's personal representatives, dependents,  
 42 or next of kin at common law, statutory or otherwise, on account of any

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1 disease.

2 (d) This chapter does not apply to casual laborers as defined in  
3 subsection (b), nor to farm or agricultural employees, nor to household  
4 employees, nor to railroad employees engaged in train service as  
5 engineers, firemen, conductors, brakemen, flagmen, baggagemen, or  
6 foremen in charge of yard engines and helpers assigned thereto, nor to  
7 their employers with respect to these employees. Also, this chapter  
8 does not apply to employees or their employers with respect to  
9 employments in which the laws of the United States provide for  
10 compensation or liability for injury to the health, disability, or death by  
11 reason of diseases suffered by these employees.

12 (e) As used in this chapter, "disablement" means the event of  
13 becoming disabled from earning full wages at the work in which the  
14 employee was engaged when last exposed to the hazards of the  
15 occupational disease by the employer from whom the employee claims  
16 compensation or equal wages in other suitable employment, and  
17 "disability" means the state of being so incapacitated.

18 (f) For the purposes of this chapter, no compensation shall be  
19 payable for or on account of any occupational diseases unless  
20 disablement, as defined in subsection (e), occurs within two (2) years  
21 after the last day of the last exposure to the hazards of the disease  
22 except for the following:

23 (1) In all cases of occupational diseases caused by the inhalation  
24 of silica dust or coal dust, no compensation shall be payable  
25 unless disablement, as defined in subsection (e), occurs within  
26 three (3) years after the last day of the last exposure to the hazards  
27 of the disease.

28 (2) In all cases of occupational disease caused by the exposure to  
29 radiation, no compensation shall be payable unless disablement,  
30 as defined in subsection (e), occurs within two (2) years from the  
31 date on which the employee had knowledge of the nature of the  
32 employee's occupational disease or, by exercise of reasonable  
33 diligence, should have known of the existence of such disease and  
34 its causal relationship to the employee's employment.

35 (3) In all cases of occupational diseases caused by the inhalation  
36 of asbestos dust, no compensation shall be payable unless  
37 disablement, as defined in subsection (e), occurs within three (3)  
38 years after the last day of the last exposure to the hazards of the  
39 disease if the last day of the last exposure was before July 1, 1985.

40 (4) In all cases of occupational disease caused by the inhalation  
41 of asbestos dust in which the last date of the last exposure occurs  
42 on or after July 1, 1985, and before July 1, 1988, no compensation

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1 shall be payable unless disablement, as defined in subsection (e),  
 2 occurs within twenty (20) years after the last day of the last  
 3 exposure.  
 4 (5) In all cases of occupational disease caused by the inhalation  
 5 of asbestos dust in which the last date of the last exposure occurs  
 6 on or after July 1, 1988, no compensation shall be payable unless  
 7 disablement (as defined in subsection (e)) occurs within  
 8 thirty-five (35) years after the last day of the last exposure.  
 9 (g) For the purposes of this chapter, no compensation shall be  
 10 payable for or on account of death resulting from any occupational  
 11 disease unless death occurs within two (2) years after the date of  
 12 disablement. However, this subsection does not bar compensation for  
 13 death:  
 14 (1) where death occurs during the pendency of a claim filed by an  
 15 employee within two (2) years after the date of disablement and  
 16 which claim has not resulted in a decision or has resulted in a  
 17 decision which is in process of review or appeal; or  
 18 (2) where, by agreement filed or decision rendered, a  
 19 compensable period of disability has been fixed and death occurs  
 20 within two (2) years after the end of such fixed period, but in no  
 21 event later than three hundred (300) weeks after the date of  
 22 disablement.  
 23 (h) As used in this chapter, "billing review service" refers to a  
 24 person or an entity that reviews a medical service provider's bills or  
 25 statements for the purpose of determining pecuniary liability. The term  
 26 includes an employer's worker's compensation insurance carrier if the  
 27 insurance carrier performs such a review.  
 28 (i) As used in this chapter, "billing review standard" means the data  
 29 used by a billing review service to determine pecuniary liability.  
 30 (j) As used in this chapter, "community" means a geographic service  
 31 area based on ZIP code districts defined by the United States Postal  
 32 Service according to the following groupings:  
 33 (1) The geographic service area served by ZIP codes with the first  
 34 three (3) digits 463 and 464.  
 35 (2) The geographic service area served by ZIP codes with the first  
 36 three (3) digits 465 and 466.  
 37 (3) The geographic service area served by ZIP codes with the first  
 38 three (3) digits 467 and 468.  
 39 (4) The geographic service area served by ZIP codes with the first  
 40 three (3) digits 469 and 479.  
 41 (5) The geographic service area served by ZIP codes with the first  
 42 three (3) digits 460, 461 (except 46107), and 473.

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1 (6) The geographic service area served by the 46107 ZIP code and  
 2 ZIP codes with the first three (3) digits 462.  
 3 (7) The geographic service area served by ZIP codes with the first  
 4 three (3) digits 470, 471, 472, 474, and 478.  
 5 (8) The geographic service area served by ZIP codes with the first  
 6 three (3) digits 475, 476, and 477.  
 7 (k) As used in this chapter, "medical service provider" refers to a  
 8 person or an entity that provides medical services, treatment, or  
 9 supplies to an employee under this chapter.  
 10 (l) As used in this chapter, "pecuniary liability" means the  
 11 responsibility of an employer or the employer's insurance carrier for the  
 12 payment of the charges for each specific service or product for human  
 13 medical treatment provided under this chapter in a defined community,  
 14 equal to or less than the charges made by medical service providers at  
 15 the eightieth percentile in the same community for like services or  
 16 products.  
 17 SECTION 39. IC 22-4-11-2, AS AMENDED BY P.L.110-2010,  
 18 SECTION 26, AND AS AMENDED BY P.L.1-2010, SECTION 86, IS  
 19 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in  
 21 IC 22-4-11.5, the department shall for each year determine the  
 22 contribution rate applicable to each employer.  
 23 (b) The balance shall include contributions with respect to the  
 24 period ending on the computation date and actually paid on or before  
 25 July 31 immediately following the computation date and benefits  
 26 actually paid on or before the computation date and shall also include  
 27 any voluntary payments made in accordance with IC 22-4-10-5 or  
 28 ~~IC 22-4-10-5.5(1)~~ **IC 22-4-10-5.5** (repealed):  
 29 (1) for each calendar year, an employer's rate shall be determined  
 30 in accordance with the rate schedules in section 3.3 or 3.5 of this  
 31 chapter; and  
 32 (2) for each calendar year, an employer's rate shall be two and  
 33 seven-tenths percent (2.7%) before January 1, ~~2010~~, 2011, and  
 34 two and five-tenths percent (2.5%) after December 31, ~~2009~~;  
 35 2010, except as otherwise provided in IC 22-4-37-3, unless and  
 36 until:  
 37 (A) the employer has been subject to this article throughout  
 38 the thirty-six (36) consecutive calendar months immediately  
 39 preceding the computation date; and  
 40 (B) there has been some annual payroll in each of the three (3)  
 41 twelve (12) month periods immediately preceding the  
 42 computation date.

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1 (c) This subsection applies before January 1, ~~2010~~ 2011. In addition  
2 to the conditions and requirements set forth and provided in subsection  
3 (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than five  
4 and six-tenths percent (5.6%) unless all required contribution and wage  
5 reports have been filed within thirty-one (31) days following the  
6 computation date and all contributions, penalties, and interest due and  
7 owing by the employer or the employer's predecessors for periods prior  
8 to and including the computation date have been paid:

- 9 (1) within thirty-one (31) days following the computation date; or  
10 (2) within ten (10) days after the department has given the  
11 employer a written notice by registered mail to the employer's last  
12 known address of:

- 13 (A) the delinquency; or  
14 (B) failure to file the reports;  
15 whichever is the later date.

16 The board or the board's designee may waive the imposition of rates  
17 under this subsection if the board finds the employer's failure to meet  
18 the deadlines was for excusable cause. The department shall give  
19 written notice to the employer before this additional condition or  
20 requirement shall apply.

21 (d) This subsection applies after December 31, ~~2009~~ 2010. In  
22 addition to the conditions and requirements set forth and provided in  
23 subsection (b)(2)(A) and (b)(2)(B), an employer's rate ~~shall not be less~~  
24 ~~than twelve percent (12%)~~ is equal to the sum of the employer's  
25 contribution rate determined under this article plus two percent (2%)  
26 unless all required contributions and wage reports have been filed  
27 within thirty-one (31) days following the computation date and all  
28 contributions, penalties, and interest due and owing by the employer or  
29 the employer's predecessor for periods before and including the  
30 computation date have been paid:

- 31 (1) within thirty-one (31) days following the computation date; or  
32 (2) within ten (10) days after the department has given the  
33 employer a written notice by registered mail to the employer's last  
34 known address of:

- 35 (A) the delinquency; or  
36 (B) failure to file the reports;

37 whichever is the later date. The board or the board's designee may  
38 waive the imposition of rates under this subsection if the board finds  
39 the employer's failure to meet the deadlines was for excusable cause.  
40 The department shall give written notice to the employer before this  
41 additional condition or requirement shall apply.

42 (e) However, if the employer is the state or a political subdivision

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1 of the state or any instrumentality of a state or a political subdivision,  
 2 or any instrumentality which is wholly owned by the state and one (1)  
 3 or more other states or political subdivisions, the employer may  
 4 contribute at a rate of:

- 5 (1) one percent (1%), before January 1, ~~2010~~, 2011; or  
 6 (2) one and six-tenths percent (1.6%), after December 31, ~~2009~~,  
 7 2010;

8 until it has been subject to this article throughout the thirty-six (36)  
 9 consecutive calendar months immediately preceding the computation  
 10 date.

11 (f) On the computation date every employer who had taxable wages  
 12 in the previous calendar year shall have the employer's experience  
 13 account charged with the amount determined under the following  
 14 formula:

15 STEP ONE: Divide:

- 16 (A) the employer's taxable wages for the preceding calendar  
 17 year; by  
 18 (B) the total taxable wages for the preceding calendar year.

19 STEP TWO: Multiply the quotient determined under STEP ONE  
 20 by the total amount of benefits charged to the fund under section  
 21 1 of this chapter.

22 (g) One (1) percentage point of the rate imposed under subsection  
 23 (c) or (d), or the amount of the employer's payment that is attributable  
 24 to the increase in the contribution rate, whichever is less, shall be  
 25 imposed as a penalty that is due and shall be deposited upon collection  
 26 into the special employment and training services fund established  
 27 under IC 22-4-25-1. The remainder of the contributions paid by an  
 28 employer pursuant to the maximum rate shall be:

- 29 (1) considered a contribution for the purposes of this article; and  
 30 (2) deposited in the unemployment insurance benefit fund  
 31 established under IC 22-4-26.

32 SECTION 40. IC 22-4-11-3, AS AMENDED BY P.L.110-2010,  
 33 SECTION 27, AND AS AMENDED BY P.L.1-2010, SECTION 87, IS  
 34 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The applicable schedule  
 36 of rates for calendar years before January 1, ~~2010~~, 2011, shall be  
 37 determined by the ratio resulting when the balance in the fund as of the  
 38 determination date is divided by the total payroll of all subject  
 39 employers for the immediately preceding calendar year. Schedule A,  
 40 B, C, or D, appearing on the line opposite the fund ratio in the schedule  
 41 below, shall be applicable in determining and assigning each  
 42 employer's contribution rate for the calendar year immediately

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1 following the determination date. For the purposes of this subsection,  
2 "total payroll" means total remuneration reported by all contributing  
3 employers as required by this article and does not include the total  
4 payroll of any employer who elected to become liable for payments in  
5 lieu of contributions (as defined in IC 22-4-2-32). For the purposes of  
6 this subsection, "subject employers" means those employers who are  
7 subject to contribution.

8 FUND RATIO SCHEDULE

9 When the Fund Ratio Is:

10			Applicable
11	As Much As	But Less Than	Schedule
12		1.0%	A
13	1.0%	1.5%	B
14	1.5%	2.25%	C
15	2.25%		D

16 (b) Except as provided in subsection (c), the applicable schedule of  
17 rates for calendar years after December 31, ~~2009~~, 2010, shall be  
18 determined by the ratio resulting when the balance in the fund as of the  
19 determination date is divided by the total payroll of all subject  
20 employers for the immediately preceding calendar year. Schedules A  
21 through I appearing on the line opposite the fund ratio in the schedule  
22 below are applicable in determining and assigning each employer's  
23 contribution rate for the calendar year immediately following the  
24 determination date. For purposes of this subsection, "total payroll"  
25 means total remuneration reported by all contributing employers as  
26 required by this article and does not include the total payroll of any  
27 employer who elected to become liable for payments in lieu of  
28 contributions (as defined in IC 22-4-2-32). For purposes of this  
29 subsection, "subject employers" means those employers who are  
30 subject to contribution.

31 FUND RATIO SCHEDULE

32 When the Fund Ratio Is:

33			Applicable
34	As Much As	But Less Than	Schedule
35		0.2%	A
36	0.2%	0.4%	B
37	0.4%	0.6%	C
38	0.6%	0.8%	D
39	0.8%	1.0%	E
40	1.0%	1.2%	F
41	1.2%	1.4%	G
42	1.4%	1.6%	H

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(c) For calendar year ~~2010~~ 2011 only, Schedule B applies in determining and assigning each employer's contribution rate.

(d) Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers.

SECTION 41. IC 22-4-17-2, AS AMENDED BY P.L.110-2010, SECTION 31, AND AS AMENDED BY P.L.1-2010, SECTION 88, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly *follow the procedure described in subsections (b) through (e) to make a determination of the individual's status as an insured worker in a form prescribed by the department. A written notice of the determination of insured status shall be furnished to the individual promptly. The notice must include the time by which the employer is required to respond to the department's notice of the individual's claim, and complete information about the rules of evidence and standards of proof that the department will apply to determine the validity of the individual's claim, if the employer disputes the claim.* Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within ten (10) days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

*(b) Not later than January 1, 2010, the department shall establish an unemployment claims compliance center. When an individual files an initial claim after the unemployment claims compliance center is established, the department, before making a determination that the individual is eligible for benefits, shall compare the information provided by the individual making the claim with information from the separating employer concerning the individual's eligibility for benefits.*

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1 *If the information provided by the individual making the claim does not*  
2 *match the information from the separating employer, the department*  
3 *may not pay the individual benefits and shall refer the individual's*  
4 *claim to the department's unemployment claims compliance center for*  
5 *investigation. The department shall provide a written notice to the*  
6 *individual who filed the claim that the individual's claim is being*  
7 *referred to the unemployment claims compliance center, including the*  
8 *reason for the referral.*

9 (c) *After receiving a claim from the department, the unemployment*  
10 *claims compliance center shall contact the separating employer that*  
11 *provided information that does not match information provided by the*  
12 *individual making the claim to obtain information about the claim that*  
13 *is accurate and sufficient for the department to determine whether the*  
14 *individual is eligible for benefits. The center shall also obtain from the*  
15 *employer the name and address of a person to receive without delay*  
16 *notices served on the employer concerning the claim.*

17 (d) *Except as provided in subsection (e), the department may not*  
18 *pay the individual benefits under this article as long as the discrepancy*  
19 *between the information provided by the individual and the*  
20 *information provided by the individual's separating employer is*  
21 *unresolved. If the information provided by an individual and the*  
22 *information provided by the individual's separating employer does not*  
23 *match, the department shall notify both the separating employer and*  
24 *the individual that they have forty-eight (48) hours to resolve the*  
25 *discrepancy. If the discrepancy is not resolved at the end of the*  
26 *forty-eighth hour, the department shall use the information provided*  
27 *by the employer to determine the individual's eligibility for benefits.*

28 (e) *If the employer does not respond to the inquiry from the*  
29 *unemployment claims compliance center within five (5) days after the*  
30 *date of the inquiry, the center shall report to the department that the*  
31 *employer has not responded, and the department shall use the*  
32 *information provided by the individual to determine the individual's*  
33 *eligibility for benefits.*

34 (f) (b) *After the department makes a determination concerning the*  
35 *individual's eligibility for benefits, The department shall promptly*  
36 *furnish each employer in the base period whose experience or*  
37 *reimbursable account is potentially chargeable with benefits to be paid*  
38 *to such individual with a notice in writing of the employer's benefit*  
39 *liability. The notice shall contain the date, the name and Social Security*  
40 *account number of the individual, the ending date of the individual's*  
41 *base period, and the week ending date of the first week of the*  
42 *individual's benefit period. the time by which the employer is required*

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1 *to respond to the notice, and complete information about the rules of*  
 2 *evidence and standards of proof that the department will apply to*  
 3 *determine the validity of a claim; if an employer disputes the claim:*

4 The notice shall further contain information as to the proportion of  
 5 benefits chargeable to the employer's experience or reimbursable  
 6 account in ratio to the earnings of such individual from such employer.  
 7 Unless the employer within ten (10) days after such notice of benefit  
 8 liability was mailed to the employer's last known address, or otherwise  
 9 delivered to the employer, asks a hearing thereon before an  
 10 administrative law judge, such determination shall be final and benefits  
 11 paid shall be charged in accordance therewith.

12 ~~(g)~~ (c) An employing unit, including an employer, having  
 13 knowledge of any facts which may affect an individual's eligibility or  
 14 right to waiting period credits or benefits, shall notify the department  
 15 of such facts within ten (10) days after the mailing of notice that a  
 16 former employee has filed an initial or additional claim for benefits on  
 17 a form prescribed by the department.

18 ~~(h)~~ (d) If, after the department determines that additional  
 19 information is necessary to make a determination under this chapter:

20 (1) the department makes a request in writing for additional  
 21 information from an employing unit, including an employer, on  
 22 a form prescribed by the department; and

23 (2) the employing unit fails to respond within ten (10) days after  
 24 the date the request is ~~delivered~~ mailed to the employing unit;

25 the department shall make ~~the determination~~ a decision with the  
 26 information available.

27 ~~(i)~~ (e) If:

28 (1) an employer *subsequently obtains a determination by the*  
 29 *department that the employee is not eligible for benefits; appeals*  
 30 *an original determination granting benefits to a claimant and the*  
 31 *determination is reversed on appeal; and*

32 (2) the ~~determination~~ decision to reverse the determination is at  
 33 least in part based on information that the department requested  
 34 from the employer under subsection ~~(h)~~, (d), but which the  
 35 employer failed to provide within ten (10) days after the  
 36 department's request was ~~delivered~~ mailed to the employer;

37 the employer's experience account shall be charged an amount equal to  
 38 fifty percent (50%) of the benefits paid to the employee to which the  
 39 employee was not entitled *and for which the employer's experience*  
 40 *account may be charged.*

41 ~~(j)~~ (f) If:

42 (1) the employer's experience account is charged under subsection

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1           ~~(f)~~ (e); and  
 2           (2) the employee repays all or a part of the benefits on which the  
 3           charge under subsection ~~(f)~~ (e) is based;  
 4           the employer shall receive a credit to the employer's experience  
 5           account that is equal to the amount of the employee's repayment up to  
 6           *fifty percent (50%)* of the amount charged to the employer's experience  
 7           account under subsection ~~(f)~~ (e).  
 8           ~~(f)~~ (g) In addition to the foregoing determination of insured status  
 9           by the department, the deputy shall, throughout the benefit period,  
 10          determine the claimant's eligibility with respect to each week for which  
 11          the claimant claims waiting period credit or benefit rights, the validity  
 12          of the claimant's claim therefor, and the cause for which the claimant  
 13          left the claimant's work, or may refer such claim to an administrative  
 14          law judge who shall make the initial determination with respect thereto  
 15          in accordance with the procedure in section 3 of this chapter.  
 16          ~~(f)~~ (h) In cases where the claimant's benefit eligibility or  
 17          disqualification is disputed, the department shall promptly notify the  
 18          claimant and the employer or employers directly involved or connected  
 19          with the issue raised as to the validity of such claim, the eligibility of  
 20          the claimant for waiting period credit or benefits, or the imposition of  
 21          a disqualification period or penalty, or the denial thereof, and of the  
 22          cause for which the claimant left the claimant's work, of such  
 23          determination and the reasons thereof.  
 24          ~~(m)~~ (i) Except as otherwise hereinafter provided in this section  
 25          regarding parties located in Alaska, Hawaii, and Puerto Rico, unless  
 26          the claimant or such employer, within ten (10) days after the  
 27          notification required by subsection ~~(f)~~ (h), was mailed to the claimant's  
 28          or the employer's last known address or otherwise delivered to the  
 29          claimant or the employer, asks for a hearing before an administrative  
 30          law judge thereon, such decision shall be final and benefits shall be  
 31          paid or denied in accordance therewith.  
 32          ~~(n)~~ (j) For a notice of disputed administrative determination or  
 33          decision mailed or otherwise delivered to the claimant or employer  
 34          either of whom is located in Alaska, Hawaii, or Puerto Rico, unless the  
 35          claimant or employer, within fifteen (15) days after the notification  
 36          required by subsection ~~(f)~~ (h), was mailed to the claimant's or  
 37          employer's last known address or otherwise delivered to the claimant  
 38          or employer, asks for a hearing before an administrative law judge  
 39          thereon, such decision shall be final and benefits shall be paid or  
 40          denied in accordance therewith.  
 41          ~~(o)~~ (k) If a claimant or an employer requests a hearing under  
 42          subsection ~~(m)~~ (i) or ~~(n)~~ (j), the request therefor shall be filed with the

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1 department in writing within the prescribed periods as above set forth  
2 in this section and shall be in such form as the department may  
3 prescribe. In the event a hearing is requested by an employer or the  
4 department after it has been administratively determined that benefits  
5 should be allowed to a claimant, entitled benefits shall continue to be  
6 paid to said claimant unless said administrative determination has been  
7 reversed by a due process hearing. Benefits with respect to any week  
8 not in dispute shall be paid promptly regardless of any appeal.

9 ~~(p)~~ (l) A person may not participate on behalf of the department in  
10 any case in which the person is an interested party.

11 ~~(q)~~ (m) Solely on the ground of obvious administrative error  
12 appearing on the face of an original determination, and within the  
13 benefit year of the affected claims, the commissioner, or a  
14 representative authorized by the commissioner to act in the  
15 commissioner's behalf, may reconsider and direct the deputy to revise  
16 the original determination so as to correct the obvious error appearing  
17 therein. Time for filing an appeal and requesting a hearing before an  
18 administrative law judge regarding the determinations handed down  
19 pursuant to this subsection shall begin on the date following the date  
20 of revision of the original determination and shall be filed with the  
21 commissioner in writing within the prescribed periods as above set  
22 forth in subsection ~~(g)~~ (c).

23 ~~(r)~~ (n) Notice to the employer and the claimant that the  
24 determination of the department is final if a hearing is not requested  
25 shall be prominently displayed on the notice of the determination  
26 which is sent to the employer and the claimant.

27 ~~(s)~~ (o) If an allegation of the applicability of IC 22-4-15-1(c)(8) is  
28 made by the individual at the time of the claim for benefits, the  
29 department shall not notify the employer of the claimant's current  
30 address or physical location.

31 SECTION 42. IC 22-4-19-9 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. If any employing  
33 unit fails to make any payroll report required by this article, the  
34 commissioner shall give written notice by mail to the employing unit  
35 to make and file the report within ten (10) days from the date of the  
36 notice. If the employing unit, by its proper members, officers, or agents,  
37 fails or refuses to make and file the report within such time, the report  
38 shall be made by the department from the best information available,  
39 and the amount of contribution and skills 2016 training assessment due  
40 shall be computed thereon and the report shall be prima facie correct  
41 for the purposes of this article.

42 SECTION 43. IC 22-4-29-12 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The liability for  
2 any contributions, ~~skills 2016 training assessments~~, interest, penalties,  
3 and damages imposed by this chapter, or costs incidental to execution  
4 of warrants, shall not be subject to any of the provisions of the  
5 exemption laws of the state of Indiana for the relief of debtors.

6 SECTION 44. IC 22-4-32-1, AS AMENDED BY P.L.108-2006,  
7 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 1. A liability administrative law judge shall  
9 hear all matters pertaining to:

- 10 (1) the assessment of contributions, penalties, and interest;
- 11 (2) which accounts, if any, benefits paid, or finally ordered to be
- 12 paid, should be charged;
- 13 (3) successorships, and related matters arising therefrom,
- 14 including but not limited to:
  - 15 (A) the transfer of accounts;
  - 16 (B) the determination of rates of contribution; and
  - 17 (C) determinations under IC 22-4-11.5; and
- 18 (4) claims for refunds of contributions ~~skills 2016 training~~  
19 ~~assessments~~, or adjustments thereon in connection with  
20 subsequent contribution payments; ~~and skills 2016 training~~  
21 ~~assessments~~;

22 for which an employing unit has timely filed a protest under section 4  
23 of this chapter.

24 SECTION 45. IC 22-4-32-18 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. To the end that  
26 the purposes of this article may be effectively enforced and  
27 administered, it is the declared intention of the general assembly that  
28 in all cases of legal distributions and dissolutions the commissioner  
29 shall have actual notice before any fiduciary administering the affairs  
30 of an employer subject to the payment of contributions ~~and skills 2016~~  
31 ~~training assessments~~ under this article may file the fiduciary's final  
32 report with the court under whose authority and supervision such  
33 fiduciary acts. From and after April 1, 1947, no such final report shall  
34 be filed unless a copy thereof has been served upon the commissioner  
35 by mailing a copy thereof by registered mail to the commissioner at the  
36 commissioner's office in Indianapolis at least ten (10) days prior to the  
37 filing of the same with the court. Such final report shall contain a  
38 statement that a copy thereof was served in the manner provided in this  
39 section upon the commissioner, and before such final report may be  
40 approved by the court there shall be filed in said cause a certificate  
41 from the commissioner that this section has been fully complied with  
42 in the administration of the affairs of said employer. In the event that

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1 the commissioner shall not have been served with a copy of the final  
 2 report as provided in this section and the fiduciary or other officer of  
 3 the court administering the affairs of any such employer shall have  
 4 been discharged and the fiduciary's or other officer's final report  
 5 approved, the commissioner may at any time within one (1) year from  
 6 the date upon which such final report was approved file a petition with  
 7 the court alleging that there was not full compliance with this section  
 8 and the court, upon being satisfied that the commissioner was not fully  
 9 advised of the proceedings relative to the filing and approval of the  
 10 final report as provided in this section, shall set aside its approval of  
 11 said final report with the result that the proceedings shall be reinstated  
 12 as though no final report had been filed in the first instance and shall  
 13 proceed from that point in the manner provided by law and not  
 14 inconsistent with the provisions of this section.

15 SECTION 46. IC 22-4-32-23, AS AMENDED BY P.L.175-2009,  
 16 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 23. (a) As used in this section:

18 (1) "Dissolution" refers to dissolution of a corporation under  
 19 IC 23-1-45 through IC 23-1-48 or dissolution under Indiana law  
 20 of an association, a joint venture, an estate, a partnership, a  
 21 limited liability partnership, a limited liability company, a joint  
 22 stock company, or an insurance company (referred to as a  
 23 "noncorporate entity" in this section).

24 (2) "Liquidation" means the operation or act of winding up a  
 25 corporation's or entity's affairs, when normal business activities  
 26 have ceased, by settling its debts and realizing upon and  
 27 distributing its assets.

28 (3) "Withdrawal" refers to the withdrawal of a foreign corporation  
 29 from Indiana under IC 23-1-50.

30 (b) The officers and directors of a corporation effecting dissolution,  
 31 liquidation, or withdrawal or the appropriate individuals of a  
 32 noncorporate entity shall do the following:

33 (1) File all necessary documents with the department in a timely  
 34 manner as required by this article.

35 (2) Make all payments of contributions to the department in a  
 36 timely manner as required by this article.

37 (3) File with the department a form of notification within thirty  
 38 (30) days of the adoption of a resolution or plan. The form of  
 39 notification shall be prescribed by the department and may  
 40 require information concerning:

- 41 (A) the corporation's or noncorporate entity's assets;
- 42 (B) the corporation's or noncorporate entity's liabilities;

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1 (C) details of the plan or resolution;  
 2 (D) the names and addresses of corporate officers, directors,  
 3 and shareholders or the noncorporate entity's owners,  
 4 members, or trustees;  
 5 (E) a copy of the minutes of the shareholders' meeting or the  
 6 noncorporate entity's meeting at which the plan or resolution  
 7 was formally adopted; and  
 8 (F) such other information as the board may require.  
 9 The commissioner may accept, in lieu of the department's form of  
 10 notification, a copy of Form 966 that the corporation filed with  
 11 the Internal Revenue Service.  
 12 (c) Unless a clearance is issued under subsection (g), for a period of  
 13 one (1) year following the filing of the form of notification with the  
 14 department, the corporate officers and directors of a corporation and  
 15 the chief executive of a noncorporate entity remain personally liable,  
 16 subject to IC 23-1-35-1(e), for any acts or omissions that result in the  
 17 distribution of corporate or noncorporate entity assets in violation of  
 18 the interests of the state. An officer or director of a corporation or a  
 19 chief executive of a noncorporate entity held liable for an unlawful  
 20 distribution under this subsection is entitled to contribution:  
 21 (1) from every other director who voted for or assented to the  
 22 distribution, subject to IC 23-1-35-1(e); and  
 23 (2) from each shareholder, owner, member, or trustee for the  
 24 amount the shareholder, owner, member, or trustee accepted.  
 25 (d) The corporation's officers' and directors' and the noncorporate  
 26 entity's chief executive's personal liability includes all contributions,  
 27 penalties, interest, and fees associated with the collection of the  
 28 liability due the department. In addition to the penalties provided  
 29 elsewhere in this article, a penalty of up to thirty percent (30%) of the  
 30 unpaid contributions ~~and skills 2016 training assessments~~ may be  
 31 imposed on the corporate officers and directors and the noncorporate  
 32 entity's chief executive for failure to take reasonable steps to set aside  
 33 corporate assets to meet the liability due the department.  
 34 (e) If the department fails to begin a collection action against a  
 35 corporate officer or director or a noncorporate entity's chief executive  
 36 within one (1) year after the filing of a completed form of notification  
 37 with the department, the personal liability of the corporate officer or  
 38 director or noncorporate entity's chief executive expires. The filing of  
 39 a substantially blank form of notification or a form containing  
 40 misrepresentation of material facts does not constitute filing a form of  
 41 notification for the purpose of determining the period of personal  
 42 liability of the officers and directors of the corporation or the chief

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executive of the noncorporate entity.

(f) In addition to the remedies contained in this section, the department is entitled to pursue corporate assets that have been distributed to shareholders or noncorporate entity assets that have been distributed to owners, members, or beneficiaries, in violation of the interests of the state. The election to pursue one (1) remedy does not foreclose the state's option to pursue other legal remedies.

(g) The department may issue a clearance to a corporation or noncorporate entity effecting dissolution, liquidation, or withdrawal if:

(1) the:

(A) officers and directors of the corporation have; or

(B) chief executive of the noncorporate entity has;

met the requirements of subsection (b); and

(2) request for the clearance is made in writing by the officers and directors of the corporation or chief executive of the noncorporate entity within thirty (30) days after the filing of the form of notification with the department.

(h) The issuance of a clearance by the department under subsection (g) releases the officers and directors of a corporation and the chief executive of a noncorporate entity from personal liability under this section.

SECTION 47. IC 23-20-1-6, AS ADDED BY P.L.114-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this chapter, "securities violation" means a violation of **any of** the following:

(1) The Securities Act of 1933, as amended, and any regulations related to that act.

(2) The Securities Exchange Act of 1934, as amended, and any regulations related to that act.

(3) The Investment Company Act of 1940, as amended, and any regulations related to that act.

(4) The Investment Advisers Act of 1940, as amended, and any regulations related to that act.

(5) The Indiana Uniform Securities Act (**IC 23-19**) and any rules related to that act.

(6) Other state securities acts and any rules or regulations related to those acts.

SECTION 48. IC 24-4.4-1-301, AS AMENDED BY P.L.35-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 301. In addition to definitions appearing in subsequent chapters of this article, the following definitions apply throughout this article:

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- 1 (1) "Affiliate", with respect to any person subject to this article,  
 2 means a person that, directly or indirectly, through one (1) or  
 3 more intermediaries:  
 4 (a) controls;  
 5 (b) is controlled by; or  
 6 (c) is under common control with;  
 7 the person subject to this article.  
 8 (2) "Agreement" means the bargain of the parties in fact as found  
 9 in the parties' language or by implication from other  
 10 circumstances, including course of dealing or usage of trade or  
 11 course of performance.  
 12 (3) "Agricultural products" includes agricultural, horticultural,  
 13 viticultural, dairy products, livestock, wildlife, poultry, bees,  
 14 forest products, fish and shellfish, any products raised or  
 15 produced on farms, and any products processed or manufactured  
 16 from products raised or produced on farms.  
 17 (4) "Agricultural purpose" means a purpose related to the  
 18 production, harvest, exhibition, marketing, transportation,  
 19 processing, or manufacture of agricultural products by a natural  
 20 person who cultivates, plants, propagates, or nurtures the  
 21 agricultural products.  
 22 (5) "Consumer credit sale" is a sale of goods, services, or an  
 23 interest in land in which:  
 24 (a) credit is granted by a person who engages as a seller in  
 25 credit transactions of the same kind;  
 26 (b) the buyer is a person other than an organization;  
 27 (c) the goods, services, or interest in land are purchased  
 28 primarily for a personal, family, or household purpose;  
 29 (d) either the debt is payable in installments or a finance  
 30 charge is made; and  
 31 (e) with respect to a sale of goods or services, either the  
 32 amount financed does not exceed fifty thousand dollars  
 33 (\$50,000) or the debt is secured by personal property used or  
 34 expected to be used as the principal dwelling of the buyer.  
 35 (6) "Credit" means the right granted by a creditor to a debtor to  
 36 defer payment of debt or to incur debt and defer its payment.  
 37 (7) "Creditor" means a person:  
 38 (a) that engages in the extension of first lien mortgage  
 39 transactions that are subject to a credit service charge or loan  
 40 finance charge, as applicable, or are payable by written  
 41 agreement in more than four (4) installments (not including a  
 42 down payment); and

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- 1 (b) to which the obligation is initially payable, either on the
- 2 face of the note or contract, or by agreement if there is not a
- 3 note or contract.
- 4 The term does not include a person described in ~~subsection 33(a)~~
- 5 **subsection 34(a)** in a tablefunded transaction. A creditor may be
- 6 an individual, a limited liability company, a sole proprietorship,
- 7 a partnership, a trust, a joint venture, a corporation, an
- 8 unincorporated organization, or other form of entity, however
- 9 organized.
- 10 (8) "Department" refers to the members of the department of
- 11 financial institutions.
- 12 (9) "Depository institution" has the meaning set forth in the
- 13 Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes
- 14 any credit union.
- 15 (10) "Director" refers to the director of the department of financial
- 16 institutions or the director's designee.
- 17 (11) "Dwelling" means a residential structure that contains one
- 18 (1) to four (4) units, regardless of whether the structure is
- 19 attached to real property. The term includes an individual:
- 20 (a) condominium unit;
- 21 (b) cooperative unit;
- 22 (c) mobile home; or
- 23 (d) trailer;
- 24 that is used as a residence.
- 25 (12) "Employee" means an individual who is paid wages or other
- 26 compensation by an employer required under federal income tax
- 27 law to file Form W-2 on behalf of the individual.
- 28 (13) "Federal banking agencies" means the Board of Governors
- 29 of the Federal Reserve System, the Comptroller of the Currency,
- 30 the Office of Thrift Supervision, the National Credit Union
- 31 Administration, and the Federal Deposit Insurance Corporation.
- 32 (14) "First lien mortgage transaction" means:
- 33 (a) a loan; or
- 34 (b) a consumer credit sale;
- 35 that is or will be used by the debtor primarily for personal, family,
- 36 or household purposes and that is secured by a mortgage, a land
- 37 contract, or another equivalent consensual security interest which
- 38 constitutes a first lien on a dwelling or residential real estate.
- 39 (15) "Immediate family member" means a spouse, child, sibling,
- 40 parent, grandparent, or grandchild. The term includes stepparents,
- 41 stepchildren, stepsiblings, and adoptive relationships.
- 42 (16) "Individual" means a natural person.

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- 1 (17) "Licensee" means a person licensed as a creditor under this
- 2 article.
- 3 (18) "Loan" includes:
- 4 (a) the creation of debt by:
- 5 (i) the creditor's payment of or agreement to pay money to
- 6 the debtor or to a third party for the account of the debtor; or
- 7 (ii) the extension of credit by a person who engages as a
- 8 seller in credit transactions primarily secured by an interest
- 9 in land;
- 10 (b) the creation of debt by a credit to an account with the
- 11 creditor upon which the debtor is entitled to draw
- 12 immediately; and
- 13 (c) the forbearance of debt arising from a loan.
- 14 (19) "Loan brokerage business" means any activity in which a
- 15 person, in return for any consideration from any source, procures,
- 16 attempts to procure, or assists in procuring, a mortgage
- 17 transaction from a third party or any other person, whether or not
- 18 the person seeking the mortgage transaction actually obtains the
- 19 mortgage transaction.
- 20 (20) "Loan processor or underwriter" means an individual who
- 21 performs clerical or support duties as an employee at the direction
- 22 of, and subject to the supervision and instruction of, a person
- 23 licensed or exempt from licensing under this article. For purposes
- 24 of this subsection, the term "clerical or support duties" may
- 25 include, after the receipt of an application, the following:
- 26 (a) The receipt, collection, distribution, and analysis of
- 27 information common for the processing or underwriting of a
- 28 mortgage transaction.
- 29 (b) The communication with a consumer to obtain the
- 30 information necessary for the processing or underwriting of a
- 31 loan, to the extent that the communication does not include:
- 32 (i) offering or negotiating loan rates or terms; or
- 33 (ii) counseling consumers about mortgage transaction rates
- 34 or terms.
- 35 An individual engaging solely in loan processor or underwriter
- 36 activities shall not represent to the public, through advertising or
- 37 other means of communicating or providing information,
- 38 including the use of business cards, stationery, brochures, signs,
- 39 rate lists, or other promotional items, that the individual can or
- 40 will perform any of the activities of a mortgage loan originator.
- 41 (21) "Mortgage loan originator" means an individual who, for
- 42 compensation or gain, or in the expectation of compensation or

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1 gain, engages in taking a mortgage transaction application or in  
2 offering or negotiating the terms of a mortgage transaction that  
3 either is made under this article or under IC 24-4.5 or is made by  
4 an employee of a person licensed or exempt from licensing under  
5 this article or under IC 24-4.5, while the employee is engaging in  
6 the loan brokerage business. The term does not include the  
7 following:

8 (a) An individual engaged solely as a loan processor or  
9 underwriter as long as the individual works exclusively as an  
10 employee of a person licensed or exempt from licensing under  
11 this article.

12 (b) Unless the person or entity is compensated by:  
13 (i) a creditor;  
14 (ii) a loan broker;  
15 (iii) another mortgage loan originator; or  
16 (iv) any agent of a creditor, a loan broker, or another  
17 mortgage loan originator described in items (i) through (iii);  
18 a person or entity that performs only real estate brokerage  
19 activities and is licensed or registered in accordance with  
20 applicable state law.

21 (c) A person solely involved in extensions of credit relating to  
22 timeshare plans (as defined in 11 U.S.C. 101(53D)).

23 (22) "Mortgage servicer" means the last person to whom a  
24 mortgagor or the mortgagor's successor in interest has been  
25 instructed by a mortgagee to send payments on a loan secured by  
26 a mortgage.

27 (23) "Mortgage transaction" means:  
28 (a) a loan; or  
29 (b) a consumer credit sale;  
30 that is or will be used by the debtor primarily for personal, family,  
31 or household purposes and that is secured by a mortgage, a land  
32 contract, or another equivalent consensual security interest on a  
33 dwelling or residential real estate.

34 (24) "Nationwide Mortgage Licensing System and Registry" or  
35 "NMLSR" means a mortgage licensing system developed and  
36 maintained by the Conference of State Bank Supervisors and the  
37 American Association of Residential Mortgage Regulators for the  
38 licensing and registration of creditors and mortgage loan  
39 originators.

40 (25) "Nontraditional mortgage product" means any mortgage  
41 product other than a thirty (30) year fixed rate mortgage.

42 (26) "Organization" means a corporation, a government or

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- 1 government subdivision, an agency, a trust, an estate, a
- 2 partnership, a limited liability company, a cooperative, an
- 3 association, a joint venture, an unincorporated organization, or
- 4 any other entity, however organized.
- 5 (27) "Payable in installments", with respect to a debt or an
- 6 obligation, means that payment is required or permitted by written
- 7 agreement to be made in more than four (4) installments not
- 8 including a down payment.
- 9 (28) "Person" includes an individual or an organization.
- 10 (29) "Principal" of a mortgage transaction means the total of:
- 11 (a) the net amount paid to, receivable by, or paid or payable
- 12 for the account of the debtor; and
- 13 (b) to the extent that payment is deferred, amounts actually
- 14 paid or to be paid by the creditor for registration, certificate of
- 15 title, or license fees if not included in clause (a).
- 16 (30) "Real estate brokerage activity" means any activity that
- 17 involves offering or providing real estate brokerage services to the
- 18 public, including the following:
- 19 (a) Acting as a real estate agent or real estate broker for a
- 20 buyer, seller, lessor, or lessee of real property.
- 21 (b) Bringing together parties interested in the sale, purchase,
- 22 lease, rental, or exchange of real property.
- 23 (c) Negotiating, on behalf of any party, any part of a contract
- 24 relating to the sale, purchase, lease, rental, or exchange of real
- 25 property (other than in connection with providing financing
- 26 with respect to the sale, purchase, lease, rental, or exchange of
- 27 real property).
- 28 (d) Engaging in any activity for which a person engaged in the
- 29 activity is required to be registered or licensed as a real estate
- 30 agent or real estate broker under any applicable law.
- 31 (e) Offering to engage in any activity, or act in any capacity,
- 32 described in this subsection.
- 33 (31) "Registered mortgage loan originator" means any individual
- 34 who:
- 35 (a) meets the definition of mortgage loan originator and is an
- 36 employee of:
- 37 (i) a depository institution;
- 38 (ii) a subsidiary that is owned and controlled by a depository
- 39 institution and regulated by a federal banking agency; or
- 40 (iii) an institution regulated by the Farm Credit
- 41 Administration; and
- 42 (b) is registered with, and maintains a unique identifier

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- 1 through, the NMLSR.
- 2 (32) "Residential real estate" means any real property that is
- 3 located in Indiana and on which there is located or intended to be
- 4 constructed a dwelling.
- 5 (33) "Revolving first lien mortgage transaction" means a first lien
- 6 mortgage transaction in which:
- 7 (a) the creditor permits the debtor to obtain advances from
- 8 time to time;
- 9 (b) the unpaid balances of principal, finance charges, and other
- 10 appropriate charges are debited to an account; and
- 11 (c) the debtor has the privilege of paying the balances in
- 12 installments.
- 13 (34) "Tablefunded" means a transaction in which:
- 14 (a) a person closes a first lien mortgage transaction in the
- 15 person's own name as a mortgagee with funds provided by one
- 16 (1) or more other persons; and
- 17 (b) the transaction is assigned simultaneously to the mortgage
- 18 creditor providing the funding not later than one (1) business
- 19 day after the funding of the transaction.
- 20 (35) "Unique identifier" means a number or other identifier
- 21 assigned by protocols established by the NMLSR.
- 22 SECTION 49. IC 25-1-2-6, AS AMENDED BY P.L.84-2010,
- 23 SECTION 7, AND AS AMENDED BY P.L.113-2010, SECTION 100,
- 24 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 25 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section,
- 26 "license" includes all occupational and professional licenses,
- 27 registrations, permits, and certificates issued under the Indiana Code,
- 28 and "licensee" includes all occupational and professional licensees,
- 29 registrants, permittees, and certificate holders regulated under the
- 30 Indiana Code.
- 31 (b) This section applies to the following entities that regulate
- 32 occupations or professions under the Indiana Code:
- 33 (1) Indiana board of accountancy.
- 34 (2) Indiana grain buyers and warehouse licensing agency.
- 35 (3) Indiana auctioneer commission.
- 36 (4) Board of registration for architects and landscape architects.
- 37 ~~(5) State board of barber examiners.~~
- 38 ~~(6) (5) State board of cosmetology and barber examiners.~~
- 39 ~~(7) (6) Medical licensing board of Indiana.~~
- 40 ~~(8) (7) Secretary of state.~~
- 41 ~~(9) (8) State board of dentistry.~~
- 42 ~~(10) (9) State board of funeral and cemetery service.~~

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- 1 ~~(11)~~ (10) Worker's compensation board of Indiana.  
 2 ~~(12)~~ (11) Indiana state board of health facility administrators.  
 3 ~~(13)~~ (12) Committee of hearing aid dealer examiners.  
 4 ~~(14)~~ (13) Indiana state board of nursing.  
 5 ~~(15)~~ (14) Indiana optometry board.  
 6 ~~(16)~~ (15) Indiana board of pharmacy.  
 7 ~~(17)~~ (16) Indiana plumbing commission.  
 8 ~~(18)~~ (17) Board of podiatric medicine.  
 9 ~~(19)~~ (18) Private investigator and security guard licensing board.  
 10 ~~(20)~~ (19) State board of registration for professional engineers.  
 11 ~~(21)~~ *Board of environmental health specialists.*  
 12 ~~(22)~~ (20) State psychology board.  
 13 ~~(23)~~ (21) Indiana real estate commission.  
 14 ~~(24)~~ (22) Speech-language pathology and audiology board.  
 15 ~~(25)~~ (23) Department of natural resources.  
 16 ~~(26)~~ ~~(24)~~ *State athletic commission.*  
 17 ~~(26)~~ ~~(25)~~ (24) Board of chiropractic examiners.  
 18 ~~(27)~~ ~~(26)~~ (25) Mining board.  
 19 ~~(28)~~ ~~(27)~~ (26) Indiana board of veterinary medical examiners.  
 20 ~~(29)~~ ~~(28)~~ (27) State department of health.  
 21 ~~(30)~~ ~~(29)~~ (28) Indiana physical therapy committee.  
 22 ~~(31)~~ ~~(30)~~ (29) Respiratory care committee.  
 23 ~~(32)~~ ~~(31)~~ (30) Occupational therapy committee.  
 24 ~~(33)~~ ~~(32)~~ (31) Behavioral health and human services licensing  
 25 board.  
 26 ~~(34)~~ ~~(33)~~ (32) Real estate appraiser licensure and certification  
 27 board.  
 28 ~~(35)~~ ~~(34)~~ (33) State board of registration for land surveyors.  
 29 ~~(36)~~ ~~(35)~~ (34) Physician assistant committee.  
 30 ~~(37)~~ ~~(36)~~ (35) Indiana dietitians certification board.  
 31 ~~(38)~~ *Indiana hypnotist committee.*  
 32 ~~(39)~~ ~~(37)~~ (36) Attorney general (only for the regulation of athlete  
 33 agents).  
 34 ~~(40)~~ ~~(38)~~ (37) Manufactured home installer licensing board.  
 35 ~~(41)~~ ~~(39)~~ (38) Home inspectors licensing board.  
 36 ~~(42)~~ ~~(40)~~ (39) State board of massage therapy.  
 37 ~~(43)~~ ~~(41)~~ (40) Any other occupational or professional agency  
 38 created after June 30, 1981.

39 (c) Notwithstanding any other law, the entities included in  
 40 subsection (b) shall send a notice of the upcoming expiration of a  
 41 license to each licensee at least sixty (60) days prior to the expiration  
 42 of the license. The notice must inform the licensee of the need to renew

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1 and the requirement of payment of the renewal fee. If this notice of  
2 expiration is not sent by the entity, the licensee is not subject to a  
3 sanction for failure to renew if, once notice is received from the entity,  
4 the license is renewed within forty-five (45) days of the receipt of the  
5 notice.

6 SECTION 50. IC 25-1-6-3, AS AMENDED BY P.L.84-2010,  
7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 3. (a) The licensing agency shall perform all  
9 administrative functions, duties, and responsibilities assigned by law  
10 or rule to the executive director, secretary, or other statutory  
11 administrator of the following:

- 12 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 13 (2) Board of registration for architects and landscape architects  
14 (IC 25-4-1-2).
- 15 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 16 (4) State board of cosmetology **and barber** examiners  
17 (IC 25-8-3-1).
- 18 (5) State board of funeral and cemetery service (IC 25-15-9).
- 19 (6) State board of registration for professional engineers  
20 (IC 25-31-1-3).
- 21 (7) Indiana plumbing commission (IC 25-28.5-1-3).
- 22 (8) Indiana real estate commission (IC 25-34.1).
- 23 (9) Real estate appraiser licensure and certification board  
24 (IC 25-34.1-8-1).
- 25 (10) Private investigator and security guard licensing board  
26 (IC 25-30-1-5.2).
- 27 (11) State board of registration for land surveyors  
28 (IC 25-21.5-2-1).
- 29 (12) Manufactured home installer licensing board (IC 25-23.7).
- 30 (13) Home inspectors licensing board (IC 25-20.2-3-1).
- 31 (14) State board of massage therapy (IC 25-21.8-2-1).

32 (b) Nothing in this chapter may be construed to give the licensing  
33 agency policy making authority, which remains with each board.

34 SECTION 51. IC 25-1-7-1, AS AMENDED BY P.L.84-2010,  
35 SECTION 12, AND AS AMENDED BY P.L.113-2010, SECTION  
36 101, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

38 "Board" means the appropriate agency listed in the definition of  
39 regulated occupation in this section.

40 "Director" refers to the director of the division of consumer  
41 protection.

42 "Division" refers to the division of consumer protection, office of

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- 1 the attorney general.
- 2 "Licensee" means a person who is:
- 3 (1) licensed, certified, or registered by a board listed in this
- 4 section; and
- 5 (2) the subject of a complaint filed with the division.
- 6 "Person" means an individual, a partnership, a limited liability
- 7 company, or a corporation.
- 8 "Regulated occupation" means an occupation in which a person is
- 9 licensed, certified, or registered by one (1) of the following:
- 10 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 11 (2) Board of registration for architects and landscape architects
- 12 (IC 25-4-1-2).
- 13 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 14 ~~(4) State board of barber examiners (IC 25-7-5-1):~~
- 15 ~~(4) State athletic commission (IC 25-9-1):~~
- 16 ~~(5) (4) Board of chiropractic examiners (IC 25-10-1).~~
- 17 ~~(6) (5) State board of cosmetology and barber examiners~~
- 18 ~~(IC 25-8-3-1).~~
- 19 ~~(7) (6) State board of dentistry (IC 25-14-1).~~
- 20 ~~(8) (7) State board of funeral and cemetery service (IC 25-15-9).~~
- 21 ~~(9) (8) State board of registration for professional engineers~~
- 22 ~~(IC 25-31-1-3).~~
- 23 ~~(10) (9) Indiana state board of health facility administrators~~
- 24 ~~(IC 25-19-1).~~
- 25 ~~(11) (10) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 26 ~~(12) (11) Indiana state board of nursing (IC 25-23-1).~~
- 27 ~~(13) (12) Indiana optometry board (IC 25-24).~~
- 28 ~~(14) (13) Indiana board of pharmacy (IC 25-26).~~
- 29 ~~(15) (14) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 30 ~~(16) (15) Board of podiatric medicine (IC 25-29-2-1).~~
- 31 ~~(17) Board of environmental health specialists (IC 25-32-1):~~
- 32 ~~(17) (18) (16) State psychology board (IC 25-33).~~
- 33 ~~(18) (19) (17) Speech-language pathology and audiology board~~
- 34 ~~(IC 25-35.6-2).~~
- 35 ~~(19) (20) (18) Indiana real estate commission (IC 25-34.1-2).~~
- 36 ~~(20) (21) (19) Indiana board of veterinary medical examiners~~
- 37 ~~(IC 25-38.1).~~
- 38 ~~(21) (22) (20) Department of natural resources for purposes of~~
- 39 ~~licensing water well drillers under IC 25-39-3.~~
- 40 ~~(22) (23) (21) Respiratory care committee (IC 25-34.5).~~
- 41 ~~(23) (24) (22) Private investigator and security guard licensing~~
- 42 ~~board (IC 25-30-1-5.2).~~

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- 1 ~~(24)~~ ~~(25)~~ **(23)** Occupational therapy committee (IC 25-23.5).  
 2 ~~(25)~~ ~~(26)~~ **(24)** Behavioral health and human services licensing  
 3 board (IC 25-23.6).  
 4 ~~(26)~~ ~~(27)~~ **(25)** Real estate appraiser licensure and certification  
 5 board (IC 25-34.1-8).  
 6 ~~(27)~~ ~~(28)~~ **(26)** State board of registration for land surveyors  
 7 (IC 25-21.5-2-1).  
 8 ~~(28)~~ ~~(29)~~ **(27)** Physician assistant committee (IC 25-27.5).  
 9 ~~(29)~~ ~~(30)~~ **(28)** Indiana athletic trainers board (IC 25-5.1-2-1).  
 10 ~~(30)~~ ~~(31)~~ **(29)** Indiana dietitians certification board  
 11 (IC 25-14.5-2-1).  
 12 ~~(32)~~ *Indiana hypnotist committee (IC 25-20.5-1-7)*.  
 13 ~~(31)~~ ~~(33)~~ **(30)** Indiana physical therapy committee (IC 25-27).  
 14 ~~(32)~~ ~~(34)~~ **(31)** Manufactured home installer licensing board  
 15 (IC 25-23.7).  
 16 ~~(33)~~ ~~(35)~~ **(32)** Home inspectors licensing board (IC 25-20.2-3-1).  
 17 ~~(34)~~ ~~(36)~~ **(33)** State department of health, for out-of-state mobile  
 18 health care entities.  
 19 ~~(35)~~ ~~(37)~~ **(34)** State board of massage therapy (IC 25-21.8-2-1).  
 20 ~~(36)~~ ~~(38)~~ **(35)** Any other occupational or professional agency  
 21 created after June 30, 1981.
- 22 SECTION 52. IC 25-1-8-1, AS AMENDED BY P.L.84-2010,  
 23 SECTION 14, AND AS AMENDED BY P.L.113-2010, SECTION  
 24 102, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter,  
 26 "board" means any of the following:
- 27 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 28 (2) Board of registration for architects and landscape architects  
 29 (IC 25-4-1-2).  
 30 (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
 31 ~~(4)~~ *State board of barber examiners (IC 25-7-5-1)*.  
 32 ~~(4)~~ *State athletic commission (IC 25-9-1)*.  
 33 ~~(5)~~ **(4)** Board of chiropractic examiners (IC 25-10-1).  
 34 ~~(6)~~ **(5)** State board of cosmetology *and barber* examiners  
 35 (IC 25-8-3-1).  
 36 ~~(7)~~ **(6)** State board of dentistry (IC 25-14-1).  
 37 ~~(8)~~ **(7)** State board of funeral and cemetery service (IC 25-15).  
 38 ~~(9)~~ **(8)** State board of registration for professional engineers  
 39 (IC 25-31-1-3).  
 40 ~~(10)~~ **(9)** Indiana state board of health facility administrators  
 41 (IC 25-19-1).  
 42 ~~(11)~~ **(10)** Medical licensing board of Indiana (IC 25-22.5-2).

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- 1           ~~(12)~~ **(11)** Mining board (IC 22-10-1.5-2).  
 2           ~~(13)~~ **(12)** Indiana state board of nursing (IC 25-23-1).  
 3           ~~(14)~~ **(13)** Indiana optometry board (IC 25-24).  
 4           ~~(15)~~ **(14)** Indiana board of pharmacy (IC 25-26).  
 5           ~~(16)~~ **(15)** Indiana plumbing commission (IC 25-28.5-1-3).  
 6           ~~(17) Board of environmental health specialists (IC 25-32-1).~~  
 7           ~~(17)~~ ~~(18)~~ **(16)** State psychology board (IC 25-33).  
 8           ~~(18)~~ ~~(19)~~ **(17)** Speech-language pathology and audiology board  
 9           (IC 25-35.6-2).  
 10          ~~(19)~~ ~~(20)~~ **(18)** Indiana real estate commission (IC 25-34.1-2-1).  
 11          ~~(20)~~ ~~(21)~~ **(19)** Indiana board of veterinary medical examiners  
 12          (IC 25-38.1-2-1).  
 13          ~~(21)~~ ~~(22)~~ **(20)** Department of insurance (IC 27-1).  
 14          ~~(22)~~ ~~(23)~~ **(21)** State police department (IC 10-11-2-4), for  
 15          purposes of certifying polygraph examiners under IC 25-30-2.  
 16          ~~(23)~~ ~~(24)~~ **(22)** Department of natural resources for purposes of  
 17          licensing water well drillers under IC 25-39-3.  
 18          ~~(24)~~ ~~(25)~~ **(23)** Private investigator and security guard licensing  
 19          board (IC 25-30-1-5.2).  
 20          ~~(25)~~ ~~(26)~~ **(24)** Occupational therapy committee (IC 25-23.5-2-1).  
 21          ~~(26)~~ ~~(27)~~ **(25)** Behavioral health and human services licensing  
 22          board (IC 25-23.6-2-1).  
 23          ~~(27)~~ ~~(28)~~ **(26)** Real estate appraiser licensure and certification  
 24          board (IC 25-34.1-8).  
 25          ~~(28)~~ ~~(29)~~ **(27)** State board of registration for land surveyors  
 26          (IC 25-21.5-2-1).  
 27          ~~(29)~~ ~~(30)~~ **(28)** Physician assistant committee (IC 25-27.5).  
 28          ~~(30)~~ ~~(31)~~ **(29)** Indiana athletic trainers board (IC 25-5.1-2-1).  
 29          ~~(31)~~ ~~(32)~~ **(30)** Board of podiatric medicine (IC 25-29-2-1).  
 30          ~~(32)~~ ~~(33)~~ **(31)** Indiana dietitians certification board  
 31          (IC 25-14.5-2-1).  
 32          ~~(33)~~ ~~(34)~~ **(32)** Indiana physical therapy committee (IC 25-27).  
 33          ~~(34)~~ ~~(35)~~ **(33)** Manufactured home installer licensing board  
 34          (IC 25-23.7).  
 35          ~~(35)~~ ~~(36)~~ **(34)** Home inspectors licensing board (IC 25-20.2-3-1).  
 36          ~~(36)~~ ~~(37)~~ **(35)** State board of massage therapy (IC 25-21.8-2-1).  
 37          ~~(37)~~ ~~(38)~~ **(36)** Any other occupational or professional agency  
 38          created after June 30, 1981.

39           SECTION 53. IC 25-1-11-1, AS AMENDED BY P.L.84-2010,  
 40           SECTION 18, AND AS AMENDED BY P.L.113-2010, SECTION  
 41           103, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 42           [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter,

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1 "board" means any of the following:

2 (1) Indiana board of accountancy (IC 25-2.1-2-1).

3 (2) Board of registration for architects and landscape architects

4 (IC 25-4-1-2).

5 (3) Indiana auctioneer commission (IC 25-6.1-2).

6 ~~(4) State board of barber examiners (IC 25-7-5-1).~~

7 ~~(4) State athletic commission (IC 25-9-1).~~

8 ~~(5)~~ (4) State board of cosmetology and barber examiners

9 (IC 25-8-3-1).

10 ~~(6)~~ (5) State board of registration of for land surveyors

11 (IC 25-21.5-2-1).

12 ~~(7)~~ (6) State board of funeral and cemetery service (IC 25-15-9).

13 ~~(8)~~ (7) State board of registration for professional engineers

14 (IC 25-31-1-3).

15 ~~(9)~~ (8) Indiana plumbing commission (IC 25-28.5-1-3).

16 ~~(10)~~ (9) Indiana real estate commission (IC 25-34.1-2-1).

17 ~~(11)~~ (10) Real estate appraiser licensure and certification board

18 (IC 25-34.1-8).

19 ~~(12)~~ (11) Private investigator and security guard licensing board

20 (IC 25-30-1-5.2).

21 ~~(13)~~ (12) Manufactured home installer licensing board

22 (IC 25-23.7).

23 ~~(14)~~ (13) Home inspectors licensing board (IC 25-20.2-3-1).

24 ~~(15)~~ (14) State board of massage therapy (IC 25-21.8-2-1).

25 SECTION 54. IC 25-1-11-9 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A practitioner

27 registered as an engineer or a land surveyor is subject to the

28 disciplinary sanctions under section 12 of this chapter if, after a

29 hearing, the board finds that the practitioner:

30 (1) has permitted the practitioner's seal to be affixed to plans,

31 specifications, or drawings not prepared by the practitioner or

32 under the practitioner's personal supervision by the practitioner's

33 regularly employed subordinates; **or**

34 (2) has used the title "architect" or advertised to practice

35 architecture and is not registered under IC 25-4-1.

36 SECTION 55. IC 25-15-9-18, AS AMENDED BY P.L.101-2010,

37 SECTION 3, AND AS AMENDED BY P.L.94-2010, SECTION 8, IS

38 CORRECTED AND AMENDED TO READ AS FOLLOWS

39 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Except as provided in

40 subsection (b), the following persons, in the order of priority indicated,

41 have the authority to designate the manner, type, and selection of the

42 final disposition and interment of human remains:

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1           (1) An individual granted the authority to serve in a funeral  
2           planning declaration executed by the decedent under IC 29-2-19,  
3           or the person named in a United States Department of Defense  
4           form "Record of Emergency Data" (DD Form 93) or a successor  
5           form adopted by the United States Department of Defense, if the  
6           decedent died while serving in any branch of the United States  
7           Armed Forces (as defined in 10 U.S.C. 1481) and completed the  
8           form.

9           ~~(1) An individual granted the authority in a funeral planning~~  
10          ~~declaration executed by the decedent under IC 29-2-19-~~

11          (2) An individual granted the authority in a health care power of  
12          attorney executed by the decedent under IC 30-5-5-16.

13          (3) The individual who was the spouse of the decedent at the time  
14          of the decedent's death.

15          (4) The decedent's surviving adult child. If more than one (1)  
16          adult child is surviving, any adult child who confirms in writing  
17          that the other adult children have been notified, unless the  
18          licensed funeral director or licensed funeral home receives a  
19          written objection from another adult child.

20          (5) The decedent's surviving parent. If the decedent is survived by  
21          both parents, either parent has the authority unless the licensed  
22          funeral director or licensed funeral home receives a written  
23          objection from the other parent.

24          (6) The individual in the next degree of kinship under IC 29-1-2-1  
25          to inherit the estate of the decedent. If more than one (1)  
26          individual of the same degree survives, any person of that degree  
27          has the authority unless the licensed funeral director or licensed  
28          funeral home receives a written objection from one (1) or more  
29          persons of the same degree.

30          (7) In the case of an indigent or other individual whose final  
31          disposition is the responsibility of the state or township, the  
32          following:

33                (A) If none of the persons identified in subdivisions (1)  
34                through (6) is available:

35                   (i) a public administrator, including a responsible township  
36                   trustee or the trustee's designee; or

37                   (ii) the coroner.

38                (B) A state appointed guardian.

39          (b) If:

40                (1) the death of the decedent appears to have been the result of:

41                   (A) murder (IC 35-42-1-1);

42                   (B) voluntary manslaughter (IC 35-42-1-3); or

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1 (C) another criminal act, if the death does not result from the  
 2 operation of a vehicle; and  
 3 (2) the coroner, in consultation with the law enforcement agency  
 4 investigating the death of the decedent, determines that there is a  
 5 reasonable suspicion that a person described in subsection (a)  
 6 committed the offense;  
 7 the person referred to in subdivision (2) may not authorize or designate  
 8 the manner, type, or selection of the final disposition and interment of  
 9 human remains.  
 10 (c) The coroner, in consultation with the law enforcement agency  
 11 investigating the death of the decedent, shall inform the cemetery  
 12 owner or crematory authority of the determination under subsection  
 13 (b)(2).  
 14 (d) *If the decedent had filed a protection order against a person*  
 15 *described in subsection (a) and the protection order is currently in*  
 16 *effect, the person described in subsection (a) may not authorize or*  
 17 *designate the manner, type, or selection of the final disposition and*  
 18 *interment of human remains.*  
 19 (e) *A law enforcement agency shall determine if the protection*  
 20 *order is in effect. If the law enforcement agency cannot determine the*  
 21 *existence of a protection order that is in effect, the law enforcement*  
 22 *agency shall consult the protective order registry established under*  
 23 *IC 5-2-9-5.5.*  
 24 SECTION 56. IC 25-23.6-8.5-1, AS AMENDED BY P.L.84-2010,  
 25 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 1. An individual who applies for a license as  
 27 a mental health counselor must meet the following requirements:  
 28 (1) Furnish satisfactory evidence to the board that the individual  
 29 has:  
 30 (A) received a master's or doctor's degree in an area related to  
 31 mental health counseling from:  
 32 (i) an eligible postsecondary educational institution that  
 33 meets the requirements under section 2 of this chapter; or  
 34 (ii) a foreign school that has a program of study that meets  
 35 the requirements under section 2 of this chapter;  
 36 (B) completed the educational requirements under section 3 of  
 37 this chapter; and  
 38 (C) completed the experience requirements under section 4 of  
 39 this chapter.  
 40 (2) Furnish satisfactory evidence to the board that the individual:  
 41 (A) except as provided in section 1.7 of this chapter, holds a  
 42 mental health counselor associate **license**, in good standing,

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- 1 issued under section 7 of this chapter; or
- 2 (B) is licensed or certified to practice as a mental health
- 3 counselor in another state and is otherwise qualified under this
- 4 chapter.
- 5 (3) Furnish satisfactory evidence to the board that the individual
- 6 does not have a conviction for a crime that has a direct bearing on
- 7 the individual's ability to practice competently.
- 8 (4) Furnish satisfactory evidence to the board that the individual
- 9 has not been the subject of a disciplinary action by a licensing or
- 10 certification agency of another state or jurisdiction on the grounds
- 11 that the individual was not able to practice as a mental health
- 12 counselor without endangering the public.
- 13 (5) Pass an examination provided by the board.
- 14 (6) Pay the fee established by the board.

15 SECTION 57. IC 25-29-1-0.5 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) This article,  
 17 as it relates to the unlawful or unauthorized practice of podiatric  
 18 medicine, does not apply to any of the following:

- 19 (1) A student in training in a podiatric medical school approved
- 20 by the board, or while performing duties as an intern or a resident
- 21 in a hospital under the supervision of the hospital's podiatric staff
- 22 or in a program approved by the board.
- 23 (2) An individual who renders service in case of emergency when
- 24 no fee or other consideration is contemplated, charged, or
- 25 received.
- 26 (3) Commissioned podiatric medical officers or podiatric medical
- 27 service officers of the armed forces of the United States, the
- 28 United States Public Health Service, and podiatric medical
- 29 officers of the United States Department of Veterans Affairs in
- 30 the discharge of their official duties in Indiana who are also
- 31 licensed to practice podiatric medicine in another jurisdiction in
- 32 the United States.
- 33 (4) An individual who is licensed to practice podiatric medicine
- 34 in another jurisdiction, and is called in for consultation by an
- 35 individual licensed to practice podiatric medicine in Indiana.
- 36 (5) An individual administering a domestic or family remedy to
- 37 a member of the individual's family.
- 38 (6) A member of a church practicing the religious tenets of the
- 39 church if the member does not make a medical diagnosis,
- 40 prescribe or administer drugs or medicines, perform surgical or
- 41 physical operations, or assume the title of or profess to be a
- 42 podiatrist.

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- 1 (7) A school corporation and a school employee who acts under  
 2 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).  
 3 (8) A chiropractor practicing the chiropractor's profession under  
 4 IC 25-10 or to an employee of a chiropractor acting under the  
 5 direction and supervision of the chiropractor under IC 25-10-1-13.  
 6 (9) A nurse practicing the nurse's profession under IC 25-23.  
 7 (10) A pharmacist practicing the pharmacist's profession under  
 8 IC 25-26.  
 9 (11) A physical therapist practicing the physical therapist's  
 10 profession under IC 25-27.  
 11 (12) A physician or an osteopath practicing the physician's or  
 12 osteopath's profession under IC 25-22.5.  
 13 (13) An employee, including a licensed podiatrist's assistant, of a  
 14 podiatrist or group of podiatrists who performs an act, a duty, or  
 15 a function that is customarily within the specific area of practice  
 16 of the employing podiatrist or group of podiatrists, if the act, duty,  
 17 or function is performed under the direction and supervision of  
 18 the employing podiatrist or a podiatrist of the employing group  
 19 within whose area of practice the act, duty, or function falls. An  
 20 employee may not make a diagnosis or prescribe a treatment and  
 21 must report the results of an examination of a patient conducted  
 22 by the employee to the employing podiatrist or the podiatrist of  
 23 the employing group under whose supervision the employee is  
 24 working. An employee may not administer medication without the  
 25 specific order of the employing podiatrist or a podiatrist of the  
 26 employing group. Unless an employee is licensed or registered to  
 27 independently practice in a profession described in subdivisions  
 28 (8) through (12), nothing in this subsection grants the employee  
 29 independent practitioner status or the authority to perform patient  
 30 services in an independent practice in a profession.  
 31 (14) A hospital licensed under IC 16-21 or IC 12-25.  
 32 (15) A health care organization whose members, shareholders, or  
 33 partners are individuals, partnerships, corporations, facilities, or  
 34 institutions licensed or legally authorized by this state to provide  
 35 health care or professional services as:  
 36 (A) a podiatrist;  
 37 (B) a psychiatric hospital;  
 38 (C) a hospital;  
 39 (D) a health facility;  
 40 (E) a registered or licensed practical nurse;  
 41 (F) a physician;  
 42 (G) a chiropractor; or

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1 (H) a physical therapist.

2 (b) A person described in subsection (a)(8) through (a)(12) is not

3 excluded from the application of this article if:

4 (1) the person performs an act that an Indiana statute does not

5 authorize the person to perform; and

6 (2) the act qualifies in whole or in part as the practice of podiatric

7 medicine.

8 (c) An employment or other contractual relationship between an

9 entity described in subsection (a)(14) through (a)(15) and a licensed

10 podiatrist does not constitute the unlawful practice of podiatric

11 medicine under this article if the entity does not direct or control

12 independent medical acts, decisions, or judgment of the licensed

13 podiatrist. However, if the direction or control is done by the entity

14 under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is

15 excluded from the application of this article as it relates to the unlawful

16 practice of podiatric medicine.

17 (d) This subsection does not apply to a prescription or drug order for

18 a legend drug that is filled or refilled in a pharmacy owned or operated

19 by a hospital licensed under ~~IC 16-10-1~~ **IC 16-21-2**. A podiatrist

20 licensed in Indiana who permits or authorizes a person to fill or refill

21 a prescription or drug order for a legend drug except as authorized in

22 ~~IC 16-6-8-3~~ **IC 16-42-19** is subject to disciplinary action under

23 IC 25-1-9. A person who violates this subsection commits the unlawful

24 practice of podiatric medicine under this chapter.

25 SECTION 58. IC 25-34.1-9-19 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. The

27 commission may grant an applicant a waiver from the continuing

28 education requirement for the renewal period if the applicant meets one

29 (1) of the following conditions:

30 (1) Was not able to fulfill the requirement due to a hardship that

31 resulted from any of the following:

32 (A) Service in the armed forces of the United States during a

33 substantial part of the renewal period.

34 (B) An incapacitating illness.

35 (C) Other circumstances determined by the commission.

36 (2) Has certified on approved forms to the commission the

37 following:

38 (A) That the applicant has an active license but will not

39 perform an act that requires a salesperson or broker's license.

40 (B) That the applicant is affiliated with a principal broker for

41 the sole purpose of making referrals to a licensed salesperson

42 or broker.

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1 An individual granted a waiver under this subdivision may not  
2 perform an act that requires a salesperson or broker's license until  
3 the individual has fulfilled the same continuing education  
4 requirements needed to reactivate an inactive license under  
5 IC 25-34.1-3-10(c) and IC 25-34.1-3-10(d).

6 SECTION 59. IC 26-2-6-1 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~As used in The~~  
8 **following definitions apply throughout** this chapter:

9 (1) "Adequate service information" means facts sufficient to  
10 enable a service representative or independent service facility to  
11 repair a product, including detailed schematic diagrams,  
12 operational voltages, and parts identification.

13 (2) "Audio or visual entertainment product" means an electronic  
14 product that:

15 (1) (A) generates electronic signals or uses amplification  
16 devices, such as a radio, an item of audio playback or  
17 recording equipment, a television, or a video playback or  
18 recording unit; and

19 (2) (B) is purchased by a consumer primarily for personal,  
20 family, or household uses and not for business or agricultural  
21 uses.

22 (3) "Authorized service representative" means until July 1, 1996,  
23 any dealer of audio or visual entertainment products licensed  
24 under IC 25-36-1 (**repealed**) who has been designated by a  
25 manufacturer as one (1) of the dealers who will be reimbursed for  
26 service or repairs that ~~he~~ **the dealer** may render, including labor  
27 or parts, in connection with an express warranty of the product  
28 made by the manufacturer.

29 (4) "Independent service facility" means any dealer of audio or  
30 visual entertainment products who:

31 (1) (A) has not been designated an "authorized service  
32 representative" by a manufacturer;

33 (2) (B) services audio or visual entertainment products without  
34 reimbursement from the manufacturer in connection with an  
35 express warranty made by the manufacturer; **and**

36 (3) (C) until July 1, 1996, is licensed as a television and radio  
37 service technician under IC 25-36-1 (**repealed**).

38 SECTION 60. IC 26-2-6-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Whenever  
40 authorized service representatives or independent service facilities  
41 undertake to service or repair an audio or visual entertainment product,  
42 they shall: ~~do the following:~~

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- 1 (1) provide services or make repairs on the product within
- 2 forty-five (45) days of receipt of that product, regardless of
- 3 whether the product is covered by an express warranty; or
- 4 (2) ~~Notify the consumer requesting the service or repair~~ if a part
- 5 necessary to effect the repair or service is not immediately
- 6 available:
- 7 (A) **notify the consumer requesting the service or repair**
- 8 **that the part is not immediately available** and order the
- 9 necessary part, within fifteen (15) days of receipt of the
- 10 product; and
- 11 ~~(B)~~ (B) repair or service the product within thirty (30) days of
- 12 receipt of the ordered part, unless the consumer agrees
- 13 otherwise.

14 However, if a delay in completing the requested service or repair is  
 15 caused by a condition beyond the control of the authorized service  
 16 representative or independent service facility, the authorized service  
 17 representative or independent service facility shall repair or service the  
 18 audio or visual entertainment product upon termination of the condition  
 19 causing the delay.

20 SECTION 61. IC 26-4-1-10, AS AMENDED BY P.L.75-2010,  
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 10. "Failed" or "failure" means any of the  
 23 following:

- 24 (1) An inability of a licensee to financially satisfy fully all
- 25 obligations due a claimant.
- 26 (2) A public declaration of a licensee's insolvency.
- 27 (3) The nonpayment of a licensee's debts in the ordinary course of
- 28 business if there is not a good faith dispute.
- 29 (4) Revocation ~~of or~~ suspension of a licensee's license, if the
- 30 licensee has outstanding indebtedness owed to claimants.
- 31 (5) Voluntary surrender of a licensee's license, if the licensee has
- 32 outstanding indebtedness to claimants.
- 33 (6) Involuntary or voluntary bankruptcy of a licensee.

34 SECTION 62. IC 28-1-29-7.5, AS AMENDED BY P.L.35-2010,  
 35 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies if,  
 37 after a person has been issued a license or renewal license under this  
 38 chapter, any individuals described in section 5(b)(2) or 5(b)(3) of this  
 39 chapter have been convicted of or pleaded guilty or nolo contendere to  
 40 a felony under the laws of Indiana or any other jurisdiction.

41 (b) If this section applies, the licensee shall provide to the  
 42 department the information required under section 5(c) of this chapter:

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- 1 (1) not later than thirty (30) days after any person described in
- 2 subsection (a) has been convicted of or pleaded guilty or nolo
- 3 contendere to the felony; or
- 4 (2) if the licensee's next license renewal fee under section ~~3(c)~~
- 5 **3(d)** of this chapter is due before the date described in subdivision
- 6 (1), along with the licensee's next license renewal fee under
- 7 section 3(d) of this chapter.

8 (c) Not later than thirty (30) days after a licensee has been served  
 9 with notice of a civil action for violation of this chapter by or on behalf  
 10 of a debtor who resides or resided in Indiana on:

- 11 (1) the date an agreement that is the subject of the civil action was
- 12 entered into; or
- 13 (2) the date the civil action is filed;

14 the licensee shall provide written notice of the civil action to the  
 15 department.

16 SECTION 63. IC 29-1-17-4 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. When real or  
 18 personal property which has been specifically devised, or charged with  
 19 a legacy, shall be sold or taken by the personal representative for the  
 20 payment of:

- 21 (1) claims;
- 22 (2) general legacies;
- 23 (3) the allowance provided by IC 29-1-4-1;
- 24 (4) the shares of pretermitted heirs; or
- 25 (5) the share of the surviving spouse who elects to take against the
- 26 will;

27 other legatees and devisees shall contribute according to their  
 28 respective interests to the legatee or devisee whose legacy or devise has  
 29 been sold or taken, so as to accomplish an abatement in accordance  
 30 with the provisions of ~~IC 29-1-17-3~~ **section 3 of this chapter**. The  
 31 court shall, at the time of the hearing on the petition for final  
 32 distribution, determine the amounts of the respective contributions and  
 33 whether the same shall be made before distribution or shall constitute  
 34 a lien on specific property which is distributed.

35 SECTION 64. IC 32-17.5-5-1, AS AMENDED BY P.L.6-2010,  
 36 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 1. (a) This subsection applies upon the death  
 38 of a holder of jointly held property only if, during the deceased holder's  
 39 lifetime, the deceased holder could have unilaterally regained a part of  
 40 the property attributable to the deceased holder's contribution without  
 41 consent of any other holder. Another holder may disclaim an amount  
 42 that may not exceed the amount determined in STEP THREE of the

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1 following formula:

2 STEP ONE: Determine the amount of the property attributable to

3 the deceased holder's contributions.

4 STEP TWO: Determine the quotient of:

5 (A) one (1); divided by

6 (B) the number of joint holders alive immediately before the

7 death of the holder to whose death the disclaimer relates.

8 STEP THREE: Determine the product of:

9 ~~(A)~~ (A) the STEP ONE amount; multiplied by

10 ~~(B)~~ (B) the STEP TWO quotient.

11 (b) This subsection applies in the case of the death of a holder of

12 jointly held property that is not subject to subsection (a). Another

13 holder may disclaim an amount that may not exceed the amount

14 determined in STEP FOUR of the following formula:

15 STEP ONE: Determine the value of the total amount of the jointly

16 held property.

17 STEP TWO: Determine the product of:

18 (A) the number of joint holders alive immediately before the

19 death of the holder to whose death the disclaimer relates;

20 multiplied by

21 (B) the number of joint holders alive immediately after the

22 death of the holder to whose death the disclaimer relates.

23 STEP THREE: Determine the quotient of:

24 (A) one (1); divided by

25 (B) the STEP TWO result.

26 STEP FOUR: Determine the product of:

27 (A) the value determined in STEP ONE; multiplied by

28 (B) the quotient determined in STEP THREE.

29 (c) A disclaimer under subsection (a) or (b) takes effect as of the

30 death of the holder of jointly held property to whose death the

31 disclaimer relates.

32 (d) An interest in jointly held property disclaimed by a surviving

33 holder of the property passes as if the disclaimant predeceased the

34 holder to whose death the disclaimer relates.

35 SECTION 65. IC 33-37-8-3, AS AMENDED BY P.L.60-2006,

36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

37 UPON PASSAGE]: Sec. 3. (a) A city or town user fee fund is

38 established in each city or town having a city or town court for the

39 purpose of supplementing the cost of various program services. The

40 city or town fund is administered by the fiscal officer of the city or

41 town.

42 (b) The city or town fund consists of the following fees collected by

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a clerk under this article:

- (1) The pretrial diversion program fee.
- (2) The alcohol and drug services fee.
- (3) The law enforcement continuing education program fee.
- (4) The deferral program fee.
- ~~(5) The drug court fee.~~
- ~~(6) The reentry court fee.~~

SECTION 66. IC 33-37-8-5, AS AMENDED BY P.L.146-2008, SECTION 676, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- (3) The marijuana eradication program fee.
- (4) The alcohol and drug services program fee.
- (5) The law enforcement continuing education program fee.
- (6) The deferral program fee.
- (7) The jury fee.
- ~~(8) The drug court fee.~~
- ~~(9) The reentry court fee.~~

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

SECTION 67. IC 33-38-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. Notwithstanding any other provision of this chapter, and solely for the purposes of the benefits provided under this chapter, the benefit limitations of Section 415 of the Internal Revenue Code shall be determined by applying the provisions of Section 415(b)(10) of the Internal Revenue Code, as amended by the Technical and Miscellaneous Revenue Act of 1988 (P.L.100-647). This section constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code (other than Section 415(b)(2)(G)) applied without regard to Section 415(b)(2)(F) (**before its repeal on June 7, 2001, by P.L.107-16**) to anyone who did not first become a participant before January 1, 1990.

SECTION 68. IC 34-30-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. IC 9-22-3-25

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1 (Concerning persons releasing or providing evidence or information  
 2 concerning ~~auto theft~~: **salvage motor vehicles**).

3 SECTION 69. IC 34-30-2-81.3, AS ADDED BY P.L.125-2009,  
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 UPON PASSAGE]: Sec. 81.3. ~~IC 16-41-8-6~~ **IC 16-41-8-5(f)**  
 6 (Concerning a health care provider who discloses information in  
 7 compliance with IC 16-41-8-5).

8 SECTION 70. IC 34-30-5-1 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person who in  
 10 good faith makes a gift of a food item to a charitable entity is not liable  
 11 for civil damages arising from the use, condition, quality, or content of  
 12 that food item, unless the damages are the result of that person's  
 13 intentional, knowing, or reckless misconduct (in accordance with the  
 14 definitions of intentionally, knowingly, and recklessly set out in ~~of~~  
 15 IC 35-41-2-2(a) through IC 35-41-2-2(c)).

16 SECTION 71. IC 34-30-15-1, AS AMENDED BY P.L.101-2007,  
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 1. (a) All proceedings of a peer review  
 19 committee are confidential.

20 (b) All communications to a peer review committee shall be  
 21 privileged communications.

22 (c) Neither the personnel of a peer review committee nor any  
 23 participant in a committee proceeding shall reveal any content of:  
 24 (1) communications to;  
 25 (2) the records of; or  
 26 (3) the determination of;  
 27 a peer review committee outside of the peer review committee.

28 (d) However, the governing board of:  
 29 (1) a hospital;  
 30 (2) a professional health care organization;  
 31 (3) a preferred provider organization (including a preferred  
 32 provider arrangement or reimbursement agreement under  
 33 IC 27-8-11); or  
 34 (4) a health maintenance organization (as defined in  
 35 IC 27-13-1-19) or a limited service health maintenance  
 36 organization (as defined in IC 27-13-34-4);  
 37 may disclose the final action taken with regard to a professional health  
 38 care provider without violating the provisions of this section.

39 (e) Upon approval by the health care facility's governing body, the  
 40 peer review committee of a health care facility (as defined in  
 41 IC 16-40-5-2, **expired**) may submit or disclose to the agency (as  
 42 defined in IC 16-40-5-1, **expired**) the following for purposes of patient

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1 safety or quality of health care matters under IC 16-40-5 (**expired**):

2 (1) Communications to the peer review committee.

3 (2) Peer review committee proceedings.

4 (3) Peer review committee records.

5 (4) Determinations by the peer review committee.

6 Information and materials submitted or disclosed to the agency under

7 this subsection are confidential and privileged from use as evidence in

8 an administrative or judicial proceeding, and notwithstanding

9 IC 16-40-5 (**expired**) the agency may not release the information or

10 material outside the agency. However, the agency may issue a report

11 that is based upon information or materials submitted or disclosed to

12 the agency by a peer review committee if the report or any other

13 information issued does not disclose the identity of the health care

14 facility, health care provider, or patient. Information and materials may

15 be submitted or disclosed to the agency under this subsection without

16 violating this section or waiving the confidentiality and privilege

17 attached to the communications, proceedings, records, determinations,

18 or deliberations of the peer review committee.

19 (f) Upon its determination, the governing body of a hospital may

20 report, as part of the hospital's quality assessment and improvement

21 program, a determination of a peer review committee of the hospital

22 regarding an adverse event concerning patient care to the state

23 department of health or another state agency without:

24 (1) violating this section; or

25 (2) waiving the confidentiality and privilege attached to the

26 communications, proceedings, records, determinations, or

27 deliberations of the peer review committee.

28 SECTION 72. IC 34-44.5-1-8, AS ADDED BY P.L.57-2010,

29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

30 UPON PASSAGE]: Sec. 8. All applicable Indiana law concerning

31 compliance with subpoenas to:

32 (1) attend and give testimony;

33 (2) produce designated books, documents, records, electronically

34 stored information, or other tangible things; or

35 (3) allow inspection of premises;

36 **apply applies** to subpoenas issued under section 6 of this chapter.

37 SECTION 73. IC 34-55-10-2, AS AMENDED BY P.L.53-2010,

38 SECTION 1, AND AS AMENDED BY P.L.44-2010, SECTION 1, IS

39 CORRECTED AND AMENDED TO READ AS FOLLOWS

40 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section does not

41 apply to judgments obtained before October 1, 1977.

42 (b) The amount of each exemption under subsection (c) applies until

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1 a rule is adopted by the department of financial institutions under  
2 section 2.5 of this chapter.

3 (c) The following property of a debtor domiciled in Indiana is  
4 exempt:

5 (1) Real estate or personal property constituting the personal or  
6 family residence of the debtor or a dependent of the debtor, or  
7 estates or rights in that real estate or personal property, of not  
8 more than fifteen thousand dollars (\$15,000). The exemption  
9 under this subdivision is individually available to joint debtors  
10 concerning property held by them as tenants by the entireties.

11 (2) Other real estate or tangible personal property of eight  
12 thousand dollars (\$8,000).

13 (3) Intangible personal property, including choses in action,  
14 deposit accounts, and cash (but excluding debts owing and  
15 income owing), of three hundred dollars (\$300).

16 (4) Professionally prescribed health aids for the debtor or a  
17 dependent of the debtor.

18 (5) Any interest that the debtor has in real estate held as a tenant  
19 by the entireties. The exemption under this subdivision does not  
20 apply to a debt for which the debtor and the debtor's spouse are  
21 jointly liable.

22 (6) An interest, whether vested or not, that the debtor has in a  
23 retirement plan or fund to the extent of:

24 (A) contributions, or portions of contributions, that were made  
25 to the retirement plan or fund by or on behalf of the debtor or  
26 the debtor's spouse:

27 (i) which were not subject to federal income taxation to the  
28 debtor at the time of the contribution; or

29 (ii) which are made to an individual retirement account in  
30 the manner prescribed by Section 408A of the Internal  
31 Revenue Code of 1986;

32 (B) earnings on contributions made under clause (A) that are  
33 not subject to federal income taxation at the time of the levy;  
34 and

35 (C) roll-overs of contributions made under clause (A) that are  
36 not subject to federal income taxation at the time of the levy.

37 (7) Money that is in a medical care savings account established  
38 under IC 6-8-11.

39 (8) Money that is in a health savings account established under  
40 Section 223 of the Internal Revenue Code of 1986.

41 (9) Any interest the debtor has in a qualified tuition program, as  
42 defined in Section 529(b) of the Internal Revenue Code of 1986,

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but only to the extent funds in the program are not attributable to:

- (A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;
- (B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or
- (C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (10) having the same designated beneficiary:
  - (i) not later than one (1) year before; and
  - (ii) not earlier than two (2) years before;
 the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

(10) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

- (A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions;
- (B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or
- (C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (9) having the same designated beneficiary:
  - (i) not later than one (1) year before; and
  - (ii) not earlier than two (2) years before;
 the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

(11) The debtor's interest in a refund or a credit received or to be received under *the following*:

- (A) Section 32 of the Internal Revenue Code of 1986 (*the federal earned income tax credit*).
- (B) IC 6-3.1-21-6 (*the Indiana earned income tax credit*).

(12) A disability benefit awarded to a veteran for a service

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1 *connected disability under 38 U.S.C. 1101 et seq. This*  
2 *subdivision does not apply to a service connected disability*  
3 *benefit that is subject to child and spousal support enforcement*  
4 *under 42 U.S.C. 659(h)(1)(A)(ii)(V).*

5 (d) A bankruptcy proceeding that results in the ownership by the  
6 bankruptcy estate of a debtor's interest in property held in a tenancy by  
7 the entireties does not result in a severance of the tenancy by the  
8 entireties.

9 (e) Real estate or personal property upon which a debtor has  
10 voluntarily granted a lien is not, to the extent of the balance due on the  
11 debt secured by the lien:

- 12 (1) subject to this chapter; or
- 13 (2) exempt from levy or sale on execution or any other final  
14 process from a court.

15 SECTION 74. IC 35-44-3-3, AS AMENDED BY P.L.100-2010,  
16 SECTION 6, AND AS AMENDED BY P.L.102-2010, SECTION 2, IS  
17 CORRECTED AND AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person who knowingly  
19 or intentionally:

- 20 (1) forcibly resists, obstructs, or interferes with a law enforcement  
21 officer or a person assisting the officer while the officer is  
22 lawfully engaged in the execution of the officer's duties;
- 23 (2) forcibly resists, obstructs, or interferes with the authorized  
24 service or execution of a civil or criminal process or order of a  
25 court; or
- 26 (3) flees from a law enforcement officer after the officer has, by  
27 visible or audible means, including operation of the law  
28 enforcement officer's siren or emergency lights, identified himself  
29 or herself and ordered the person to stop;

30 commits resisting law enforcement, a Class A misdemeanor, except as  
31 provided in subsection (b).

32 (b) The offense under subsection (a) is a:

- 33 (1) Class D felony if:
  - 34 (A) the offense is described in subsection (a)(3) and the person  
35 uses a vehicle to commit the offense; or
  - 36 (B) while committing any offense described in subsection (a),  
37 the person draws or uses a deadly weapon, inflicts bodily  
38 injury on or otherwise causes bodily injury to another person,  
39 or operates a vehicle in a manner that creates a substantial risk  
40 of bodily injury to another person;
- 41 (2) Class C felony if, while committing any offense described in  
42 subsection (a), the person operates a vehicle in a manner that

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1 causes serious bodily injury to another person; ~~and~~  
 2 (3) Class B felony if, while committing any offense described in  
 3 subsection (a), the person operates a vehicle in a manner that  
 4 causes the death of another person; and  
 5 (4) Class A felony if, while committing any offense described in  
 6 subsection (a), the person operates a vehicle in a manner that  
 7 causes the death of a law enforcement officer while the law  
 8 enforcement officer is engaged in the officer's official duties.  
 9 (c) For purposes of this section, a law enforcement officer includes  
 10 an enforcement officer of the alcohol and tobacco commission and a  
 11 conservation officer of the department of natural resources.  
 12 (d) If a person uses a vehicle to commit a felony offense under  
 13 subsection (b)(1)(B), (b)(2), ~~or~~ (b)(3), or (b)(4), as part of the criminal  
 14 penalty imposed for the offense, the court shall impose a minimum  
 15 executed sentence of at least:  
 16 (1) thirty (30) days, if the person does not have a prior unrelated  
 17 conviction under this section;  
 18 (2) one hundred eighty (180) days, if the person has one (1) prior  
 19 unrelated conviction under this section; or  
 20 (3) one (1) year, if the person has two (2) or more prior unrelated  
 21 convictions under this section.  
 22 (e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory  
 23 minimum sentence imposed under subsection (d) may not be  
 24 suspended.  
 25 (f) If a person is convicted of an offense involving the use of a motor  
 26 vehicle under:  
 27 (1) subsection (b)(1)(A), if the person exceeded the speed limit by  
 28 at least twenty (20) miles per hour while committing the offense;  
 29 (2) subsection (b)(2); or  
 30 (3) subsection (b)(3);  
 31 the court may notify the bureau of motor vehicles to suspend or revoke  
 32 the person's driver's license and all certificates of registration and  
 33 license plates issued or registered in the person's name in accordance  
 34 with IC 9-30-4-6(b)(3) for the period described in IC 9-30-4-6(d)(4) or  
 35 IC 9-30-4-6(d)(5). The court shall inform the bureau whether the  
 36 person has been sentenced to a term of incarceration. At the time of  
 37 conviction, the court may obtain the person's current driver's license  
 38 and return the license to the bureau of motor vehicles.  
 39 SECTION 75. IC 35-48-7-4 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this  
 41 chapter, "exception report" means a record of data concerning:  
 42 (1) a practitioner practicing a particular specialty or field of health

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- 1 care;  
 2 (2) a dispenser doing business in a particular location; or  
 3 (3) a recipient;  
 4 that indicates dispensing or receiving of controlled substances outside  
 5 norms for dispensing or receiving controlled substances established by  
 6 the ~~advisory committee board~~ under this chapter.

7 SECTION 76. IC 35-48-7-8.1, AS AMENDED BY P.L.94-2010,  
 8 SECTION 13, AND AS AMENDED BY P.L.84-2010, SECTION 97,  
 9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) The ~~advisory committee~~  
 11 ~~board~~ shall provide for a controlled substance prescription monitoring  
 12 program that includes the following components:

13 (1) Each time a controlled substance designated by the ~~advisory~~  
 14 ~~committee board~~ under IC 35-48-2-5 through IC 35-48-2-10 is  
 15 dispensed, the dispenser shall transmit to the INSPECT program  
 16 the following information:

- 17 (A) The controlled substance recipient's name.  
 18 (B) The controlled substance recipient's or the recipient  
 19 representative's identification number or the identification  
 20 number or phrase designated by the INSPECT program.  
 21 (C) The controlled substance recipient's date of birth.  
 22 (D) The national drug code number of the controlled substance  
 23 dispensed.  
 24 (E) The date the controlled substance is dispensed.  
 25 (F) The quantity of the controlled substance dispensed.  
 26 (G) The number of days of supply dispensed.  
 27 (H) The dispenser's United States Drug Enforcement Agency  
 28 registration number.  
 29 (I) The prescriber's United States Drug Enforcement Agency  
 30 registration number.  
 31 (J) An indication as to whether the prescription was  
 32 transmitted to the pharmacist orally or in writing.  
 33 (K) Other data required by the ~~advisory committee board~~.

34 (2) The information required to be transmitted under this section  
 35 must be transmitted not more than seven (7) days after the date on  
 36 which a controlled substance is dispensed.

37 (3) A dispenser shall transmit the information required under this  
 38 section by:

- 39 (A) uploading to the INSPECT web site;  
 40 (B) a computer diskette; or  
 41 (C) a CD-ROM disk;  
 42 that meets specifications prescribed by the ~~advisory committee~~.

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1           *board.*  
 2           (4) The *advisory committee board* may require that prescriptions  
 3           for controlled substances be written on a one (1) part form that  
 4           cannot be duplicated. However, the *advisory committee board*  
 5           may not apply such a requirement to prescriptions filled at a  
 6           pharmacy with a Type II permit (as described in IC 25-26-13-17)  
 7           and operated by a hospital licensed under IC 16-21, or  
 8           prescriptions ordered for and dispensed to bona fide enrolled  
 9           patients in facilities licensed under IC 16-28. The *committee*  
 10          *board* may not require multiple copy prescription forms for any  
 11          prescriptions written. The *advisory committee board* may not  
 12          require different prescription forms for any individual drug or  
 13          group of drugs. Prescription forms required under this subdivision  
 14          must be *jointly* approved *by the committee and* by the Indiana  
 15          board of pharmacy established by IC 25-26-13-3.

16          (5) The costs of the program.  
 17          (b) This subsection applies only to a retail pharmacy. A pharmacist,  
 18          pharmacy technician, or person authorized by a pharmacist to dispense  
 19          a controlled substance may not dispense a controlled substance to a  
 20          person who is not personally known to the pharmacist, pharmacy  
 21          technician, or person authorized by a pharmacist to dispense a  
 22          controlled substance unless the person taking possession of the  
 23          controlled substance provides documented proof of the person's  
 24          identification to the pharmacist, pharmacy technician, or person  
 25          authorized by a pharmacist to dispense a controlled substance.

26          SECTION 77. IC 35-48-7-12.1, AS AMENDED BY P.L.84-2010,  
 27          SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 28          [EFFECTIVE UPON PASSAGE]: Sec. 12.1. (a) The board shall adopt  
 29          rules under IC 4-22-2 to implement this chapter, including the  
 30          following:

- 31           (1) Information collection and retrieval procedures for the  
 32           INSPECT program, including the controlled substances to be  
 33           included in the program required under section 8.1 of this chapter.  
 34           (2) Design for the creation of the data base required under section  
 35           10.1 of this chapter.  
 36           (3) Requirements for the development and installation of online  
 37           electronic access by the board to information collected by the  
 38           INSPECT program.  
 39           (4) Identification of emergency situations or other circumstances  
 40           in which a practitioner may prescribe, dispense, and administer a  
 41           prescription drug specified in section 8.1 of this chapter without  
 42           a written prescription or on a form other than a form specified in

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1 section ~~8.1(4)~~ **8.1(a)(4)** of this chapter.  
 2 (b) The board may:  
 3 (1) set standards for education courses for individuals authorized  
 4 to use the INSPECT program;  
 5 (2) identify treatment programs for individuals addicted to  
 6 controlled substances monitored by the INSPECT program; and  
 7 (3) work with impaired practitioner associations to provide  
 8 intervention and treatment.  
 9 SECTION 78. IC 36-7-15.1-35, AS AMENDED BY P.L.146-2008,  
 10 SECTION 760, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) Notwithstanding section  
 12 26(a) of this chapter, with respect to the allocation and distribution of  
 13 property taxes for the accomplishment of a program adopted under  
 14 section 32 of this chapter, "base assessed value" means the net assessed  
 15 value of all of the land as finally determined for the assessment date  
 16 immediately preceding the effective date of the allocation provision, as  
 17 adjusted under section 26(g) of this chapter. However, "base assessed  
 18 value" does not include the value of real property improvements to the  
 19 land.  
 20 (b) The special fund established under section 26(b) of this chapter  
 21 for the allocation area for a program adopted under section 32 of this  
 22 chapter may be used only for purposes related to the accomplishment  
 23 of the program, including the following:  
 24 (1) The construction, rehabilitation, or repair of residential units  
 25 within the allocation area.  
 26 (2) The construction, reconstruction, or repair of infrastructure  
 27 (such as streets, sidewalks, and sewers) within or serving the  
 28 allocation area.  
 29 (3) The acquisition of real property and interests in real property  
 30 within the allocation area.  
 31 (4) The demolition of real property within the allocation area.  
 32 (5) To provide financial assistance to enable individuals and  
 33 families to purchase or lease residential units within the allocation  
 34 area. However, financial assistance may be provided only to those  
 35 individuals and families whose income is at or below the county's  
 36 median income for individuals and families, respectively.  
 37 (6) To provide financial assistance to neighborhood development  
 38 corporations to permit them to provide financial assistance for the  
 39 purposes described in subdivision (5).  
 40 (7) For property taxes first due and payable before 2009, to  
 41 provide each taxpayer in the allocation area a credit for property  
 42 tax replacement as determined under subsections (c) and (d).

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1           However, this credit may be provided by the commission only if  
 2           the city-county legislative body establishes the credit by  
 3           ordinance adopted in the year before the year in which the credit  
 4           is provided.

5           (c) The maximum credit that may be provided under subsection  
 6           (b)(7) to a taxpayer in a taxing district that contains all or part of an  
 7           allocation area established for a program adopted under section 32 of  
 8           this chapter shall be determined as follows:

9           STEP ONE: Determine that part of the sum of the amounts  
 10           described in IC 6-1.1-21-2(g)(1)(A) **(repealed)** and  
 11           IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) **(repealed)** that  
 12           is attributable to the taxing district.

13           STEP TWO: Divide:

14           (A) that part of each county's eligible property tax replacement  
 15           amount (as defined in IC 6-1.1-21-2) **(repealed)** for that year  
 16           as determined under IC 6-1.1-21-4(a)(1) **(repealed)** that is  
 17           attributable to the taxing district; by

18           (B) the amount determined under STEP ONE.

19           STEP THREE: Multiply:

20           (A) the STEP TWO quotient; by

21           (B) the taxpayer's taxes (as defined in IC 6-1.1-21-2)  
 22           **(repealed)** levied in the taxing district allocated to the  
 23           allocation fund, including the amount that would have been  
 24           allocated but for the credit.

25           (d) Except as provided in subsection (g), the commission may  
 26           determine to grant to taxpayers in an allocation area from its allocation  
 27           fund a credit under this section, as calculated under subsection (c), by  
 28           applying one-half (1/2) of the credit to each installment of taxes (as  
 29           defined in IC 6-1.1-21-2) **(repealed)** that under IC 6-1.1-22-9 are due  
 30           and payable in a year. Except as provided in subsection (g), one-half  
 31           (1/2) of the credit shall be applied to each installment of taxes (as  
 32           defined in IC 6-1.1-21-2) **(repealed)**. The commission must provide for  
 33           the credit annually by a resolution and must find in the resolution the  
 34           following:

35           (1) That the money to be collected and deposited in the allocation  
 36           fund, based upon historical collection rates, after granting the  
 37           credit will equal the amounts payable for contractual obligations  
 38           from the fund, plus ten percent (10%) of those amounts.

39           (2) If bonds payable from the fund are outstanding, that there is  
 40           a debt service reserve for the bonds that at least equals the amount  
 41           of the credit to be granted.

42           (3) If bonds of a lessor under section 17.1 of this chapter or under

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1 IC 36-1-10 are outstanding and if lease rentals are payable from  
 2 the fund, that there is a debt service reserve for those bonds that  
 3 at least equals the amount of the credit to be granted.  
 4 If the tax increment is insufficient to grant the credit in full, the  
 5 commission may grant the credit in part, prorated among all taxpayers.  
 6 (e) Notwithstanding section 26(b) of this chapter, the special fund  
 7 established under section 26(b) of this chapter for the allocation area  
 8 for a program adopted under section 32 of this chapter may only be  
 9 used to do one (1) or more of the following:  
 10 (1) Accomplish one (1) or more of the actions set forth in section  
 11 26(b)(2)(A) through 26(b)(2)(H) of this chapter.  
 12 (2) Reimburse the consolidated city for expenditures made by the  
 13 city in order to accomplish the housing program in that allocation  
 14 area.  
 15 The special fund may not be used for operating expenses of the  
 16 commission.  
 17 (f) Notwithstanding section 26(b) of this chapter, the commission  
 18 shall, relative to the special fund established under section 26(b) of this  
 19 chapter for an allocation area for a program adopted under section 32  
 20 of this chapter, do the following before July 15 of each year:  
 21 (1) Determine the amount, if any, by which the assessed value of  
 22 the taxable property in the allocation area, when multiplied by the  
 23 estimated tax rate of the allocation area, will exceed the amount  
 24 of assessed value needed to produce the property taxes necessary:  
 25 (A) to make, when due, principal and interest payments on  
 26 bonds described in section 26(b)(2) of this chapter;  
 27 (B) to pay the amount necessary for other purposes described  
 28 in section 26(b)(2) of this chapter; and  
 29 (C) to reimburse the consolidated city for anticipated  
 30 expenditures described in subsection (e)(2).  
 31 (2) Provide a written notice to the county auditor, the legislative  
 32 body of the consolidated city, and the officers who are authorized  
 33 to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for  
 34 each of the other taxing units that is wholly or partly located  
 35 within the allocation area. The notice must:  
 36 (A) state the amount, if any, of excess assessed value that the  
 37 commission has determined may be allocated to the respective  
 38 taxing units in the manner prescribed in section 26(b)(1) of  
 39 this chapter; or  
 40 (B) state that the commission has determined that there is no  
 41 excess assessed value that may be allocated to the respective  
 42 taxing units in the manner prescribed in section 26(b)(1) of

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this chapter.

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1 **(repealed)**) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) **(repealed)** due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2) **(repealed)**.

SECTION 79. IC 36-7-30-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (c), the five (5) members of a municipal military base reuse authority shall be appointed as follows:

(1) Three (3) members shall be appointed by the municipal executive.

(2) Two (2) members shall be appointed by the municipal legislative body.

(b) The five (5) members of a county military base reuse authority shall be appointed by the county executive.

(c) The five (5) members of a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city shall be appointed as follows:

(1) One (1) member shall be appointed by the executive of the excluded city.

(2) One (1) member shall be appointed by the legislative body of the excluded city.

(3) One (1) member shall be appointed by the consolidated city executive.

(4) One (1) member shall be appointed by the consolidated city legislative body.

(5) One (1) member shall be appointed by the board of county ~~commissioners~~ **commissioners**.

However, at least three (3) of the members must be residents of the excluded city.

SECTION 80. IC 36-7-30.5-30, AS AMENDED BY P.L.146-2008,

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1 SECTION 772, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) The following  
 3 definitions apply throughout this section:  
 4 (1) "Allocation area" means that part of a military base  
 5 development area to which an allocation provision of a  
 6 declaratory resolution adopted under section 16 of this chapter  
 7 refers for purposes of distribution and allocation of property taxes.  
 8 (2) "Base assessed value" means:  
 9 (A) the net assessed value of all the property as finally  
 10 determined for the assessment date immediately preceding the  
 11 adoption date of the allocation provision of the declaratory  
 12 resolution, as adjusted under subsection (h); plus  
 13 (B) to the extent that it is not included in clause (A) or (C), the  
 14 net assessed value of any and all parcels or classes of parcels  
 15 identified as part of the base assessed value in the declaratory  
 16 resolution or an amendment to the declaratory resolution, as  
 17 finally determined for any subsequent assessment date; plus  
 18 (C) to the extent that it is not included in clause (A) or (B), the  
 19 net assessed value of property that is assessed as residential  
 20 property under the rules of the department of local government  
 21 finance, as finally determined for any assessment date after the  
 22 effective date of the allocation provision.  
 23 (3) "Property taxes" means taxes imposed under IC 6-1.1 on real  
 24 property.  
 25 (b) A declaratory resolution adopted under section 16 of this chapter  
 26 before the date set forth in IC 36-7-14-39(b) pertaining to declaratory  
 27 resolutions adopted under IC 36-7-14-15 may include a provision with  
 28 respect to the allocation and distribution of property taxes for the  
 29 purposes and in the manner provided in this section. A declaratory  
 30 resolution previously adopted may include an allocation provision by  
 31 the amendment of that declaratory resolution in accordance with the  
 32 procedures set forth in section 18 of this chapter. The allocation  
 33 provision may apply to all or part of the military base development  
 34 area. The allocation provision must require that any property taxes  
 35 subsequently levied by or for the benefit of any public body entitled to  
 36 a distribution of property taxes on taxable property in the allocation  
 37 area be allocated and distributed as follows:  
 38 (1) Except as otherwise provided in this section, the proceeds of  
 39 the taxes attributable to the lesser of:  
 40 (A) the assessed value of the property for the assessment date  
 41 with respect to which the allocation and distribution is made;  
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(B) the base assessed value; shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

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

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

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

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

(E) For property taxes first due and payable before 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

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

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 **(repealed)**) for that year as determined under IC 6-1.1-21-4 **(repealed)** that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

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- (i) the STEP TWO quotient; by
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (**repealed**)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter (before its repeal) in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefitting the allocation area.

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

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

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

The allocation fund may not be used for operating expenses of the development authority.

(3) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Provide a written notice to the appropriate county auditors and the fiscal bodies and other officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located

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within the allocation area. The notice must:  
(i) state the amount, if any, of the excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1); or  
(ii) state that the development authority has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditors shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the development authority. The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision before 2009 are eligible for the property tax replacement credit provided under IC 6-1.1-21 **(repealed)**.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

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1 (g) If any part of the allocation area is located in an enterprise zone  
 2 created under IC 5-28-15, the development authority shall create funds  
 3 as specified in this subsection. A development authority that has  
 4 obligations, bonds, or leases payable from allocated tax proceeds under  
 5 subsection (b)(2) shall establish an allocation fund for the purposes  
 6 specified in subsection (b)(2) and a special zone fund. The  
 7 development authority shall, until the end of the enterprise zone phase  
 8 out period, deposit each year in the special zone fund any amount in the  
 9 allocation fund derived from property tax proceeds in excess of those  
 10 described in subsection (b)(1) from property located in the enterprise  
 11 zone that exceeds the amount sufficient for the purposes specified in  
 12 subsection (b)(2) for the year. The amount sufficient for purposes  
 13 specified in subsection (b)(2) for the year shall be determined based on  
 14 the pro rata part of such current property tax proceeds from the part of  
 15 the enterprise zone that is within the allocation area as compared to all  
 16 such current property tax proceeds derived from the allocation area. A  
 17 development authority that does not have obligations, bonds, or leases  
 18 payable from allocated tax proceeds under subsection (b)(2) shall  
 19 establish a special zone fund and deposit all the property tax proceeds  
 20 in excess of those described in subsection (b)(1) that are derived from  
 21 property in the enterprise zone in the fund. The development authority  
 22 that creates the special zone fund shall use the fund (based on the  
 23 recommendations of the urban enterprise association) for programs in  
 24 job training, job enrichment, and basic skill development that are  
 25 designed to benefit residents and employers in the enterprise zone or  
 26 for other purposes specified in subsection (b)(2), except that where  
 27 reference is made in subsection (b)(2) to an allocation area it shall refer  
 28 for purposes of payments from the special zone fund only to that part  
 29 of the allocation area that is also located in the enterprise zone. The  
 30 programs shall reserve at least one-half (1/2) of their enrollment in any  
 31 session for residents of the enterprise zone.

32 (h) After each general reassessment under IC 6-1.1-4, the  
 33 department of local government finance shall adjust the base assessed  
 34 value one (1) time to neutralize any effect of the general reassessment  
 35 on the property tax proceeds allocated to the military base development  
 36 district under this section. After each annual adjustment under  
 37 IC 6-1.1-4-4.5, the department of local government finance shall adjust  
 38 the base assessed value to neutralize any effect of the annual  
 39 adjustment on the property tax proceeds allocated to the military base  
 40 development district under this section. However, the adjustments  
 41 under this subsection may not include the effect of property tax  
 42 abatements under IC 6-1.1-12.1, and these adjustments may not

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1 produce less property tax proceeds allocable to the military base  
 2 development district under subsection (b)(2) than would otherwise  
 3 have been received if the general reassessment or annual adjustment  
 4 had not occurred. The department of local government finance may  
 5 prescribe procedures for county and township officials to follow to  
 6 assist the department in making the adjustments.

7 SECTION 81. IC 36-8-6-1.5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) As used in  
 9 this chapter, "Internal Revenue Code":

10 (1) means the Internal Revenue Code of 1954, as in effect on  
 11 September 1, 1974, if permitted with respect to governmental  
 12 plans; or

13 (2) to the extent not inconsistent with subdivision (1), has the  
 14 meaning set forth in IC 6-3-1-11.

15 (b) The 1925 fund shall satisfy the qualification requirements in  
 16 Section 401 of the Internal Revenue Code, as applicable to the 1925  
 17 fund. In order to meet those requirements, the 1925 fund is subject to  
 18 the following provisions, notwithstanding any other provision of this  
 19 chapter:

20 (1) The local board shall distribute the corpus and income of the  
 21 1925 fund to members and their beneficiaries in accordance with  
 22 this chapter.

23 (2) No part of the corpus or income of the 1925 fund may be used  
 24 or diverted to any purpose other than the exclusive benefit of the  
 25 members and their beneficiaries.

26 (3) Forfeitures arising from severance of employment, death, or  
 27 for any other reason may not be applied to increase the benefits  
 28 any member would otherwise receive under this chapter.

29 (4) If the 1925 fund is terminated, or if all contributions to the  
 30 1925 fund are completely discontinued, the rights of each affected  
 31 member to the benefits accrued at the date of the termination or  
 32 discontinuance, to the extent then funded, are nonforfeitable.

33 (5) All benefits paid from the 1925 fund shall be distributed in  
 34 accordance with the requirements of Section 401(a)(9) of the  
 35 Internal Revenue Code and the regulations under that section. In  
 36 order to meet those requirements, the 1925 fund is subject to the  
 37 following provisions:

38 (A) The life expectancy of a member, the member's spouse, or  
 39 the member's beneficiary shall not be recalculated after the  
 40 initial determination, for purposes of determining benefits.

41 (B) If a member dies before the distribution of the member's  
 42 benefits has begun, distributions to beneficiaries must begin

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1 no later than December 31 of the calendar year immediately  
 2 following the calendar year in which the member died.  
 3 (C) The amount of an annuity paid to a member's beneficiary  
 4 may not exceed the maximum amount determined under the  
 5 incidental death benefit requirement of the Internal Revenue  
 6 Code.  
 7 (6) The local board may not:  
 8 (A) determine eligibility for benefits;  
 9 (B) compute rates of contribution; or  
 10 (C) compute benefits of members or beneficiaries;  
 11 in a manner that discriminates in favor of members who are  
 12 considered officers, supervisors, or highly compensated, as  
 13 prohibited under Section 401(a)(4) of the Internal Revenue Code.  
 14 (7) Benefits paid under this chapter may not exceed the maximum  
 15 benefit specified by Section 415 of the Internal Revenue Code.  
 16 (8) The salary taken into account under this chapter may not  
 17 exceed the applicable amount under Section 401(a)(17) of the  
 18 Internal Revenue Code.  
 19 (9) The local board may not engage in a transaction prohibited by  
 20 Section 503(b) of the Internal Revenue Code.  
 21 (c) Notwithstanding any other provision of this chapter, and solely  
 22 for the purposes of the benefits provided under this chapter, the benefit  
 23 limitations of Section 415 of the Internal Revenue Code shall be  
 24 determined by applying the provisions of Section 415(b)(10) of the  
 25 Internal Revenue Code, as amended by the Technical and  
 26 Miscellaneous Revenue Act of 1988. This section constitutes an  
 27 election under Section 415(b)(10)(C) of the Internal Revenue Code to  
 28 have Section 415(b) of the Internal Revenue Code, other than Section  
 29 415(b)(2)(G) of the Internal Revenue Code, applied without regard to  
 30 Section 415(b)(2)(F) of the Internal Revenue Code (**before its repeal**  
 31 **on June 7, 2001, by P.L.107-16**) to anyone who did not first become  
 32 a participant before January 1, 1990.  
 33 SECTION 82. IC 36-8-7-2.5 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) As used in  
 35 this chapter, "Internal Revenue Code":  
 36 (1) means the Internal Revenue Code of 1954, as in effect on  
 37 September 1, 1974, if permitted with respect to governmental  
 38 plans; or  
 39 (2) to the extent not inconsistent with subdivision (1), has the  
 40 meaning set forth in IC 6-3-1-11.  
 41 (b) The 1937 fund shall satisfy the qualification requirements in  
 42 Section 401 of the Internal Revenue Code, as applicable to the 1937

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1 fund. In order to meet those requirements, the 1937 fund is subject to  
 2 the following provisions, notwithstanding any other provision of this  
 3 chapter:

4 (1) The local board shall distribute the corpus and income of the  
 5 1937 fund to members and their beneficiaries in accordance with  
 6 this chapter.

7 (2) No part of the corpus or income of the 1937 fund may be used  
 8 or diverted to any purpose other than the exclusive benefit of the  
 9 members and their beneficiaries.

10 (3) Forfeitures arising from severance of employment, death, or  
 11 for any other reason may not be applied to increase the benefits  
 12 any member would otherwise receive under this chapter.

13 (4) If the 1937 fund is terminated, or if all contributions to the  
 14 1937 fund are completely discontinued, the rights of each affected  
 15 member to the benefits accrued at the date of the termination or  
 16 discontinuance, to the extent then funded, are nonforfeitable.

17 (5) All benefits paid from the 1937 fund shall be distributed in  
 18 accordance with the requirements of Section 401(a)(9) of the  
 19 Internal Revenue Code and the regulations under that section. In  
 20 order to meet those requirements, the 1937 fund is subject to the  
 21 following provisions:

22 (A) The life expectancy of a member, the member's spouse, or  
 23 the member's beneficiary shall not be recalculated after the  
 24 initial determination, for purposes of determining benefits.

25 (B) If a member dies before the distribution of the member's  
 26 benefits has begun, distributions to beneficiaries must begin  
 27 no later than December 31 of the calendar year immediately  
 28 following the calendar year in which the member died.

29 (C) The amount of an annuity paid to a member's beneficiary  
 30 may not exceed the maximum determined under the incidental  
 31 death benefit requirement of the Internal Revenue Code.

32 (6) The local board may not:

33 (A) determine eligibility for benefits;

34 (B) compute rates of contribution; or

35 (C) compute benefits of members or beneficiaries;

36 in a manner that discriminates in favor of members who are  
 37 considered officers, supervisors, or highly compensated, as  
 38 prohibited under Section 401(a)(4) of the Internal Revenue Code.

39 (7) Benefits paid under this chapter may not exceed the maximum  
 40 benefit specified by Section 415 of the Internal Revenue Code.

41 (8) The salary taken into account under this chapter may not  
 42 exceed the applicable amount under Section 401(a)(17) of the

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1 Internal Revenue Code.  
 2 (9) The local board may not engage in a transaction prohibited by  
 3 Section 503(b) of the Internal Revenue Code.  
 4 (c) Notwithstanding any other provision of this chapter, and solely  
 5 for the purposes of the benefits provided under this chapter, the benefit  
 6 limitations of Section 415 of the Internal Revenue Code shall be  
 7 determined by applying the provisions of Section 415(b)(10) of the  
 8 Internal Revenue Code, as amended by the Technical and  
 9 Miscellaneous Revenue Act of 1988. This section constitutes an  
 10 election under Section 415(b)(10)(C) of the Internal Revenue Code to  
 11 have Section 415(b) of the Internal Revenue Code, other than Section  
 12 415(b)(2)(G) of the Internal Revenue Code, applied without regard to  
 13 Section 415(b)(2)(F) of the Internal Revenue Code **(before its repeal**  
 14 **on June 7, 2001, by P.L.107-16)** to anyone who did not first become  
 15 a participant before January 1, 1990.  
 16 SECTION 83. IC 36-8-7.5-1.5 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) As used in  
 18 this chapter, "Internal Revenue Code":  
 19 (1) means the Internal Revenue Code of 1954, as in effect on  
 20 September 1, 1974, if permitted with respect to governmental  
 21 plans; or  
 22 (2) to the extent not inconsistent with subdivision (1), has the  
 23 meaning set forth in IC 6-3-1-11.  
 24 (b) The 1953 fund shall satisfy the qualification requirements in  
 25 Section 401 of the Internal Revenue Code, as applicable to the 1953  
 26 fund. In order to meet those requirements, the 1953 fund is subject to  
 27 the following provisions, notwithstanding any other provision of this  
 28 chapter:  
 29 (1) The local board shall distribute the corpus and income of the  
 30 1953 fund to members and their beneficiaries in accordance with  
 31 this chapter.  
 32 (2) No part of the corpus or income of the 1953 fund may be used  
 33 or diverted to any purpose other than the exclusive benefit of the  
 34 members and their beneficiaries.  
 35 (3) Forfeitures arising from severance of employment, death, or  
 36 for any other reason may not be applied to increase the benefits  
 37 any member would otherwise receive under this chapter.  
 38 (4) If the 1953 fund is terminated, or if all contributions to the  
 39 1953 fund are completely discontinued, the rights of each affected  
 40 member to the benefits accrued at the date of the termination or  
 41 discontinuance, to the extent then funded, are nonforfeitable.  
 42 (5) All benefits paid from the 1953 fund shall be distributed in

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1 accordance with the requirements of Section 401(a)(9) of the  
 2 Internal Revenue Code and the regulations under that section. In  
 3 order to meet those requirements, the 1953 fund is subject to the  
 4 following provisions:

5 (A) The life expectancy of a member, the member's spouse, or  
 6 the member's beneficiary shall not be recalculated after the  
 7 initial determination, for purposes of determining benefits.

8 (B) If a member dies before the distribution of the member's  
 9 benefits has begun, distributions to beneficiaries must begin  
 10 no later than December 31 of the calendar year immediately  
 11 following the calendar year in which the member died.

12 (C) The amount of an annuity paid to a member's beneficiary  
 13 may not exceed the maximum determined under the incidental  
 14 death benefit requirement of the Internal Revenue Code.

15 (6) The local board may not:

16 (A) determine eligibility for benefits;

17 (B) compute rates of contribution; or

18 (C) compute benefits of members or beneficiaries;

19 in a manner that discriminates in favor of members who are  
 20 considered officers, supervisors, or highly compensated, as  
 21 prohibited under Section 401(a)(4) of the Internal Revenue Code.

22 (7) Benefits paid under this chapter may not exceed the maximum  
 23 benefit specified by Section 415 of the Internal Revenue Code.

24 (8) The salary taken into account under this chapter may not  
 25 exceed the applicable amount under Section 401(a)(17) of the  
 26 Internal Revenue Code.

27 (9) The local board may not engage in a transaction prohibited by  
 28 Section 503(b) of the Internal Revenue Code.

29 (c) Notwithstanding any other provision of this chapter, and solely  
 30 for the purposes of the benefits provided under this chapter, the benefit  
 31 limitations of Section 415 of the Internal Revenue Code shall be  
 32 determined by applying the provisions of Section 415(b)(10) of the  
 33 Internal Revenue Code, as amended by the Technical and  
 34 Miscellaneous Revenue Act of 1988. This section constitutes an  
 35 election under Section 415(b)(10)(C) of the Internal Revenue Code to  
 36 have Section 415(b) of the Internal Revenue Code, other than Section  
 37 415(b)(2)(G) of the Internal Revenue Code, applied without regard to  
 38 Section 415(b)(2)(F) of the Internal Revenue Code **(before its repeal**  
 39 **on June 7, 2001, by P.L.107-16)** to anyone who did not first become  
 40 a participant before January 1, 1990.

41 SECTION 84. IC 36-8-8-11, AS AMENDED BY P.L.99-2010,  
 42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 11. (a) Benefits paid under this section are  
2 subject to section 2.5 of this chapter.

3 (b) Except as provided in ~~section 24~~ **section 24.8** of this chapter,  
4 each fund member who qualifies for a retirement benefit payment  
5 under section 10(b) of this chapter is entitled to receive a monthly  
6 benefit equal to fifty percent (50%) of the monthly salary of a first class  
7 patrolman or firefighter in the year the member ended ~~his~~ **the**  
8 **member's** active service plus:

9 (1) for a member who retires before January 1, 1986, two percent  
10 (2%) of that salary for each full year of active service; or

11 (2) for a member who retires after December 31, 1985, one  
12 percent (1%) of that salary for each six (6) months of active  
13 service;

14 over twenty (20) years, to a maximum of twelve (12) years.

15 (c) Each fund member who qualifies for a retirement benefit  
16 payment under section 10(c) of this chapter is entitled to receive a  
17 monthly benefit equal to fifty percent (50%) of the monthly salary of  
18 a first class patrolman or firefighter in the year the member ended the  
19 member's active service plus one percent (1%) of that salary for each  
20 six (6) months of active service over twenty (20) years, to a maximum  
21 of twelve (12) years, all actuarially reduced for each month (if any) of  
22 benefit payments prior to fifty-two (52) years of age, by a factor  
23 established by the fund's actuary from time to time.

24 SECTION 85. IC 36-9-16-2, AS AMENDED BY P.L.34-2010,  
25 SECTION 9, AND AS AMENDED BY P.L.113-2010, SECTION 152,  
26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A unit may establish a  
28 cumulative building or sinking fund or cumulative capital improvement  
29 funds to provide money for one (1) or more of the following purposes:

30 (1) To purchase, construct, equip, and maintain buildings for  
31 public purposes.

32 (2) To acquire the land, and any improvements on it, that are  
33 necessary for the construction of public buildings.

34 (3) To demolish any improvements on land acquired under this  
35 section, and to level, grade, and prepare the land for the  
36 construction of a public building.

37 (4) To acquire land or rights-of-way to be used as a public way or  
38 other means of ingress or egress to land acquired for the  
39 construction of a public building.

40 (5) To improve or construct any public way or other means of  
41 ingress or egress to land acquired for the construction of a public  
42 building.

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1 (b) In addition to the purposes described in subsection (a), a  
 2 cumulative capital improvement fund may be used to purchase body  
 3 armor (as defined in ~~IC 36-8-4-4.5(a)~~ IC 35-47-5-13(a)) for active  
 4 members of a police department *under*:

- 5 (1) IC 36-5-7-7;
- 6 (2) IC 36-8-4-4.5;
- 7 (3) IC 36-8-9-9; and
- 8 (4) IC 36-8-10-4.5.

9 (c) *A municipality may establish a cumulative capital improvement*  
 10 *fund for a purpose described in IC 6-7-1-31.1.*

11 SECTION 86. IC 36-9-27-22 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) A  
 13 municipality acting under a statute other than this chapter may not  
 14 construct, reconstruct, or maintain a drain that:

- 15 (1) is located ~~partly~~ **partly** or wholly within the corporate  
 16 boundaries of the municipality; and
- 17 (2) will flow directly or indirectly into a regulated drain that is  
 18 subject to this chapter;

19 without the written approval of the board.

20 (b) The municipality shall file with the board a written request for  
 21 consent to use the regulated drain as an outlet, subject to this chapter.  
 22 The request must be accompanied by:

- 23 (1) the plans and specifications for the proposed construction, and  
 24 reconstruction, or maintenance; and
- 25 (2) an estimate by the municipal civil engineer, or another  
 26 qualified person, of the amount of water that will be discharged  
 27 into the regulated drain as a result of the proposed construction,  
 28 reconstruction, or maintenance.

29 (c) The board shall refer the request for consent to the county  
 30 surveyor, who shall determine whether the regulated drain is adequate  
 31 to handle the additional flow of water, if any, that would result from the  
 32 construction, reconstruction, or maintenance proposed by the  
 33 municipality. If the surveyor finds that the regulated drain is adequate  
 34 to handle the additional flow of water, ~~he~~ **the surveyor** shall make a  
 35 written report of that fact to the board, which shall issue its order  
 36 consenting to the construction, reconstruction, or maintenance by the  
 37 municipality. If the surveyor finds that the regulated drain is not  
 38 adequate, ~~he~~ **the surveyor** shall:

- 39 (1) prepare a preliminary plan for the reconstruction of the  
 40 regulated drain so that it will be adequate to handle the additional  
 41 flow of water;
- 42 (2) estimate the total cost of the reconstruction;

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1 (3) file the plan and estimate with the board; and  
 2 (4) serve a copy of the plan and estimate on the municipality.  
 3 (d) If the municipality binds itself by resolution to pay the cost of  
 4 the reconstruction of the regulated drain, the county surveyor shall  
 5 prepare final plans and specifications for the work, reestimate the cost  
 6 of the work except for damages to affected land, and file the plans and  
 7 estimate with the board. The board shall determine the amount of  
 8 damages sustained by any owner as a result of the reconstruction of the  
 9 regulated drain and shall serve upon each owner a notice:  
 10 (1) describing the owner's lands;  
 11 (2) stating the amount of each owner's damages;  
 12 (3) explaining the injury upon which the determination was  
 13 based; and  
 14 (4) stating the date, time, and place of a hearing by the board on  
 15 objections to the amount of damages.  
 16 The notice shall be served and the hearing held in accordance with  
 17 sections 49 through 52 of this chapter.  
 18 (e) The board shall add the damages to affected land to the county  
 19 surveyor's reestimation of the costs of the reconstruction and shall  
 20 certify that amount to the municipality. When the municipality pays the  
 21 amount certified by the board into the office of the county treasurer for  
 22 the use of the board in the reconstruction of the regulated drain, the  
 23 board shall issue an order consenting to the use of the regulated drain  
 24 by the municipality and shall proceed with the reconstruction of the  
 25 regulated drain in accordance with the plans and specifications of the  
 26 surveyor.  
 27 (f) After the contracts for the reconstruction are let in accordance  
 28 with sections 77 through ~~79~~ 79.1 of this chapter, the board shall  
 29 compute the actual cost of the reconstruction. If the actual cost is less  
 30 than the estimated cost, the excess shall be returned to the municipality  
 31 on certification by the board to the county auditor of the amount to be  
 32 returned. If the actual cost of the reconstruction is more than the  
 33 estimated cost, the board shall certify that fact to the municipality,  
 34 which shall immediately pay the difference into the office of the  
 35 country treasurer.  
 36 (g) When the board consents to a request made by a municipality  
 37 under subsection (b), the board shall fix the annual assessment against  
 38 the municipality for the periodic maintenance of the regulated drain in  
 39 accordance with sections 38 through 43 of this chapter.  
 40 (h) This section does not prohibit a municipality from petitioning  
 41 the board for the construction of a new regulated drain under sections  
 42 54 through 65 of this chapter.

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1 SECTION 87. THE FOLLOWING ARE REPEALED [EFFECTIVE  
2 UPON PASSAGE]: IC 6-1.1-21.6; IC 16-18-2-240.5.  
3 SECTION 88. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 295 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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