



2010 DIGEST OF
ENROLLED ACTS

2010 SESSION DIGEST OF ENACTMENTS

DIGEST OF SB 23 (Updated March 13, 2010 12:33 am - DI 73)

State and local administration. Requires the Indiana economic development corporation to: (1) designate an employee in the small business division to serve as a small business ombudsman; and (2) designate an employee to serve as a compliance officer whose primary duties are to determine and report to the corporation whether each person that receives a job creation incentive granted by the corporation or another agency or instrumentality of the state (excluding any political subdivision or other unit of local government) complies with the terms and conditions of the person's incentive agreement. Eliminates the requirement that an existing business must employ 35 or more employees to qualify for an EDGE credit. Provides a uniform definition of small business for certain regulatory review programs. Provides a new employer tax credit for a corporation or pass through entity that after December 31, 2009, either locates or relocates the operations of a business enterprise in Indiana, incorporates or otherwise first organizes in Indiana, or expands its operation of a business enterprise in Indiana and employs at least 10 new qualified employees. Requires the Indiana economic development corporation (IEDC) to approve taxpayers for the credit. Provides that the credit is 10% of the wages paid by the new Indiana business to qualified employees during a 24 month period. Permits a carry forward of the credit for nine years. Permits the secretary of family and social services to apply for and administer certain TANF emergency funds. Upon approval of the TANF emergency fund application, permits the commissioner of the department of workforce development to implement a subsidized employment program for unemployed or underemployed individuals. Permits augmentation of the state TANF appropriation to match federal funding for the subsidized employment program. Delays changes in the taxable wage base and employer contribution rates for the unemployment compensation system to 2011. Provides for an employer contribution rate equal to the sum of the employer's contribution rate plus two percent unless all required contributions and wage reports have been filed within 31 days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessor for periods before and including the computation date have been paid. Requires the department of labor to develop guidelines and procedures for investigating questions and complaints concerning employee classification. Requires the department of labor to do the following: (1) Make a presentation to the pension management oversight commission not later than October 1, 2010, outlining the proposed guidelines and procedures. (2) Make recommendations to the legislative council before November 1, 2010, concerning any legislative changes needed to implement the guidelines and procedures, including a budgetary recommendation for the implementation of the plan and a funding mechanism, to the extent possible. (3) Convert the guidelines and procedures to rules before August 1, 2011. Removes the condition that an individual submit at least one application for work in each week for which the individual is claiming benefits. Provides that an otherwise eligible individual may not be denied unemployment benefits or be determined not able, available, and actively seeking work because the individual is responding to a summons for jury service. Requires the individual to obtain from the court proof of the individual's jury service and provide to the department of workforce development, in the manner the department prescribes by rule, proof of the individual's jury service. Deletes the statute requiring the department of workforce development to establish an unemployment claims compliance center. Provides that, if an employer appeals an initial

determination granting benefits to a claimant and the determination is reversed at least in part based on information that the employer failed to provide in response to a department request, the employer's experience account (account) shall be charged 50% of the benefits paid to the employee that the employee was not entitled to receive and for which the account may be charged. Provides that if the employee repays the benefits received the account is credited with the amount of the employee's repayment up to 50% of the amount charged to the account. Provides that each administrative law judge employed or used by the department of workforce development must be an attorney who is licensed to practice law in Indiana. Allows cities, counties, and townships to give preference in the hiring of police and fire department positions to laid off policemen, firefighters, and emergency workers. Repeals a provision that permits an employer with a debit reserve ratio to elect once, after December 31, 2009, and before January 1, 2012, to make a voluntary contribution to the fund and receive a credit to the employer's account equal to 250% of the amount of the voluntary contribution. Specifies that the IEDC, when developing job creation incentive packages to locate companies in Indiana, shall give weight, in the awarding or approving of job creation incentives, to business entities that locate in a county where individuals have become dislocated workers due to a permanent closure of a plant or facility or a significant reduction in the workforce. Provides that the IEDC shall require an applicant for a job creation incentive to be granted by the IEDC after March 31, 2010, to enter into an agreement with the IEDC as a condition of receiving the incentive. Requires the agreement to provide that the IEDC, after a finding that an applicant is employing fewer individuals than the applicant agreed to employ and subject to any confidentiality laws, shall hold a hearing to determine if the applicant shall be required to pay back to the state a portion of the incentive granted to the applicant under the agreement. Requires the agreement to provide that the applicant will pay back to the state the incentive that has been received by the applicant if the applicant moves or closes. Provides that in the case of an incentive granted by the IEDC that is awarded after March 31, 2010, if the IEDC determines that a recipient of an incentive has not complied with the representations that the recipient made in obtaining the incentive, the IEDC shall seek a refund or arrange other methods of reclaiming the value of the incentive granted by the IEDC from the recipient. Specifies that the amount of the refund or reclaimed part must be in proportion to the degree of default by the recipient as determined by the IEDC. Specifies that the IEDC shall establish a program to ensure that dislocated workers from Indiana are given consideration for jobs created by business entities receiving a job creation incentive from the state or an instrumentality of the state. Requires the IEDC to condition job creation incentives awarded or approved after March 31, 2010, on compliance with the program. Allows the IEDC to waive or modify a recapture provision made with a person to whom the IEDC has awarded an incentive if the IEDC determines that the recipient has failed to meet a condition for receiving the incentive because of circumstances beyond the recipient's control. Requires the IEDC's economic incentives and compliance report to include an annual report on the effectiveness of and compliance with all incentives granted by the IEDC. Requires the IEDC to make certain information available. Establishes an interim study committee to study the feasibility and value of indexing unemployment benefits and the unemployment insurance taxable wage base.

DIGEST OF SB 30 (Updated March 10, 2010 2:13 pm - DI 116)

Various PERF and TRF matters. Provides that certain members of the public employees'

retirement fund (PERF) and the Indiana teachers' retirement fund (TRF) may withdraw the member's annuity savings account (ASA) if the member has separated employment and is not employed in a covered position for 30 days. (Current law provides that such members must have separated employment and not be in a covered position for 90 days.) Removes the requirement that certain members must be either a member of: (1) PERF after December 31, 2008; or (2) TRF after June 30, 2009; in order to request a distribution from the member's ASA. Authorizes the PERF and TRF to adopt rules to allow a member that designates more than one beneficiary to allocate benefit shares in percentage increments. Provides that, before July 1, 2012, an active member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who is eligible to receive an unreduced retirement benefit may elect to receive at retirement a partial lump sum distribution equal to the member's monthly benefit times the member's years of creditable service in exchange for an actuarially reduced monthly benefit. Provides that an annual cost of living adjustment for monthly retirement benefits received by a member or survivor of the 1977 fund may not be used to decrease the member's monthly benefit. Requires the PERF board of trustees, one time before January 1, 2015, and every five years thereafter, to evaluate statewide physical and mental examination standards used by the 1977 fund. Eliminates references to the treasurer of state's duties concerning the following pension funds administered by the PERF: (1) Legislators' retirement system. (2) Judges' retirement system. (3) Prosecuting attorneys retirement fund. (4) 1977 fund. (In 2009 the treasurer of state's role as treasurer of PERF was eliminated and those duties were assigned to the PERF board and executive director.) Provides that a PERF or TRF member may petition the board of trustees of the member's fund (board) to correct an error in a determination of the member's: (1) creditable service; or (2) benefit; at any time. Provides that if the board does not find an error in the determination and the member petitioned the board within six years after the determination, the member may appeal the board's decision under the administrative orders and procedures law. Updates language concerning the TRF board's distribution of TRF's investment earnings. Makes a technical correction to resolve conflicting language. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB31 (Updated February 25, 2010 10:27 am - DI 84)

Motorcycle handlebar height. Provides that motorcycle handlebars may not rise higher than the shoulders of the driver when the driver is seated in the driver's seat. (Current law provides that the handlebars may not rise more than 15 inches above the driver's seat.)

DIGEST OF SB36 (Updated February 25, 2010 10:30 am - DI 84)

Magistrates. Provides that magistrates who meet certain other criteria may be certified as special judges by the judicial nominating commission. (Current law provides for the certification of judges and justices).

DIGEST OF SB46 (Updated February 22, 2010 5:01 pm - DI 84)

Blood donations by a 16 year old person. Allows a person who is sixteen (16) years of age to donate blood if the person obtains written permission from the person's parents.

DIGEST OF SB64 (Updated February 25, 2010 10:32 am - DI 84)

Display of political signs. Prohibits a homeowners association from adopting or enforcing certain restrictive covenants or homeowners association rules concerning the display of political signs.

DIGEST OF SB65 (Updated March 1, 2010 3:08 pm - DI 84)

Guardianships, estate administration, trust matters, and wills. Specifies the requirements of an affidavit used to state that no inheritance tax is due after applying statutory exemptions to each transferee receiving property as a result of the decedent's death. Requires that inheritance tax returns include all taxable transfers known to the person filing the return. Specifies a guardian's powers concerning the estate planning of a protected person. Repeals the current statute governing a guardian's authority to engage in estate planning for a protected person. Makes various changes to statutes concerning the following: (1) The transfer on death of motor vehicles and watercraft. (2) Probate notice requirements. (3) Protected persons. (4) Funeral declarations. (5) Attorneys in fact. (6) Nonprobate transferees. (7) The transfer on death act. (8) Disclaiming interests in property. Prescribes trust interpretation rules to protect discretionary interests held by beneficiaries. Precludes creditor actions against certain trust interests. Authorizes matrimonial trusts. Authorizes a trustee to decant a trust. Authorizes a trustee to close a trust when a beneficiary cannot be found by selling the beneficiary's share and depositing the proceeds with the clerk of the court. Requires the clerk to hold the proceeds for the use and benefit of the person or persons thereafter determined by law to be entitled to the proceeds. Provides that trusts and wills of decedents who die in 2010 that contain certain formulas refer to the federal estate tax and generation-skipping transfer tax laws as they applied to estates of decedents on December 31, 2009. (The introduced version of this bill was prepared by the probate code study commission.)

DIGEST OF SB71 (Updated February 25, 2010 10:40 am - DI 84)

Involuntary manslaughter and pregnancy. Provides that a person commits involuntary manslaughter if the person causes the death of a fetus while committing or attempting to commit operating while intoxicated.

DIGEST OF SB73 (Updated February 22, 2010 5:03 pm - DI 84)

Traffic signal and railroad crossing matters. Amends provisions regarding traffic signals to refer to turn arrow signals in addition to circular signals. Provides that a person who operates a vehicle and fails to obey the instructions of a railroad flagman to stop the vehicle before approaching a location at which a train is or may be located commits a Class C infraction. Requires the driver of a vehicle to stop at a railroad crossing upon the approach of on-track equipment. Specifies the action required to comply with a flashing "don't walk" indicator at a pedestrian crossing.

DIGEST OF SB74 (Updated March 4, 2010 11:49 am - DI 84)

Commercial driver's licenses and commercial motor vehicles. Makes various changes to motor

vehicle law pertaining to commercial driver's licenses to conform to the Code of Federal Regulations. Exempts certain intrastate private carriers of person or property, or both, from certain federal requirements pertaining to commercial motor vehicles. Repeals and relocates language concerning regulation of certain motor carriers and private carriers of property.

DIGEST OF SB75 (Updated March 1, 2010 3:13 pm - DI 84)

Alcoholic beverages.. Allows a microbrewery to sell the brewery's beer for carryout on Sunday at the address for which the brewer's permit was issued. Allows alcoholic beverages to be sold on election days. Allows the holder of a retailer's permit to sell alcoholic beverages on Sunday from 7 a.m. until 3 a.m. the following day. (Under current law, the holder of a retailer permit may sell alcoholic beverages on Sunday from 10 a.m. until 12:30 a.m. the following day). Makes it a Class B misdemeanor for an alcoholic beverage permittee or permittee's employee or agent to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person alcoholic beverages for carryout without first requiring the person to produce proof that the person is at least 21 years of age by: (1) a driver's license; (2) a government issued identification card; or (3) a government issued document; that bears the person's photograph and birth date. Provides that it is a defense in a criminal or administrative proceeding that the individual to whom the alcoholic beverages were sold appeared to be at least 50 years of age. Provides that, in a criminal prosecution or proceeding before the alcohol and tobacco commission, it is a defense to a charge of unlawfully furnishing alcohol to a minor that the purchaser produced a government issued document bearing the purchaser's photograph and showing the purchaser to be at least 21 years of age. Eliminates the requirement that a publicly owned airport be served by a scheduled commercial passenger airline in order for a restaurant located in the passenger terminal to be eligible for a permit to sell beer, wine, and liquor. Allows an indoor theater located in a city having a population of more than 200,000 but less than 300,000 and that has been listed in the National Register of Historic places to: (1) be issued a one-way, two-way, or three-way permit to sell alcoholic beverages; and (2) to have children present. Requires alcohol servers, retailer permittees, or management representatives of retailer or dealer permittees to complete alcohol server training by May 1, 2011. (Current law requires completion of the training by January 1, 2010.) Requires an applicant for a permit to sell alcoholic beverages in Marion County to file with the local board verification from a department of the consolidated city designated by ordinance that the applicant is in compliance with zoning requirements for the premises to be licensed. (Current law requires verification from the department of metropolitan development.)

DIGEST OF SB79 (Updated February 22, 2010 5:09 pm - DI 84)

Mental health quality advisory committee. Defines "waste" for purposes of the limits the office of Medicaid policy and planning may put on drug use under the Medicaid program and the children's health insurance program. Allows the office of Medicaid policy and planning to restrict the use of certain drugs by individuals less than 18 years of age in certain circumstances.

DIGEST OF SB 81 (Updated March 10, 2010 2:22 pm - DI 107)

Various criminal law matters. Establishes the 14 member criminal law and sentencing policy

study committee (study committee) to evaluate criminal laws and sentencing policies. Repeals laws establishing the sentencing policy study committee. Adds topics for the study committee to study and make recommendations about in the 2010 interim. Provides that the driver's license of a person convicted of resisting law enforcement while using a vehicle and: (1) exceeding the speed limit by at least 20 miles per hour; (2) committing criminal recklessness; or (3) engaging in reckless driving with a vehicle; may be suspended for one year for a first offense and two years for a second or subsequent offense. Provides that if a person receives a sentence that includes: (1) a term of incarceration; and (2) a driver's license suspension; the driver's license suspension begins on the date the person is released from incarceration and not on the date the person is convicted. Specifies in which court a petition for a hardship license must be filed. Requires the court to notify the bureau of motor vehicles of the person's conviction, and specifies that the convicted person has the burden of applying for a new or renewal license and establishing that the one year or two year period has elapsed. Enhances the penalty and prohibits a person from receiving a driver's license if a person has a second unrelated conviction for knowingly or intentionally operating a motor vehicle and has never received a valid driver's license.

DIGEST OF SB84 (Updated February 22, 2010 5:11 pm - DI 84)

General Assembly access to research resources. Requires state educational institutions to make research tools used by state educational institutions available to legislators and staff of the legislative services agency. Provides that a state educational institution is not required to expend additional funds or violate the terms of a subscription agreement to provide the research tools. Urges the legislative council to: (1) provide information and training concerning INSPIRE to legislators and staff; (2) request the legislative services agency to conduct a survey of legislators and staff regarding research tools; and (3) request the legislative services agency to study the feasibility of establishing a division of research and policy development within the agency.

DIGEST OF SB87 (Updated March 1, 2010 3:17 pm - DI 84)

Suspensions or terminations of EMS personnel. Provides that a medical director of a police or fire department or a volunteer fire department must provide a written explanation to an individual who is a member of the department, and as a condition of employment or appointment, holds a certification to provide emergency medical services, if the medical director refuses or fails to supervise or attest to the competency of the individual to provide emergency medical services or suspends the individual from performing emergency medical services. Provides that, before a department takes any employment or appointment related action against the individual, the individual is entitled to a hearing and appeal of the medical director's refusal, failure, or suspension. Requires the board or commission hearing the appeal to consult with an independent medical expert who must have certain qualifications in order to determine whether the individual followed the applicable emergency medical services protocol, if the medical director's action that is the subject of the appeal is based on a health care decision made by the individual in performing emergency medical services.

DIGEST OF SB93 (Updated March 1, 2010 3:19 pm - DI 84)

Yield when approaching certain vehicles. Provides that the failure to use due caution when approaching a stationary utility service vehicle that is being used to perform utility services or a stationary road, street, or highway maintenance vehicle is a Class A infraction that may also result in the loss of driving privileges. (Current law provides that the failure to use due caution which will result in sanctions pertains to the failure to use due caution when approaching a stationary recovery vehicle or a stationary highway maintenance vehicle.)

DIGEST OF SB 102 (Updated March 10, 2010 2:15 pm - DI 116)

Military and veteran matters. Provides that a person granted the authority to direct the disposition of remains of a service member in a certain United States Department of Defense form is second (after the person designated in a funeral planning directive) in the priority of individuals who may authorize the cremation of another person's remains and who may authorize the owner of a cemetery to inter, entomb, or inurn the body or cremated remains of a deceased human.

DIGEST OF SB103 (Updated February 16, 2010 3:03 pm - DI 84)

Military matters. Authorizes the adjutant general of the Indiana National Guard to appoint a fourth assistant adjutant general.

DIGEST OF SB110 (Updated March 1, 2010 3:24 pm - DI 84)

Conservancy district elections. Provides that if there is only one nominee for election to a conservancy district (district) board of directors (board) to represent an area of the district, the nominee is considered elected. Provides that if there is only one nominee for election to the board for each area for which a director is to be elected, the election is not required to be held and each of the board members is considered to have been elected as if the election had been held. Authorizes the board to enter into leases of land to providers of commercial mobile services that allow for the construction, use, and maintenance of a tower that is used for telecommunications purposes. For districts located in certain counties, if in the opinion of the secretary of the district a freehold has been divided into multiple freeholds to increase the number of voters, allows the secretary to exclude the freeholders of the multiple freeholds from the list of freeholders eligible to vote. Provides that the determination of the secretary may be challenged by petitioning the circuit court that created the district. For other districts, provides that only one vote may be cast per freehold in an election for members of the board.

DIGEST OF SB117 (Updated March 2, 2010 3:48 pm - DI 84)

Vehicle sales and purchases. Provides that it is an unfair practice for a vehicle manufacturer or distributor to enter into an agreement in which a vehicle dealer is required to waive certain provisions dealing with unfair practices in the vehicle sales profession or franchise practices. Establishes an exception for voluntary agreements in which separate consideration is offered and accepted. Exempts certain persons that buy or sell motor vehicles from the requirement of maintaining a bond satisfactory to the secretary of state.

DIGEST OF SB126 (Updated February 22, 2010 5:36 pm - DI 84)

Merger of rural electric and telephone cooperatives. Allows one or more rural electric membership corporations (REMCs) to merge or consolidate with one or more rural telephone cooperative corporations to form a surviving corporation (in the case of a merger) or a successor corporation (in the case of a consolidation). Provides that a surviving corporation or successor corporation: (1) is considered to be both an REMC and a telephone cooperative corporation; and (2) has all the rights, powers, privileges, immunities, and exemptions of an REMC and a telephone cooperative corporation. Sets forth provisions concerning the following with respect to a surviving corporation or successor corporation: (1) Articles of incorporation and bylaws. (2) Selection of the board of directors. (3) General and enumerated powers of the board and the surviving corporation or successor corporation. (4) Members and meetings of members. (5) Obligations and liabilities of the surviving corporation or successor corporation. (6) The acquisition and disposition of property. (7) Articles of dissolution. (8) Charges for services rendered. (9) The jurisdiction of the utility regulatory commission (IURC).

DIGEST OF SB 128 (Updated March 4, 2010 12:21 pm - DI 116)

Emergency management. Includes fire protection districts and fire protection territories as units for purposes of participation in the statewide emergency mutual aid program under certain circumstances. Provides that a county, municipality, township, fire protection district, or fire protection territory that participates in the program and that receives disaster assistance from another participating unit shall reimburse the assisting unit for certain expenses to the extent the expenses are not covered by reimbursements.

DIGEST OF SB134 (Updated February 15, 2010 2:24 pm - DI 84)

Noncode statutes. Corrects a reference to a section of an 1851 local act repealed in 1990. Codifies the following noncode statutes: (1) references in government records relating to the Brothers of Saint Joseph; (2) concerning the conveyance of the Medical History Museum; (3) concerning a lease between the state and the city of Madison relating to a heritage trail; (4) concerning references to the Indiana housing finance authority; (5) concerning the Indiana economic development corporation; (6) concerning references to "poor relief"; (7) concerning references to "community service"; and (8) concerning references to "blighted, deteriorated, or deteriorating area". Repeals the corresponding noncode SECTIONS. (The introduced version of this bill was prepared by the Code Revision Commission.)

DIGEST OF SB140 (Updated March 4, 2010 12:15 pm - DI 84)

Adoption matters. Provides that a man who is barred from establishing paternity under the adoption statutes is prohibited from establishing paternity by filing a paternity action as next friend of the child or requesting a prosecuting attorney to file a paternity action. Prohibits a person who has executed a written consent to the adoption of a child by a certain person from executing a second or subsequent written consent to the adoption of the child by another person, unless certain conditions apply. Removes a provision that allows a father who receives a notice of adoption after the birth of the child to contest the adoption by filing a paternity action.

Removes provision under which the consent of a putative father to the adoption of a child is irrevocably implied if the putative father, after receiving a notice of adoption after the birth of the child, fails to file a paternity action. Provides that the putative father registry provisions do not apply if, on or before the date the child's mother executes a consent to the child's adoption, the child's mother discloses the name and address of the putative father to the attorney or agency that is arranging the child's adoption. Provides that a putative father's motion to contest an adoption must be filed in the court in which the adoption is pending. Prohibits a court from granting an adoption if a petitioner for adoption has been convicted of an attempt or conspiracy to commit certain felonies. Authorizes a child placing agency and an attorney to advertise certain adoption information only if licensed under Indiana law. Provides that the crime of unauthorized adoption facilitation does not apply to child placing agencies licensed under Indiana law or attorneys licensed to practice law in Indiana. (Current law provides that the crime of unauthorized adoption facilitation does not apply to child placing agencies licensed under any state's law or attorneys licensed to practice law in any state.) Provides that a court may not grant an adoption if the petitioner is a sexually violent predator. Provides that a petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may include an allegation that the child has, on two separate occasions, been adjudicated a child in need of services.

DIGEST OF SB148 (Updated February 22, 2010 5:39 pm - DI 84)

Developmental disabilities. Requires the bureau of developmental disabilities services to ensure, beginning July 1, 2011, that an entity approved to provide adult day services, day habilitation, or vocational services is accredited by a specified organization.

DIGEST OF SB163 (Updated March 4, 2010 11:52 am - DI 84)

Various child support matters. Requires persons who own or operate a river boat licensed as a gambling operation or a horse racetrack licensed for gambling games to withhold cash winnings of obligors for amounts the obligors are delinquent in child support. Allows persons who own or operate a river boat licensed as a gambling operation or a horse racetrack licensed for gambling games to deduct and retain an administrative fee in relation to withholding the obligor's delinquent child support. Requires the: (1) gaming commission to place on probationary status, suspend, and deny licenses for gambling games at horse racetracks; and (2) the alcohol and tobacco commission to place on probationary status, suspend, and deny employee's permits; of certain obligors who are delinquent in child support. Provides that a person whose driving license is suspended because of delinquent child support is not required to pay a reinstatement fee to have the person's driving license reinstated. Provides that the child support bureau (bureau) and certain contractors of the bureau may be granted access to information in certain state systems and in certain records of state agencies and other entities, subject to policies adopted to prevent disclosure of certain law enforcement information. Requires a court to immediately withhold income under a child support order established in any proceeding. Provides that a parent, custodian or guardian of child who refuses to cooperate in: (1) a paternity action; or (2) the establishment or enforcement of a child support order; is subject to sanctions or revocation or suspension of Temporary Assistance for Needy Families. Requires a guardian or

custodian of a child to make a good faith effort to cooperate with the bureau and certain other agencies regarding certain paternity and child support matters. Requires a custodial parent and noncustodial parent to provide certain information to the clerk of the court. Provides that a court may consider a child emancipated if the child is on active duty in the United States armed forces. (Current law provides that a court may consider a child emancipated if the child has joined the United States armed forces). Provides that the income withholding provisions apply to any proceeding in which child support is established. Requires an employer to transfer the National Medical Support Notice to the employer's health insurance plan within 20 days after the date of the National Medical Support Notice. Requires an income withholding order form to contain certain information. Provides that an income payor may not distribute income in a manner that would result in one of the current child support obligations not being honored. Provides that an income payor is not required to vary the income payor's normal pay and distribution cycles in order to comply with the income withholding provisions. Requires that a court or administrative agency deem due process met if certain requirements have been met. Provides that various persons are immune from civil and criminal liability for certain acts or for failures to act. Prohibits a person from disclaiming an interest in property up to the extent of the person's child support arrearage. Prohibits a court from considering a parent's absence or relocation due to active military duty as a factor in determining custody or permanently modifying a child custody order. Provides that if a court temporarily modifies a custody order due to a parent's active duty service, the order temporarily modifying the custody order terminates automatically not later than 10 days after the date the parent notifies the temporary custodian in writing that the parent has returned from active duty service. Makes a technical correction.

DIGEST OF SB 170 (Updated March 11, 2010 4:27 pm - DI 107)

Motor vehicle offenses. Makes it a Class D felony for a person, when operating a vehicle while intoxicated, to cause the death of a law enforcement animal. Makes it a Class A felony if a person resists law enforcement and operates a motor vehicle in a manner that causes the death of a law enforcement officer.

DIGEST OF SB172 (Updated February 15, 2010 2:27 pm - DI 84)

Return of 1977 fund member contributions. Allows a member of the 1977 police officers' and firefighters' pension and disability fund to designate one or more beneficiaries to receive the member's contributions plus interest if the member dies without receiving retirement or disability benefits and without a spouse, child, or parent entitled to receive survivor benefits. Provides that, if the member does not designate a beneficiary, the member's contributions and accumulated interest shall be refunded to the member's estate. Specifies that, for purposes of receiving a survivor benefit, a parent is wholly dependent on a member if the member claimed the parent as a dependent on the member's federal income tax return for the year before the year in which the member died.

DIGEST OF SB176 (Updated February 16, 2010 3:14 pm - DI 84)

Nonparticipating tobacco product manufacturers. Requires: (1) newly qualified nonparticipating tobacco product manufacturers; and (2) nonparticipating tobacco product manufacturers that the

attorney general determines pose an elevated risk of noncompliance with tobacco product regulations; to post a surety bond. Requires a person that imports cigarette brand families of a nonparticipating manufacturer to assume joint and several liability with the nonparticipating manufacturer for qualified escrow payments and associated penalties, costs, and fees.

DIGEST OF SB 178 (Updated March 4, 2010 12:28 pm - DI 110)

Custody and parenting time matters. Requires a paternity affidavit to contain: (1) a provision that allows the mother and the man identified as the father to agree to share joint legal custody of the child; (2) a statement explaining joint legal custody; (3) a provision stating that if the parties do not agree to share joint legal custody, the mother has sole legal custody; (4) a provision stating that even if the parties agree to share joint legal custody, the mother has primary physical custody; (5) a provision stating that an agreement to share joint legal custody is void unless the result of a genetic test performed by an accredited laboratory: (A) indicates that the man identified as the child's biological father is the child's biological father; and (B) is submitted to a local health officer not later than 60 days after the child's birth; and (6) a statement with signature lines that affirms that the child's mother or the person identified as the child's father, if less than 18 years of age, has had an opportunity to consult with an adult chosen by that individual. Provides that the man who is identified as the father has parenting time in accordance with the parenting time guidelines. Provides that, if a paternity affidavit is executed, the mother has primary physical custody of the child. Requires that an action to establish custody or parenting time brought by a party who has agreed in a paternity affidavit to share joint legal custody be tried de novo. Requires that a paternity affidavit be presented separately to the child's mother and the man who reasonably appears to be the child's biological father before it is signed. Provides that an agreement in the paternity affidavit to share joint legal custody is void if: (1) a genetic test performed by an accredited laboratory indicates that the man identified as the child's biological father is not the biological father of the child; or (2) the man fails to submit the genetic test results to a local health officer not later than 60 days after the date of the child's birth. Provides that an individual who: (1) is the child's mother or a man identified as the child's biological father; and (2) is less than 18 years of age; must be given the opportunity to consult with an adult chosen by the individual regarding the contents of the paternity affidavit before signing the affidavit.

DIGEST OF SB186 (Updated March 4, 2010 11:56 am - DI 84)

Transportation of radioactive materials. Adds violations concerning the transportation of radioactive waste to the list of violations for which a truck and trailer may be stopped, inspected, and cited at a weigh station. Allows certain members of: (1) local emergency planning committees; and (2) the board of firefighting personnel standards and education; to appoint designees. Amends IC 10-14-8 concerning the transportation of high level radioactive waste to apply to both high and low level radioactive waste. Requires a person that transports high or low level radioactive waste to obtain a permit from the department of homeland security. Provides that the state police department may detain, seize, or impound a vehicle that illegally transports radioactive waste. Imposes civil penalties for the illegal transportation of radioactive waste. Deposits civil penalties in the nuclear response fund. Specifies who may inspect motor vehicles for illegal transportation of radioactive waste. Provides that the illegal transportation of

radioactive waste is a Class B infraction.

DIGEST OF SB187 (Updated February 25, 2010 11:43 am - DI 84)

Indiana intelligence fusion center. Moves the operation of the Indiana intelligence fusion center (fusion center) from the department of homeland security to the state police department. Makes conforming amendments. Provides that the chief information officer of the office of technology is a member of the counterterrorism and security council. Repeals provisions establishing the fusion center within the department of homeland security. Requires the budget agency to transfer any funds and balances necessary to implement the transfer of the fusion center from the department of homeland security to the state police department.

DIGEST OF SB221 (Updated March 4, 2010 11:59 am - DI 84)

Conditions of hardship licenses. Requires a court to impose reasonable monitoring requirements on a person who is issued a restricted driving permit if the person is a habitual traffic violator, and requires a court to impose certain conditions on habitual traffic violators. Provides that a judgment, for purposes of the habitual traffic violator law, includes a judgment from another jurisdiction in which the elements of the offense are substantially similar to the elements of the offense in Indiana. Provides that it is a Class A misdemeanor if a person operates a vehicle or motorized bicycle in violation of a restricted license.

DIGEST OF SB222 (Updated February 15, 2010 2:29 pm - DI 84)

Technical corrections. Resolves: (1) conflicts between differing 2009 amendments to Indiana Code sections; and (2) other technical problems in the Indiana Code, including incorrect statutory references, the presence in the Code of provisions that have expired by their own terms, nonstandard tabulation, the presence in the Code of references to sections that have been or are being repealed, grammatical problems, the absence of words needed for sense, and misspellings. Repeals certain sections of the Indiana Code that: (1) have expired by their own terms; (2) define certain terms for the purposes of other statutes that were previously repealed; (3) have no purpose apart from their relation to other statutes that have been repealed; (4) are repealed to resolve a conflict involving the enactment of different text at the same location in the Indiana Code; or (5) are repealed to correct errors concerning the alphabetical order of definitional provisions. (The introduced version of this bill was prepared by the code revision commission.)

DIGEST OF SB 223 (Updated March 4, 2010 9:05 pm - DI 73)

Property taxes. Provides that the form prescribed by the department of local government finance (DLGF) to claim the mortgage deduction and the instructions for the form must both include a statement specifying that a person is not entitled to the deduction unless the person has a balance on the person's mortgage or contract indebtedness (including any home equity line of credit) that is the basis for the deduction. Requires the statement to specify the penalties for perjury. Requires the DLGF to develop a notice that must be displayed in the office of each county auditor concerning the application for the mortgage deduction. Indicates that mortgages, contracts, memoranda, and home equity lines of credit must be recorded to be eligible for a

mortgage deduction.

DIGEST OF SB 224 (Updated March 10, 2010 2:15 pm - DI 106)

Electronic dissemination of indecent material and sex offender registration. Requires the sentencing study policy committee to study and make recommendations regarding the sending of sexually suggestive or sexually explicit material over the Internet or by use of a cellular telephone or similar device. Provides that a school corporation may offer classes or instruction regarding the risks and consequences of creating and sharing sexually suggestive or sexually explicit materials electronically. Provides filing and notice requirements for a petition to remove a person's designation as a sex offender or to require the person to register under less restrictive conditions.

DIGEST OF SB226 (Updated March 1, 2010 3:28 pm - DI 84)

Teen suicide prevention. Assigns the topic of teen suicide prevention to the health finance commission for study during the 2010 legislative interim.

DIGEST OF SB 249 (Updated March 10, 2010 2:17 pm - DI 58)

Redevelopment and military base reuse authorities. Adds expenditures that benefit local public improvements or structures as allowable expenditures by a redevelopment authority and for which a redevelopment authority may reimburse any other governmental body if the improvements or structures serve or benefit the authority's allocation area. Removes the restriction on using the redevelopment authority's allocation fund for operating expenses of the redevelopment authority. Provides that expenses may be incurred by a military base reuse authority, any other department of the unit, or a department of another governmental entity for local public improvements or structures that are in the allocation area or directly serving or benefiting the allocation area, including expenses for the operation and maintenance of these local public improvements or structures if the reuse authority determines those operation and maintenance expenses are necessary or desirable to carry out the purposes of the authority. Provides that the allocation fund may not otherwise be used for operating expenses of the reuse authority. Provides that a military reuse authority that owns or acquires a public utility to provide water service or sewage disposal service has certain powers and duties of a municipal board and municipal legislative body with respect to the operation of a municipal water utility or municipal sewage works.

DIGEST OF SB252 (Updated February 18, 2010 12:20 pm - DI 84)

Waiver of transfer tuition; sign language interpreters. Provides that a transferee school may elect to not charge transfer tuition to the parents of a student or a student who transfers into the transferee school. Requires the department of education to set standards before July 1, 2011, for sign language interpreters who provide services in an educational setting and voids rules adopted by the division of disability and rehabilitative services.

DIGEST OF SB257 (Updated February 16, 2010 3:25 pm - DI 84)

Commission for higher education. Provides that a full-time employee of a state public or private college or university (except for one faculty member) may not be a member of the commission for higher education. Allows a member of the commission to attend a meeting of the commission by means of a communication device if a quorum of members is physically in attendance at the meeting. Provides that when reviewing a proposed building project for a state educational institution, including a project authorized by the general assembly, the commission must complete the review not later than 90 days after the proposal was submitted for review. Provides that a state educational institution or a campus of a state educational institution that offers dual credit courses must be either accredited by the National Alliance of Concurrent Enrollment Partnerships or approved by the commission.

DIGEST OF SB 262 (Updated March 4, 2010 12:54 pm - DI 58)

Closed circuit video taxation. Reduces the tax from 5% to 3% of the gross receipts received from providing a professional public boxing, sparring, or unarmed combat match or exhibition for viewing in Indiana on a closed circuit telecast, pay per view telecast, or subscription television. Limits the tax to \$50,000 for each event. Provides that interest earned on the athletic commission fund be deposited in the state general fund. Provides that revenue from the tax must be deposited in the state general fund. Permits the budget agency to augment appropriations from the athletic commission fund to the gaming commission to regulate boxing, sparring, unarmed combat, and any other form of mixed martial arts. Provides that the athletic commission may waive the tax on complimentary admissions for actual attendance to a match or exhibition. Deletes the exemption for showings at a private residence.

DIGEST OF SB271 (Updated February 22, 2010 5:46 pm - DI 84)

Public safety director. Provides that the city executive of a third class city may appoint a public safety director to: (1) serve as the chief administrative officer of the police department and fire department; and (2) oversee the operations of the police department and the fire department.

DIGEST OF SB281 (Updated March 1, 2010 3:29 pm - DI 84)

Local law enforcement issues. Specifies that motor vehicles, trailers, semitrailers, and pole trailers (excluding truck-tractors, truck-tractor semitrailer-semitrailer combinations equipped with a B-train assembly, vehicles manufactured before 1956, motorcycles, and other motor-driven cycles) must have two working tail lamps to be operated on a highway. Allows money in the firearms training fund to be used to purchase body armor. Makes technical corrections: (1) requiring a city, town, or county to provide an active member of the police department with body armor for the torso; (2) requiring a city, town, or county to replace armor according to the replacement period recommended by the manufacturer of the armor; (3) providing that a unit cumulative capital improvement fund may be used to purchase body armor for active members of a police department; and (4) adding a cross reference in a provision relating to a county law enforcement continuing education program.

DIGEST OF SB 307 (Updated March 4, 2010 9:07 pm - DI 69)

Floyd County courts. Provides that in Floyd County: (1) the Floyd circuit court has exclusive jurisdiction over probate and trust matters; and (2) the Floyd circuit court and Floyd superior court No. 3 have concurrent juvenile jurisdiction.

DIGEST OF SB 309 (Updated March 10, 2010 2:20 pm - DI 71)

School corporation budget year. Eliminates the requirement that a school corporation begin budgeting on a school year basis in 2011. Permits a school corporation in any year to determine whether to budget on a calendar year or school year basis.

DIGEST OF SB 316 (Updated March 4, 2010 9:10 pm - DI 71)

Dating violence. Requires the department of education, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, to develop or identify model dating violence educational materials and a model for dating violence response policies and reporting. Requires the department to make the model dating violence educational materials and model for dating violence response policies developed or identified available to assist schools with the implementation of dating violence education programs for grades 6 through 12 and dating violence response policies by July 1, 2011.

DIGEST OF SB328 (Updated February 25, 2010 5:58 pm - DI 84)

Various financial institutions matters. Makes various changes to the laws concerning: (1) financial institutions; (2) debt management companies; (3) pawnbrokers; (4) money transmitters; (5) check cashers; (6) persons licensed under the Uniform Consumer Credit Code; (7) first lien mortgage lenders; and (8) rental purchase agreements. Makes various changes to the laws concerning licensing residential mortgage loan creditors and originators to comply with requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008. Repeals provisions being superseded by this bill. Repeals provisions under the Uniform Consumer Credit Code concerning the following: (1) A definition index. (2) Revocations of certain licenses. Repeals a provision requiring the display of a license by a debt management company. Repeals a provision concerning reverse mortgage loans made by savings associations and replaces the provision with requirements for reverse mortgage loans made by creditors in first lien mortgage transactions.

DIGEST OF SB 340 (Updated March 12, 2010 4:34 pm - DI 106)

Parole board duties, community corrections, and bail. Makes conducting a community investigation by the parole board mandatory for certain individuals. Reduces the standard period of parole from two years to one year unless the parolee: (1) is a repeat parolee; (2) is being placed on parole for a conviction for a crime of violence; (3) is a sex offender; or (4) has violated a DOC rule in the six months prior to release. Provides that department of correction (department) rules concerning the maintenance of order and discipline among committed persons applies to persons placed in a community corrections program or assigned to a community transition program. Repeals a provision that requires a county that receives a grant from the department commissioner for the establishment and operation of a community corrections

program to be charged a sum for certain persons committed to the department and confined in a state correctional facility. Requires that a community corrections plan must include a method to evaluate each component of the program to determine the overall use of department approved best practices for the program. Provides that the department must require community corrections programs to submit an evaluation of the use of department approved best practices for community correction program components in proposed budget requests. Provides that, for the purposes of the law concerning home detention, a home includes the residence of another person who is not part of the social unit formed by an offender's immediate family. Establishes certain standards and criteria for direct placement of offenders in community corrections programs. Specifies that, for purposes of the law concerning direct placement in community corrections programs: (1) "home" means the actual living area of the temporary or permanent residence of a person; and (2) a person who is placed in a community corrections program under the law is entitled to earn credit time. Allows a person to be deprived of credit time for violating a rule or condition of a community corrections program. Makes changes to the Indiana bail law concerning: (1) notices to sureties and bond agents; and (2) failure to appear. Provides that the requirement that courts include the costs of incarceration in a sentencing order expires June 30, 2012. Urges the legislative council to assign to the sentencing policy study committee the issue of whether a court should include the costs of incarceration in a sentencing order.

DIGEST OF SB342 (Updated February 25, 2010 6:04 pm - DI 84)

Bodily substance samples. Specifies that certain procedures for taking a bodily substance sample do not apply if the sample is taken in a hospital.

DIGEST OF SB356 (Updated March 8, 2010 1:50 pm - DI 84)

Professional licensing. Establishes procedures for the attorney general to seize, secure, store, and destroy abandoned or at risk health records and other records containing personally identifying information. Creates a health records and personal identifying information protection trust fund to pay for costs associated with securing and maintaining the records. Allows a criminal history check for employees of home health agencies and personal services agencies to be provided through a private agency. Removes the July 1, 2010 expiration that allows limited criminal histories to be used for employees of home health agencies and personal services agencies. Establishes a uniform procedure to allow a board of a regulated occupation to issue a cease and desist order to an unlicensed person who engages in an activity that requires a license. Repeals and makes conforming changes concerning cease and desist and injunction orders. Merges and changes membership on the cosmetology and barber boards. Relocates barber statutes. Prohibits a person from professing to be a social worker unless the person is licensed as a social worker. Establishes a mental health counselor associate license. Establishes a water well driller and water well pump license. Prohibits a person from installing a water well pump unless the person is licensed. Allows persons who meet certain qualifications to be issued a water well driller and water well pump license without taking the examination. Establishes a continuing education requirement for a water well driller and water pump installer licensee. Eliminates the controlled substances advisory committee and transfers responsibilities to the Indiana board of pharmacy. Provides for automatic revocation of controlled substances permit if a physician's license is revoked. (Current law requires a separate administrative process to take place if physician's

license is revoked.) Provides that at a retail pharmacy a controlled substance may not be dispensed to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification. Requires the Indiana scheduled prescription electronic collection and tracking program's (INSPECT) data base to include information on a controlled substance recipient's method of payment for the controlled substance dispensed. Allows INSPECT information to be released to the following: (1) the state toxicologist; (2) the Medicaid retrospective and prospective drug utilization review program; and (3) a substance abuse assistance program for certain licensed health care providers. Provides criminal and civil immunity for a practitioner who in good faith provides information to a law enforcement agency based on a report from INSPECT. Requires certain boards to establish prescribing norms and dispensing guidelines for the unsolicited dissemination of INSPECT exception reports to certain persons. Repeals laws concerning the certification of environmental health specialists and licensure of hypnotists. Requires the health finance commission to study the issue of paramedic licensure. Makes conforming changes.

DIGEST OF SB382 (Updated March 2, 2010 3:42 pm - DI 84)

Public-private agreements. For purposes of statutes concerning approval of the location of a tollway or the designation of a state highway as a tollway, allows the approval or designation of the Illiana Expressway or a project that is located in a metropolitan planning area and connects Indiana with Kentucky (current law prohibits such an approval or designation without legislative authorization). Makes the following changes in the statutes governing public-private agreements by the Indiana finance authority (IFA) or the department of transportation (INDOT): Authorizes public-private agreements for: (1) a project concerning the Illiana Expressway; and (2) a project that is located in a metropolitan planning area and connects Indiana with Kentucky; that would permit an operator to impose tolls for the operation of motor vehicles (current law prohibits such agreements without legislative authorization). Specifies that the common construction wage statute applies to a project for the Illiana Expressway. Requires the preparation of an economic impact study before a request for proposals is issued. Requires a public hearing concerning the study on the proposed project. After the preliminary selection of an operator, requires a public hearing on the preliminary selection and the public-private agreement. Requires various postings and notices before the hearing. Provides that a public-private agreement must: (1) require the completion of all environmental analyses required by state and federal law; and (2) provide for an expedited method for resolving disputes among or between IFA or INDOT, other parties to the agreement, and units of local government that contain part of a project. Provides that the eminent domain laws in effect as of January 1, 2010, apply to the use of eminent domain for a project by the IFA or INDOT and to the rights of property owners affected by such a use of eminent domain. In the INDOT statute, provides that the public-private agreement must specify that ownership of the project is to be in the name of the state (this requirement is already in the IFA statute). Requires INDOT to: (1) conduct and complete, not later than July 1, 2011, a comprehensive study of a route that provides direct high speed rail passenger service to both South Bend and Fort Wayne; and (2) report to the joint study committee on mass transit and transportation alternatives on certain matters related to high speed rail passenger service. Provides that INDOT may not submit an application for the Chicago to Cleveland high speed passenger rail service corridor until the study is completed. Provides that the bill applies to

public-private agreements entered into after March 14, 2010. Makes conforming changes.

DIGEST OF SB384 (Updated February 25, 2010 6:19 pm - DI 84)

Cloud computing security. Requires the regulatory flexibility committee to study cloud computing and report to the general assembly by November 1, 2011.

DIGEST OF SB387 (Updated February 22, 2010 5:56 pm - DI 84)

Office of minority health. Establishes the office of minority health within the state department of health.

DIGEST OF SB389 (Updated February 25, 2010 6:20 pm - DI 84)

Information on individual development accounts. Requires a caseworker of a foster child to provide information to the child and the child's foster parent concerning individual development accounts.

DIGEST OF SB394 (Updated February 25, 2010 6:22 pm - DI 84)

Attorney general matters. Authorizes the attorney general to intervene in a declaratory judgment action in which a statute, ordinance, or franchise is alleged to be unconstitutional. Provides that a court must notify the attorney general if the constitutionality of a state statute is called into question, and permits the attorney general to intervene in the case to present evidence and arguments concerning the constitutionality of the statute. Permits the attorney general to intervene in a case in which a claim or defense is based on a statute or executive order administered by a state officer or agency. Authorizes the attorney general to file an amicus curiae brief without the leave of the parties or the court.

DIGEST OF SB 396 (Updated March 13, 2010 12:46 am - DI 92)

Assessment of agricultural land. Requires the department of local government finance to use an adjusted six year average that eliminates the highest value determined for the six year period when making the annual calculation of the base rate for the assessment of agricultural land.

DIGEST OF SB 399 (Updated March 10, 2010 2:23 pm - DI 106)

Fines for moving violations. Provides the following caps on the amount that a person who has committed a moving violation that is a Class C infraction may be required to pay: (1) Court costs plus a judgment of not more than \$35.50 if the person admits the violation before the person's court date. (2) Court costs plus a judgment of not more than \$35.50 if the person admits the violation on the day of the person's court date. (3) Court costs plus a judgment of not more than \$35.50, if the person contests the violation in court, is found to have committed the violation, and has not contested and been found to have committed another moving violation in the previous five years. (4) Court costs plus a judgment of not more than \$250.50 if the person has contested and been found to have committed one moving violation in the previous five years. (5) Court costs plus a judgment of not more than \$500 if the person has contested and been found to

have committed two or more moving violations in the previous five years. Specifies that court costs include fees. Specifies that the maximum amounts do not include any amount that a person may be required to pay to attend a defensive driving school program.

DIGEST OF SB 400 (Updated March 4, 2010 9:17 pm - DI 96)

Motor vehicles. Defines "all-terrain vehicle" (ATV) and "recreational off-highway vehicle" (ROV). Amends the definition of "off-road vehicle" for purposes of regulation of land recreation to specifically include ATVs and ROVs. Prohibits: (1) a county, city, or town from adopting an ordinance; and (2) the department of natural resources from adopting a rule, regulation, or guideline; that imposes on off-road vehicles a dry weight limitation of less than 2,000 pounds. Cross-references the new ATV definition for purposes of excluding ATVs from requirements concerning the repurchase of farm or industrial machinery. Provides that a governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the operation of an off-road vehicle by a non-governmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to gross negligence, willful or wanton misconduct, or intentional misconduct, with certain exceptions. Requires a collector snowmobile to be registered with the department of natural resources in order to be operated on public property. Adds a 3, 4, or 6 wheeled construction related motor vehicle that is: (1) capable of cross-country travel without the benefit of a road and on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain; and (2) used primarily for construction related purposes; to the definition of "farm wagon" for purposes of the operation of the motor vehicle on highways.

DIGEST OF SB401 (Updated March 1, 2010 3:30 pm - DI 84)

Petitioners and remonstrators for local debt. Permits an owner of a mobile home or a manufactured home that is used as a principal place of residence and that is assessed as personal property within a political subdivision to participate in the petition and remonstrance process for the issuance of debt or execution of a lease on a controlled project by the political subdivision. Requires the governing body of a school corporation that adopts a resolution to conduct a referendum for a tax levy to certify the resolution to both the department of local government finance and the county fiscal body of each county in which the school corporation is located. (Current law does not require the governing body to certify the resolution to the department of local government finance.)

DIGEST OF SB407 (Updated March 4, 2010 12:09 pm - DI 84)

Various motor vehicle matters. Removes the requirement that the bureau of motor vehicles (bureau) issue certain license plates biennially. Authorizes the bureau to adopt rules authorizing applicants for renewals and replacements of certain driver's licenses and identification cards to apply for the renewals and replacements by electronic service. Requires certain applicants for replacement driver's licenses or permits or identification cards to provide proof of the change of mailing or residence address or name to the bureau. Repeals language: (1) requiring applications

for personalized license plates to be accepted at any time for initial issuance of the plates for the following year; and (2) requiring a person who is the registered owner or lessee of a vehicle who is issued a personalized license plate to register the vehicle before May 1 of each year. Establishes the Gold Star family member license plate and specifies that the Gold Star family member license plate is not a special group recognition license plate. Extends the availability for issuance of the Abraham Lincoln bicentennial license plate and provides that an annual fee of \$25 be collected for issuance of the Abraham Lincoln bicentennial license plate. Revises the amount of excise tax due on a recreational vehicle or a truck camper for a partial year registration. Authorizes the bureau to negotiate and enter into a reciprocal agreement with a foreign country to facilitate the exchange of operator's licenses and requires the bureau to report annually to the general assembly regarding a reciprocal agreement. Specifies that a nonresident of a certain age who holds an operator's or a chauffeur's license from the nonresident's home state or country and has been lawfully admitted to the United States is not required to have an Indiana operator's or chauffeur's license to drive in the state. Deletes language concerning the ability of an individual who does not hold an operator's or a chauffeur's license to operate a motor vehicle when the individual's home state or country does not require the licensing of individuals in order to operate a motor vehicle. Authorizes the bureau to disclose certain personal information concerning an individual to a special group that sponsors a special group recognition license plate for which the individual is applying. Renames the disabled veteran license plate the disabled Hoosier veteran license plate. Sets certain disability requirements for eligibility for a disabled Hoosier veteran license plate. Provides for only one design for disabled Hoosier veteran license plates. Repeals the provision requiring two distinct designs for disabled veteran license plates. Requires the bureau to authorize the display of a restored or refurbished authentic license plate from the model year of an antique motor vehicle on an antique motor vehicle. Provides that motorcycle handlebars may not rise higher than the shoulders of the driver when the driver is seated in the driver's seat. Deletes outdated language. Makes a technical correction.

DIGEST OF SB415 (Updated March 4, 2010 12:11 pm - DI 84)

Discharge of long term inmates; credit time. Provides that an inmate is eligible for rehabilitation based discharge for long term inmates if the inmate has served 21 years in the department of correction and has received four years of credit time. Allows certain persons to earn not more than six months credit time, as determined by the department of correction, for completion of one or more reformatory programs approved by the department of correction. Prohibits a person from earning credit time for completing the requirements for a general educational development (GED) diploma, a high school diploma, an associate's degree, a bachelor's degree, a career and technical education program, a substance abuse program, a literacy and basic life skills program, or a reformatory program if the person: (1) commits a sex offense, criminal confinement if the victim is less than 18 years of age, or kidnapping if the victim is less than 18 years of age while the person is required to register as a sex or violent offender under the sex offender registration law; and (2) is committed to the department of correction after being convicted of the offense.

DIGEST OF HB1001 (Updated March 2, 2010 3:14 pm - DI 84)

Government ethics. Provides that legislative statements of economic interests are not required to

report gifts made to the filer or purchases by a lobbyist from the filer's business. Requires legislative branch lobbyists to report such gifts and purchases. Requires the lobby registration commission to compile reports of these gifts and purchases and provide them to the legislator or candidate. Provides that legislators may not accept honoraria for appearances or speeches but may accept payment or reimbursement of travel expenses for appearances or speeches. Reduces the amount of a single gift or expenditure that must be reported by a lobbyist from \$100 to \$50. Reduces the calendar year threshold of gifts and expenditures that must be reported from \$500 to \$250. Provides that a lobbyist may not make a gift with a value of more than \$50 to a legislative person unless the lobbyist receives the approval of the legislative person before making the gift and informs the legislative person of the cost of the gift the lobbyist wants to make at the time the lobbyist seeks consent to the gift. Provides that a lobbyist may not pay expenses for out-of-state travel for a legislative person with exceptions for: (1) "public policy meetings" approved by speaker of the house of representatives or the president pro tempore of the senate; or (2) expenses that are associated with the legislative person's service as an officer, member of the board of directors, employee, or independent contractor of the person paying the expenses. Provides that the definition of a legislative branch "lobbyist" does not include public officials, public employees, or a national organization established for the education and support of legislative leadership, legislators, legislative staff, or related government employees. Requires expenditures that can be "clearly and reasonably" attributed to a particular legislative person to be reported with respect to that legislative person. Requires that a lobbyist's expenditure report must include expenses for a function or activity to which all of any of the following are invited: (1) Members of the general assembly. (2) Members of the house of representatives. (3) Members of the senate. (4) Members of a standing or other committee established by the rules of the house of representatives or senate. (5) Members of a study committee. (6) Members of a caucus of the house of representatives or the senate. Establishes rules for reporting an expenditure made by more than one lobbyist, the reporting of expenditures with respect to a particular legislative person, and allocation of expenditures made with respect to several legislative persons. Changes the time during which a lobbyist must report certain expenditures with a legislator from seven days to 15 business days. Increases the daily penalty for failure to file lobbyist registration statements and activity reports from \$10 per day to not more than \$100 per day. Increases the maximum penalty for failure to file lobbyist registration statements and activity reports from \$100 to \$4,500. Defines "conflict of interest" for lobbyists. Requires lobbyists to file with the lobby registration commission a description of the procedure that will be utilized if conflicts arise. Requires the procedure to be incorporated into the lobbyist's contract with clients. Requires the lobby registration commission to make available on the Internet all reports, statements, and documents filed with the commission and all manuals, indices, summaries, and other documents the commission is required to compile, publish, or maintain. Requires "legislative liaisons" of agencies in the executive branch of state government and of state educational institutions to report certain expenditures annually to the lobby registration commission. Provides that individuals who are candidates for election to the general assembly in 2010 may not become a lobbyist or legislative liaison before June 1, 2011. Provides that after December 31, 2011, a legislator must wait 365 days after leaving the general assembly before becoming a lobbyist or legislative liaison. Provides that a state elected official may not use the state elected official's name or likeness in an audio, video, or newspaper publication paid for entirely or in part with appropriations made by the general assembly, regardless of the source of the money. Provides that this prohibition does not apply to a communication made by the governor concerning the

public health or safety or by a state elected official for a publication that has a "compelling public policy reason" that is approved by the budget committee and the budget agency. Provides that a state elected official may use the title of the office the state elected official holds in a communication. Provides that elected state officers and candidates for state office may not raise funds during the same period during long session when legislators are barred from fundraising. Removes a requirement that candidates for the general assembly file candidate documents with the circuit court clerk. Requires the circuit court clerk to provide copies of legislative candidacy documents from the election division's or the secretary of state's web site to a person requesting to see these documents. Makes technical changes. Repeals superseded statutes.

DIGEST OF HB1005 (Updated February 23, 2010 2:57 pm - DI 84)

Indefinite teacher contracts. Removes the age limit for teachers who hold an indefinite contract.

DIGEST OF HB1008 (Updated March 4, 2010 5:42 pm - DI 84)

Purchase of out-of-state service credit. Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to purchase at full actuarial cost service earned out of state in a position for which the 1977 fund would give credit if the service were earned in Indiana.

DIGEST OF HB1021 (Updated February 22, 2010 3:19 pm - DI 84)

Bankruptcy exemptions; earned income tax credit. Provides that a debtor's Indiana earned income tax credit is property that is exempt under the bankruptcy property exemption statute. (Current law provides only that a debtor's federal earned income tax credit is exempt property.)

DIGEST OF HB1040 (Updated March 1, 2010 11:58 am - DI 84)

Lake management work group. Extends the final report date and expiration date of the lake management work group from July 1, 2010, to July 1, 2011.

DIGEST OF HB1044 (Updated March 1, 2010 11:59 am - DI 84)

Clerk liability. Provides that circuit court clerks and the clerk of the supreme court are not personally liable for acts or omissions in the performance of the clerks' duties absent gross negligence or intentional disregard of the responsibilities of the office of clerk. Specifies that the fact that a clerk is not personally liable does not preclude an action against the clerk's bond based on an error or omission committed by the clerk.

DIGEST OF HB1047 (Updated March 1, 2010 3:39 pm - DI 84)

Change of name requirements. Requires that a petition for a change of name must: (1) include certain information for persons at least 17 years of age; (2) if filed by a person at least 17 years of age, be subscribed and sworn to (or affirmed) under the penalties of perjury and before a notary public or other person authorized to administer oaths; and (3) be filed with the circuit

court of the county in which the person resides. Specifies that a petition for a change of name for a person at least 17 years of age must include: (1) the person's date of birth; (2) the person's current residence address and, if different, mailing address; (3) the person's valid Indiana driver's license or identification card number; (4) a list of all previous names used by the person; (5) proof that the person is a United States citizen; (6) a statement concerning whether the person holds a valid United States passport; and (7) a description of all judgments of criminal conviction of a felony under the laws of any state or the United States that have been entered against the person. Removes a provision that requires a parent or guardian of a minor child who wishes to change the name of the minor child to publish the first notice of the petition for the name change not more than seven days after the date the petition is filed.

DIGEST OF HB1050 (Updated March 2, 2010 10:01 am - DI 84)

Police officers' and firefighters' 1977 pension and disability fund. Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to designate one or more beneficiaries to receive the 1977 fund member's contributions plus interest if the 1977 fund member dies without receiving retirement or disability benefits and without a spouse, child, or parent entitled to receive survivor benefits. Provides that, if the member does not designate a beneficiary, the member's contributions and accumulated interest shall be refunded to the member's estate. Specifies that for purposes of receiving a survivor benefit a parent is wholly dependent on a member of the 1977 fund if the 1977 fund member claimed the parent as a dependent on the federal income tax return filed by the 1977 fund member in the year before the year in which the 1977 fund member died.

DIGEST OF HB 1059 (Updated March 4, 2010 9:52 pm - DI 52)

Property tax collections. Provides that provisional property tax bills are required rather than optional if the county auditor fails to deliver the abstract for an assessment date to the county treasurer before April 1 of the year following that assessment date. Provides that the department of local government finance (DLGF) may waive the requirement that a provisional bill must be used if the DLGF determines that certain conditions have been met. Provides that the first installment of a provisional bill is equal to 50% of the tax liability that was payable in the same year as the assessment date for the property for which the provisional bill is issued, subject to any adjustments to the tax liability authorized by the DLGF and approved by the county treasurer. Provides that the second installment is either the amount specified in a reconciling statement or, if a reconciling statement is not sent until after the second installment is due, an amount equal to 50% of the tax liability that was payable in the same year as the assessment date for the property for which the provisional bill is issued, subject to any adjustments authorized by the DLGF and approved by the county treasurer. Directs the DLGF to authorize the types of adjustments to tax liability permitted on provisional statements and to notify county treasurers of that authorization. Provides that certain information is not required to be included on a provisional bill, but must be included on the reconciling statement. Deletes certain information from the informational notice that must accompany a provisional statement. Requires the county treasurer to: (1) place in a separate account in the county general fund penalties collected as a result of late payments on provisional and reconciling statements; (2) use the account only to defray the costs of mailing or transmission of provisional and reconciling statements; and (3)

deposit excess money in the account in the county reassessment fund. Entitles a taxing unit to interest generated by the county on property tax collections if the county treasurer fails to meet the deadline for compliance with a request for advance distribution of the collections.

DIGEST OF HB1061 (Updated February 18, 2010 3:31 pm - DI 84)

County identification security protection fee. Provides that beginning July 1, 2011, the \$2 county identification security protection fee shall be deposited in the following manner: (1) \$1 in the county recorder's records perpetuation fund. (2) \$0.50 in the county identification security protection fund. (3) \$0.50 in the county elected officials training fund. Requires each county to establish a county elected officials training fund. Provides that money in the fund must be used solely to provide training of county elected officials. Provides that an individual elected to the office of circuit court clerk after November 2, 2010, must complete at least 15 hours of training courses within one year, and 40 hours of training courses within three years after beginning the individual's term as circuit court clerk.

DIGEST OF HB1062 (Updated March 1, 2010 12:01 pm - DI 84)

Uniform enforcement of foreign judgments act. Enacts the uniform enforcement of foreign judgments act to permit the enforcement of a judgment of another state upon filing the judgment in the office of the clerk of the court.

DIGEST OF HB1064 (Updated February 22, 2010 3:26 pm - DI 84)

Wild game donations. Establishes a procedure to collect voluntary donations when hunting licenses are sold. Specifies that the proceeds must be used to process donated wild game related to feeding the state's hungry. (The introduced version of this bill was prepared by the natural resources study committee.)

DIGEST OF HB 1065 (Updated March 4, 2010 9:28 pm - DI 69)

Various provisions concerning firearms. Prohibits a person, including an individual, a corporation, and a governmental entity, from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from legally possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of sight in the employee's locked vehicle while the vehicle is in or on the person's property, unless the firearm or ammunition requires a certain federal license to possess. Exempts possession of a firearm or ammunition: (1) on school property, on property used by a school for a school function, or on a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; (4) in violation of federal law; (5) on property belonging to an approved postsecondary educational institution; (6) on the property of a domestic violence shelter; (7) at a person's residence; (8) on the property of a person that is subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards and licensed by the United States Nuclear Regulatory Commission; (9) on property owned by a public utility that generates and transmits electric power or a department of public utilities; and (10) in an employee's

personal vehicle if the employee is a direct support professional who uses the employee's personal vehicle while transporting an individual with developmental disabilities. Provides that a court does not have jurisdiction over an action that: (1) is brought against an employer who is in compliance with the prohibition against adoption or enforcement of a policy or rule that prohibits the possession of a firearm in a locked vehicle; and (2) is brought to recover for any injury or damage resulting from the employer's compliance. Authorizes a person harmed by a violation to bring a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation. Prohibits the state, a political subdivision, or any other person from prohibiting or restricting the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during a declared disaster emergency, energy emergency, or local disaster emergency, subject to exceptions that apply to the prohibition against adoption or enforcement of a policy or rule that prohibits the possession of a firearm in a locked vehicle. Repeals provisions that allow certain political subdivisions to adopt emergency ordinances to regulate firearms if a local disaster emergency has been declared. Deletes an outdated reference.

DIGEST OF HB1068 (Updated February 18, 2010 3:41 pm - DI 84)

Access to handgun license information. Provides that, for purposes of the law concerning access to public records: (1) information submitted by a person to obtain or renew a license to carry a handgun; (2) information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun; and (3) the name, address, and any other information that may be used to identify a person who holds a license to carry a handgun; is confidential, may not be published, and is not open to public inspection. Specifies that: (1) any information concerning an applicant for or a person who holds a license to carry a handgun may be released to a federal, state, or local government entity for law enforcement purposes or to determine the validity of a license to carry a handgun; or (2) general information concerning the issuance of licenses to carry handguns in Indiana may be released to a person conducting journalistic or academic research but only if all personal information that could disclose the identity of any person who holds a license to carry a handgun has been removed from the general information. Provides that the period during which an application for the renewal of an existing handgun license may be filed begins 365 days (instead of 180 days) before the date the license expires.

DIGEST OF HB1069 (Updated February 22, 2010 3:33 pm - DI 84)

Commuter transportation district board membership. Adds three members to the board of trustees of a commuter transportation district.

DIGEST OF HB1076 (Updated February 23, 2010 2:58 pm - DI 84)

Local port authorities. Eliminates the requirement that a local port authority contract be in the name of the political subdivision creating the authority. Specifies that a local port authority is an instrumentality of the state and may exercise certain powers independent of any political subdivision. Authorizes local port authorities to borrow money. Relocates bonding authority for local port authorities from the list of general powers to a separate section. Retains the requirement that a local port authority obtain the approval of the governing body that created the

authority before entering contracts concerning royalties from natural or mineral resources of land owned by the authority and relocates the requirement from the list of general powers to a separate section.

DIGEST OF HB1083 (Updated February 25, 2010 11:06 am - DI 84)

Unclaimed property. Reduces from five years to three years the period after which the following property is considered abandoned for purposes of the state's unclaimed property act: (1) A demand, savings, or matured time deposit. (2) Property payable as a result of a demutualization, rehabilitation, or related reorganization of a mutual insurance company. (3) All other property not otherwise specified under the act. Makes a technical amendment to one provision of the unclaimed property act to reflect another provision of the unclaimed property act that specifies that the act does not apply to: (1) a business to business credit memorandum; or (2) gift certificates.

DIGEST OF HB1084 (Updated March 1, 2010 3:41 pm - DI 84)

Various motor vehicle matters. Provides that the maximum weight limitation for a heavy duty vehicle that is equipped with an auxiliary power unit for climate control or electrical purposes is increased by 400 pounds. Provides that a motor carrier or an operator of a commercial motor vehicle that provides the intrastate commercial transport of one or more metal coils of a certain weight commits a Class A misdemeanor unless the operator of the commercial motor vehicle has been certified in proper load securement. Requires the department of revenue to adopt rules concerning the certification of commercial motor vehicle operators who transport one or more metal coils of a certain weight. Deletes a cross-reference to a repealed section.

DIGEST OF HB 1086 (Updated March 13, 2010 12:56 am - DI 51)

Makes changes related to the youth advisory council. Provides contract terms for certain substitute natural gas (SNG) contracts. Provides for electronic signatures on public contracts. Transfers regulation of boxing, wrestling, and martial arts to the gaming commission. Reduces the tax from 5% to 3% of the gross receipts received from providing a professional public boxing, sparring, or unarmed combat match or exhibition for viewing in Indiana on a closed circuit telecast, pay per view telecast, or subscription television. Limits the tax to \$50,000 for each event. Provides that interest earned on the athletic commission fund be deposited in the state general fund. Provides that revenue from the tax must be deposited in the state general fund. Permits the budget agency to augment appropriations from the athletic commission fund to the gaming commission to regulate boxing, sparring, unarmed combat, and any other form of mixed martial arts. Provides that the gaming commission may waive the tax on complimentary admissions for actual attendance to a match or exhibition. Deletes the exemption for showings at a private residence. Makes changes in property tax assessment procedures, petition and remonstrance and referenda procedures, calculation of maximum permissible levies, and deductions, including changes in the method of calculating the solar heating and cooling equipment deduction and establishing a deduction for personal property used in a certified

technology park. Requires notice of a decertification of a technology park to be sent to the department of local government finance and the department of state revenue. Requires payment of all delinquent taxes before platting land, consolidating parcels, or removing property from a tax sale list. Provides for the department of local government finance to review and make recommendations concerning the language of proposed public questions on controlled projects. Requires the board of tax review to provide dispute resolution and appeal filing guidance to property taxpayers. Makes changes in the administration of libraries. Makes changes in the gross retail and use tax related to implementation of the Streamlined Sales and Use Tax Agreement. Exempts sales to a city or town for a municipal golf course from sales taxation and certain aircraft brought into Indiana from use tax. Indicates that references in state law to the Internal Revenue Code refer to the version in effect on January 1, 2010. Restricts state net operating loss carrybacks. Changes certain electronic tax reporting procedures. Changes the deadline for adopting a local income tax. Permits a city or town to establish a cumulative capital improvement fund for any purpose. Corrects a technical conflict between laws. Makes changes to the eligibility criteria for admittance to the Indiana veterans' home. Eliminates and reorganizes certain boards and commissions. Indicates that interest on delinquent assessments is calculated under the statute under which interest on delinquent property taxes is computed. Extends the period in which certain public bids may be received. Requires fiscal information on a proposed local reorganization to be publicly available and specifies when officials will be elected after a local reorganization. Changes from January 2 to January 1 the date certain local annexations, election boundary changes, and reorganizations take effect. Permits a third class city to reduce the number of members on its legislative body. Requires weed assessments and delinquent utility bill lien statements to be sent by certified mail, return receipt requested, or its equivalent. Corrects a reference to a budget deadline. Provides for an additional community revitalization enhancement district (CRED) in Delaware County. Makes changes to procedures related to economic improvement districts. Requires sellers of prepaid wireless services to remit fees to the department of state revenue. Repeals provisions related to boards and commissions that are reorganized. Grants additional time to certain property owners to file for a property tax exemption. Restricts previously enacted law governing late exemption applications to nonprofit entities. Establishes an interim study committee on economic development and provides for the preparation of certain corrective legislation. Specifies the ballot language for the submission of the proposed amendment to the Constitution of the State of Indiana concerning circuit breakers and other property tax matters. Provides a procedure to correct an error in the certified Indianapolis Public Schools capital project fund levy rate for 2010.

DIGEST OF HB1099 (Updated February 22, 2010 3:41 pm - DI 84)

Standards for livestock and poultry care. Allows the board of animal health to assist organizations that represent poultry producers with issues related to poultry. Allows the board to adopt rules to establish standards governing the care of livestock and poultry.

DIGEST OF HB1100 (Updated February 22, 2010 3:43 pm - DI 84)

Inmate possession of a cellular device prohibited. Makes it a Class A misdemeanor for a person incarcerated in a county jail to possess a cellular telephone or other wireless or cellular communications device.

DIGEST OF HB 1109 (Updated March 4, 2010 12:30 pm - DI 75)

Voters with disabilities; MOVE. Requires that all locations (other than the circuit court clerk's office) where a voter is entitled to cast in person an absentee ballot before election day must meet the same accessibility requirements that apply to a polling place for a precinct. Provides that a voter casting an absentee ballot before an absentee voter board in the office of the circuit court clerk or at a satellite office is entitled to receive assistance in casting a ballot if the voter is a voter with a disability or is unable to read or write English. Provides that a voter with a disability who votes an absentee ballot (other than a voter who casts an absentee ballot before an absentee voter board that visits the voter's residence or place of confinement) is entitled to vote on a direct record electronic voting system. Provides that a county election board may count absentee ballots cast at the clerk's office or at a satellite office on a direct record electronic voting system at a central location instead of sending those ballots to the precinct for counting. Requires a county election board that counts absentee ballots in this manner to adjust precinct vote totals to reflect the counting of these absentee ballots. Provides that a county that counts these absentee ballots in this fashion is not required to count other absentee ballots at a central location. Provides that absentee ballots cast at the clerk's office or at a satellite office on a direct record electronic voting system shall be counted using the procedures for counting absentee ballots at a central location, including the procedures for challenging absentee ballots and eliminating the absentee ballots of individuals voting in person at the polls, to assure that the ballots cast on the direct record electronic voting system may be counted. Implements the Military and Overseas Voter Empowerment Act ("MOVE") in Indiana election law. Delegates to counties the state's responsibilities to carry out the requirements of MOVE except as otherwise provided by law. Designates electronic mail, fax, and web publication as means of communications for an absent uniformed services voter or an overseas voter to request a voter registration application and an absentee ballot application. Requires the secretary of state, with the approval of the election division, to develop a free access system that permits an absent uniformed services voter or overseas voter to determine whether the voter's absentee ballot has been received by the appropriate county election board (or board of elections and registration), regardless of the manner in which the absentee ballot was transmitted by the voter to the board. Increases from 40 days to 74 days before the date of a general election the deadline for challenging the qualifications of a candidate who seeks an office on the general election ballot. Provides that if a challenge is not resolved by noon 60 days before the general election, the challenge is terminated and the name of a challenged candidate may not be removed from the ballot. Provides that, if an absent uniformed services voter or an overseas voter makes a timely application for and does not receive an absentee ballot from a county election board, the voter may use a federal write-in absentee ballot in the form prescribed by the Federal Voting Assistance Program of the United States Department of Defense to cast a vote for any candidate, political party, or public question on a primary election, general election, municipal election, or special election ballot. Establishes rules for counting federal write-in absentee ballots. Updates outdated voter registration provisions. Repeals superseded statutes.

DIGEST OF HB1116 (Updated March 1, 2010 3:46 pm - DI 84)

Worker's compensation. Provides that an employer or employer's insurance carrier may not delay the provision of emergency medical care for worker's compensation injuries or occupational

disease disablements whenever emergency medical care is considered necessary in the professional judgment of the attending health care facility physician.

DIGEST OF HB1119 (Updated February 22, 2010 3:45 pm - DI 84)

Soil and water conservation districts. Allows the governing body of a soil and water conservation district to approve payment of certain expenses subject to review and approval at the governing body's next regular meeting. Requires the district's fiscal officer to certify payments.

DIGEST OF HB1122 (Updated March 1, 2010 12:02 pm - DI 84)

Abatement of vacant or abandoned structures. Combines two separate Indiana Code provisions concerning the presuit notice required in residential foreclosure proceedings into one section. Repeals one of the provisions being combined. Provides that the presuit notice must inform the debtor that if the creditor obtains a foreclosure judgment, the debtor has a right to do the following before a sheriff's sale is conducted: (1) Appeal a finding of abandonment by a court. (2) Redeem the real estate from the judgment. (3) Retain possession of the property, subject to certain conditions. Provides that an enforcement authority that has issued an abatement order for a vacant or abandoned structure may under certain conditions file a praecipe for the sale of the property with the clerk of the county after 180 days have elapsed from the date a foreclosure judgment and decree is filed, if the party that is entitled to enforce the judgment has not itself filed a praecipe.

DIGEST OF HB 1125 (Updated March 4, 2010 12:30 pm - DI 103)

Highway matters. Adds three intersections to the part of State Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 that is a limited access facility, with certain conditions. Requires a municipality to send written notice of the hearing on an annexation ordinance to property owners whose property is located outside the proposed annexed area but is adjacent to a right-of-way of a road or street that forms one of the boundaries of the area.

DIGEST OF HB1127 (Updated February 25, 2010 11:20 am - DI 84)

1977 fund purchase of service credit. Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to purchase at full actuarial cost prior service in certain public retirement funds.

DIGEST OF HB 1135 (Updated March 5, 2010 2:23 pm - DI 71)

Advanced placement exams; school counselors. Requires state educational institutions to grant postsecondary level academic credit that counts toward meeting the student's graduation requirements to students who receive a satisfactory score on an advanced placement examination. Requires the department of education, in cooperation with other appropriate associations, to develop a uniform job description for school counselors.

DIGEST OF HB1154 (Updated March 1, 2010 12:06 pm - DI 84)

Marion County courts. Provides that a commissioner appointed in the Marion County courts has all of the powers and duties prescribed for a magistrate. Allows a Marion County commissioner who exercises the powers and duties of a magistrate to serve as a senior judge. Specifies that if a commissioner appointed in Marion County is appointed as a magistrate, the salary of that magistrate shall be paid by the state in the same amount as other magistrates are paid. Provides for the allocation of appointments of commissioners in Marion County. Provides that in addition to any judgment otherwise entered in Marion County for a traffic violation constituting an infraction, an additional judgment amount of not more than \$35 may be entered for the traffic violation. Specifies that this additional judgment amount for infraction judgments imposed in Marion County for traffic violations shall be transferred to a dedicated county fund. Provides that money in the dedicated county fund: (1) does not revert to the county or state general fund; and (2) may be used, after appropriation by the county fiscal body, only to pay compensation of commissioners and pay costs of the county's guardian ad litem program.

DIGEST OF HB1165 (Updated February 18, 2010 3:43 pm - DI 84)

Exempt veterans' benefits from attachment. Provides that a veteran's service connected disability benefit is protected from a judicial lien, process, or proceeding to collect a debt.

DIGEST OF HB 1168 (Updated March 4, 2010 9:42 pm - DI 109)

High school athletics. Directs the state superintendent to administer the functions of the case review panel that hears cases relating to disputes over the application or interpretation of rules governing interscholastic high school athletics. Provides that a parent may take legal action regarding a dispute over the application or interpretation of the rules after the panel has issued a decision on the case. Requires the panel to issue a written decision on a case not later than 10 days after the panel hears the case. Provides that a parent who disagrees with the panel's decision may file a legal action to review the panel's decision not later than 45 days after the panel issues its decision. Allows a student or the student's parent to proceed directly to a court with jurisdiction to resolve a dispute if an interscholastic high school athletics association fails to follow its bylaws regarding hearing and appeals procedures. Directs a high school athletics association in collaboration with the department of education to study and prepare a report to the general assembly by December 31, 2010 concerning the impact and the feasibility of allowing a high school student who attends a nonpublic nonaccredited school, a nonpublic school or a charter school that is not a member of an interscholastic athletic association to participate in high school athletics at a public high school that is a member of an interscholastic athletic association, including a study of practices in other states. Makes other changes.

DIGEST OF HB1169 (Updated March 1, 2010 12:13 pm - DI 84)

Volunteer advocates programs for incapacitated adults and seniors. Provides that a court will appoint volunteer advocates for seniors programs or volunteer advocates for incapacitated adults programs (programs) rather than individual advocates. Changes the: (1) reporting requirements for; (2) duties of; and (3) appointments of; programs. Provides that a program may petition the

court for reasonable compensation or reimbursement of expenses. Provides that probate courts in adjacent counties may establish joint or multiple county programs. Provides that probate courts may contract with an Indiana nonprofit or municipal corporation to provide programs. Provides that the programs have the duties of a guardian of a minor. Provides that the programs have certain responsibilities regarding property that a guardian has.

DIGEST OF HB1178 (Updated February 22, 2010 3:48 pm - DI 84)

Returning National Guard. Requires the adjutant general of the Indiana National Guard to require a member of the Indiana National Guard who completes a United States Department of Defense form "Post-Deployment Health Reassessment" (PDHRA) to participate in a face-to-face clinical interview with a trained health care provider concerning the Indiana National Guard member's PDHRA. (Currently, the Department of Defense provides that a PDHRA clinical interview may be conducted in person or over the telephone.)

DIGEST OF HB1183 (Updated March 1, 2010 3:48 pm - DI 84)

Tax sale surplus fund agreements. Places restrictions on agreements by property owners for location, delivery, recovery, or assistance in the recovery of money deposited in the tax sale surplus fund. Provides that the tax sale property list may be certified on or after January 1 and not later than 51 days after the first tax payment due date. Allows a county to recover its costs of sale of certain certificates of sale. Requires court approval of certain claims against the tax sale surplus fund. Allows the county executive to assign a certificate of sale with respect to real property to any political subdivision, and provides that the period of redemption of the real property is 120 days after the assignment. Establishes procedures to account for funds if a tax sale is declared invalid. Allows a sheriff's sale to proceed only if the tax sale redemption amount and outstanding property taxes, special assessments, penalties, and interest are paid. Requires notice to a tax sale purchaser of certain actions proposed with respect to the property under the unsafe building statute.

DIGEST OF HB1186 (Updated February 23, 2010 4:03 pm - DI 84)

Interlocal agreements concerning courts. Allows a city or town that has not established a city or town court or an ordinance violations bureau to enter into an interlocal agreement with a city, town, or other municipal corporation that has established: (1) a city or town court; or (2) an ordinance violations bureau; to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a city or town court or an ordinance violations bureau established by the city or town.

DIGEST OF HB 1188 (Updated March 5, 2010 2:32 pm - DI 96)

Various motor vehicle matters. Requires the secretary of state to adopt rules to establish research and development license plates for use by manufacturers of vehicle subcomponent systems. Sets a \$20 fee for a research and development license plate. Requires the secretary of state to adopt interim written guidelines regarding the classification of research and development license plates. Revises language concerning the responsibility of the secretary of state related to vehicle

dealer services. Exempts certain persons that buy or sell motor vehicles from the requirement of maintaining a bond satisfactory to the secretary of state by submitting to the secretary of state evidence that the licensee is a member of a risk retention group regulated by the Indiana department of insurance. Authorizes the bureau of motor vehicles to negotiate and enter into a reciprocal agreement with a foreign country to facilitate the exchange of operator's licenses and requires the bureau of motor vehicles to report annually to the general assembly regarding a reciprocal agreement. Specifies that all coverage available to a passenger of a motor vehicle under a motor vehicle owner's insurance policy must be exhausted before any other insurance coverage is available to the passenger.

DIGEST OF HB1193 (Updated March 1, 2010 3:53 pm - DI 84)

Juvenile, education, and law enforcement matters. Creates the law enforcement, school policing, and youth work group (work group) to be staffed and administered by the criminal justice institute. Requires the work group to study and make specific recommendations concerning law enforcement, school policing, and youth. Requires each school corporation to annually submit a report to the department of education (department) concerning: (1) student arrests; (2) the use of school corporation police departments and security guards; and (3) whether the school corporation has an agreement with a law enforcement agency concerning arresting students on school corporation property. Requires the department of education to summarize the school corporations' reports and to submit the summary to the legislative council, the board for the coordination of programs serving vulnerable individuals, the education roundtable, and the criminal justice institute. Requires the department of education to post the reports on its web site.

DIGEST OF HB1194 (Updated February 18, 2010 3:50 pm - DI 84)

Public safety officer layoff and reinstatement. Provides that the reinstatement rights of a laid off member of a city police or fire department, or a laid off member of a sheriff's department, terminate five years (instead of three years) after the day on which the member's layoff begins.

DIGEST OF HB 1205 (Updated March 12, 2010 10:31 pm - DI 102)

PERF and TRF matters. Requires the board of trustees of the public employees' retirement fund (PERF) and the board of trustees of the Indiana state teachers' retirement fund (TRF) to appoint and fix the compensation of a common director for PERF and TRF. Requires that PERF and TRF each pay 50% of the director's compensation. Requires the PERF and TRF boards to cooperate to the extent practicable and feasible in administering and investing the assets of the funds and in hiring investment managers, investment advisors, and other service providers. Provides for a thirteenth check for PERF and TRF members, survivors, and beneficiaries. Provides for a thirteenth check for employee beneficiaries of the state police 1987 benefit system who retired or were disabled after June 30, 1987, and before July 2, 2008, and were entitled to receive a monthly benefit as of June 1, 2010.

DIGEST OF HB1230 (Updated March 1, 2010 12:16 pm - DI 84)

Grain buyers and grain indemnity program; seeds. Makes certain changes in the grain buyers and

warehouse licensing and bonding law, including the following: (1) Eliminates an exception under which a person who buys less than 50,000 bushels of grain annually or who buys grain for the sole purpose of feeding the person's own livestock or poultry and derives a major portion of the person's income from selling that livestock or poultry is not subject to the requirements of the law for grain buyers. (2) Authorizes the director of the grain buyers and warehouse licensing agency (agency) to require a grain buyer offering deferred pricing, delayed payments, or contracts linked to the commodity futures or commodity options market in connection with a grain purchase to document the agreement in writing not more than 21 days after delivery. (3) Requires the director of the grain buyers and warehouse licensing agency to be a member of national grain regulatory organizations. (4) Eliminates an exception under which a person is not required to be licensed if the person does not operate a facility used to store grain for hire, purchases less than 50,000 bushels of grain per year or uses all grain purchased for the production of the person's own livestock or poultry, and does not purchase grain by offering deferred pricing, delayed payment, or contracts that are linked to the commodity futures or commodity options market. (5) Provides that a depositor who does not present a claim at the hearing held by the director of the agency concerning a possible shortage may bring a claim to the agency within 15 days after the conclusion of the hearing. Makes certain changes in the grain indemnity program law, including the following: (1) Alters the definitions of the terms "claimant", "deferred pricing", "failure", "grain buyer", "warehouse", and "warehouse operator". (2) Provides that, in determining the amount of compensation to which a claimant who incurred a financial loss due to the failure of a grain buyer is entitled, the compensable part of the claimant's loss is to be reduced by all credits and offsets and any producer premium that should have been due on the sale of the grain. Requires the governing body of the Indiana grain indemnity corporation to hold a meeting in July and to certify at that meeting the amount of money in the Indiana grain indemnity fund on June 30. (Current law requires the governing body to hold a meeting in May and certify the amount of money in the fund on May 1.) Establishes seed labeling requirements for cool season lawn and turf grasses. Allows the seed commissioner to issue a special use permit for use of seeds of certain plant species for the purpose of research, development, production, or education. Allows the seed commissioner to adopt rules establishing certain fees and civil fines. Removes certain statutory fees on July 1, 2011. Reduces the number of sales reports that must be filed each year. Prohibits: (1) using relabeling stickers that do not contain certain information; and (2) relabeling a seed lot using stickers more than once. Requires that rules for certain fees be adopted before July 1, 2011. Repeals provisions: (1) defining a "valid claim"; (2) concerning a grain buyer's registration with the board of the grain indemnity corporation; (3) authorizing inspection of the books and records of a registered grain buyer to confirm compliance with the law; (4) excluding a producer from protection under the grain indemnity program under certain circumstances; and (5) providing that the claim of a claimant who incurred a storage loss due to the failure of a warehouse operator is valid only if brought within one year after publication of notice of the grain buyer's failure.

DIGEST OF HB1232 (Updated March 2, 2010 10:04 am - DI 84)

Removal of logjams in floodways. Provides that a permit is not required to remove a logjam or mass of wood debris that has accumulated in a river or stream.

DIGEST OF HB 1234 (Updated March 5, 2010 2:36 pm - DI 106)

Criminal procedures and controlled substances. Requires a court to include as a condition of bail the requirement that a defendant charged with a violent crime that results in bodily injury to a person refrain from any direct or indirect contact with the victim for 10 days after release or until the initial hearing, whichever occurs first, if the defendant is released to bail without the court having held a bail hearing in open court. Prohibits certain persons from making certain determinations concerning the remains of a decedent if the decedent had filed a protection order against the person and the protection order currently is in effect. Provides that a pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance in a retail pharmacy to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance. Provides that a court may require a person convicted of domestic battery to complete a certified batterer's intervention program. Provides that a court may require a person charged with domestic violence to wear a GPS tracking device as a condition of bail. Provides that 211 telephone services shall include assistance with parental stress issues. Specifies that: (1) records concerning communicable diseases may be disclosed; and (2) patient records that have been classified as confidential are not required to be made available for inspection after 75 years (as required for other confidential records). Sets parameters that a public agency must follow when creating exceptions for the disclosure of records. Provides an exception to the human immunodeficiency virus (HIV) testing consent statute. Provides that if a victim of certain crimes requests that a defendant be tested for HIV, the defendant must be tested.

DIGEST OF HB1235 (Updated March 1, 2010 4:00 pm - DI 84)

Regulation of appraisal management companies. Requires appraisal management companies to register with the real estate appraiser licensure and certification board (board). Provides that the registration fee may not exceed \$500. Prohibits a person from owning an interest in an appraisal management company if the person has had the person's license or certificate to act as a real estate appraiser in any state revoked and not reinstated. Provides that an appraisal management company may only hire an independent contractor to perform an appraisal who holds a real estate appraiser license or certificate or a real estate broker license and is in good standing. Requires an individual who conducts appraisal reviews for an appraisal management company to be a licensed or certified appraiser or a licensed real estate broker. Requires an appraisal management company to maintain certain records. Provides that an appraisal management company is responsible for ensuring that an appraisal meets certain standards. Allows the board to impose a civil penalty for a violation of the appraisal management company provisions. Makes it a Class A infraction for a person to perform appraisal management services without a certificate or registration.

DIGEST OF HB 1261 (Updated March 5, 2010 2:44 pm - DI 52)

Renewable energy. In the list of organic matter considered organic waste biomass for purposes of the definition of "renewable energy resources" in the utility generation and clean coal technology financial incentives statute (incentives statute), adds animal byproducts and algae

and deletes organic waste from clean construction and demolition. Changes the name of the E85 fueling station grant program to the agricultural biomass infrastructure grant program (grant program). Provides that "biomass" as defined under the grant program applies in the directive to the Indiana state department of agriculture to administer economic development efforts for agriculture by facilitating the use of biomass. Adds certain definitions for purposes of the grant program, including a definition of "biomass" as agriculturally based sources of renewable energy (excluding waste from construction and demolition). Authorizes the department of agriculture to award grants from the agricultural biomass infrastructure grant fund for certain infrastructure used for the production or distribution of biofuels (fuels produced from biomass). Changes the definition of "qualified investment". Provides that grants for biofuels projects may be awarded for infrastructure expenses incurred after December 31, 2009. Provides that the amount of a grant for certain infrastructure used for the production or distribution of biofuels may not exceed the lesser of: (1) 50% of the recipient's qualified investment; or (2) \$100,000. Makes related changes.

DIGEST OF HB1265 (Updated March 1, 2010 12:18 pm - DI 84)

Oil, gas, and coal bed methane property. Defines "coal bed methane" and expands the definition of "commercially minable coal resource". Prohibits coal bed methane extraction before July 1, 2012, unless: (1) the owner of the coal from which the coal bed methane is extracted consents; or (2) the coal bed methane is extracted from a well that is operated under a permit issued by the department of natural resources. Requires the natural resources study committee to study certain oil, gas, and coal bed methane issues.

DIGEST OF HB 1271 (Updated March 12, 2010 10:30 pm - DI 75)

Courts. Provides that certain courts may establish a problem solving court for alternative treatment and rehabilitation. Requires the board of directors of the judicial center to adopt rules for the certification and operation of problem solving courts. Repeals certain provisions regarding drug courts and reentry courts.

DIGEST OF HB 1276 (Updated March 5, 2010 3:22 pm - DI 92)

French Lick resort matters. Updates the definition of "riverboat" to conform to recent improvements to the French Lick casino. Reduces the admissions tax imposed at the French Lick riverboat from \$4 to \$3. Eliminates admissions tax distributions to the Orange County development commission and the West Baden Springs historic hotel preservation and maintenance fund (fund). Adjusts the amounts paid to other recipients of the admissions tax collected at French Lick. Provides that riverboat wagering taxes previously transferred to the Orange County convention and visitors bureau must be transferred to the Orange County development commission and the Indiana economic development corporation. Permits the operating agent to submit claims for the reimbursement of certain expenditures to maintain the West Baden Springs hotel property. Requires the department of natural resources to pay the claims. Annually appropriates interest accruing to the fund for the payment of the claims.

DIGEST OF HB1297 (Updated March 1, 2010 4:04 pm - DI 84)

Financing public university projects. Provides that the law on swap agreements does not limit Ivy Tech Community College's general investment policies. Permits proceeds from a temporary borrowing to be used for building or facility construction costing more than \$500,000 or for the purchase or lease-purchase of land, buildings, or facilities with a value of more than \$250,000. Permits electronic transfers to be used for performance bonds. Specifies conditions for grant anticipation notes concerning acquisition and improvement of building facilities and equipment.

DIGEST OF HB 1320 (Updated March 5, 2010 3:49 pm - DI 77)

Ephedrine and medication substitution. Prohibits a retailer from selling, and a purchaser from purchasing, more than 3.6 grams of ephedrine or pseudoephedrine on one day, or nine grams of ephedrine or pseudoephedrine in a 30 day period. Requires a retailer that sells drugs containing ephedrine or pseudoephedrine to post a sign warning that it is a criminal offense for a person to purchase drugs containing more than certain quantities of ephedrine or pseudoephedrine. Requires the legislative council to assign for study topics concerning: (1) certain issues related to methamphetamines; and (2) notification to a patient's physician of changes in manufacturers of certain prescription medicines.

DIGEST OF HB1324 (Updated March 4, 2010 7:53 pm - DI 84)

Disposal of vacant lots in tax sale process. Permits a county to sell a vacant parcel acquired by the county in a tax sale to the owner of a contiguous residential parcel for \$1 if the contiguous parcel is entitled to the standard property tax deduction. Allows the county to establish criteria to identify vacant parcels eligible for sale. Establishes procedures for conduct of the sale, transfer of the vacant parcel, and consolidation of the vacant parcel with the contiguous parcel. Provides that the consolidated parcel is entitled to an exemption from property taxation in the amount of the assessed value of the vacant parcel at the time of consolidation until the earlier of the following: (1) the next transfer of title after the consolidation; or (2) five years after the transfer of the title to the successful applicant. Provides that a tax deed for real property sold in a tax sale: (1) does not operate to extinguish an easement recorded before the tax sale, regardless of whether the easement was taxed separately from the real property; and (2) conveys title subject to all easements recorded before the date of the tax sale.

DIGEST OF HB 1332 (Updated March 12, 2010 10:33 pm - DI 101)

Credit services; real estate transactions; securities; business enterprises. Provides that a state officer may not use the state officer's name or likeness in certain communications paid for entirely or in part with: (1) money from the securities division enforcement account; or (2) appropriations from the state general fund made for the administration of the uniform securities act. Expands the duties of the governor's commission on minority and women's business enterprises (commission) to include setting goals for all contracts awarded by a recipient of state grant funds that: (1) involve the use of real property of a city, town, county, township, or school corporation (unit); and (2) will be paid for in whole or in part with state grant funds. Requires the department of administration to direct contractors to demonstrate a good faith effort to meet participation goals. Requires the commission to work with the department of administration to develop a statement for grantees stating the importance of the use of minority and women's

business enterprises. Allows the securities commissioner (commissioner) to bring a court action to enjoin violations of, and enforce compliance with, the law governing loan brokers. Provides that the court in such an action may, among other actions, order an asset freeze or the appointment of a receiver or conservator to take control of a respondent's property. Provides that the commissioner shall require each applicant for initial registration as an investment adviser representative to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation. Requires the applicant to pay any fees or costs associated with the fingerprints and background check. Allows the commissioner to award up to 10% of the amount recovered by the securities division as a penalty for a violation of the uniform securities act to any person who provided information leading to the imposition of the penalty. Amends the definition of "credit services organization" for purposes of the law governing such entities to include a person that does or offers to do any of the following on behalf of a buyer: (1) Obtain a lower interest rate with respect to a consumer loan or a residential mortgage loan. (2) Provide debt settlement services. Provides that a "credit service organization" does not include: (A) a loan servicer acting on behalf of the holder of a consumer loan or a residential mortgage loan; or (B) a debt management company. Amends the law concerning the disclosures that a credit services organization must provide to a buyer to reflect changes in the federal Fair Credit Reporting Act concerning the circumstances under which a consumer is entitled to a consumer report without charge from a consumer reporting agency. Provides that before a credit services organization may do business in Indiana, it must file a copy of the required surety bond or irrevocable letter of credit with the attorney general. Prohibits a person from maintaining an escrow account used to pay real estate taxes and insurance for residential real estate unless the person is: (1) a specified financial institution; (2) the creditor in a mortgage transaction; (3) a mortgage servicer acting on behalf of the creditor in a mortgage transaction; or (4) a closing agent. Provides that in a real estate transaction involving a land contract between the seller and the buyer, the seller must give to the buyer, at certain specified times, written notice of any encumbrance that affects the title to the real estate. Provides that upon the suspension of a principal broker's license, the real estate commission shall take custody of each trust account maintained by the principal broker on behalf of others. (Current law requires the real estate commission to take custody of a principal broker's trust accounts upon only the expiration or revocation of the broker's license.) Removes an incorrect cross-reference in the statute concerning real estate brokers and salespersons. Corrects an incorrect cross-reference in the home loan practices act. Provides that a person that knowingly or intentionally violates the statute concerning mortgage rescue fraud commits a Class A misdemeanor. Establishes the securities restitution fund to provide restitution assistance to victims and certain family members of victims for monetary injuries from securities violations. Provides that the fund consists of amounts: (1) from certain funds received for deposit in the securities division enforcement account; and (2) appropriations from the general assembly. Establishes requirements for and limitations on awarding restitution assistance to victims of securities violations. Requires five percent of funds received after June 30, 2010, for deposit in the securities division enforcement account to be deposited into the securities restitution fund. Continually appropriates money from the securities restitution fund to the division for the purposes of: (1) awarding restitution assistance; and (2) paying certain administrative expenses. Transfers \$2,000,000 from the securities division enforcement account to the securities restitution fund on July 1, 2010. Makes it a Class C felony for a person to make or cause to be made: (1) in any document filed with the securities commissioner or securities division; or (2) in any proceeding, investigation, or

examination; under the provisions concerning restitution assistance for victims of securities violations any statement that is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect. Requires the securities division to pay from the loan broker regulation account a qualifying claim that is submitted by the office of the attorney general before July 1, 2010; and that includes a court order awarding restitution to individuals who suffered monetary injury as a result of a violation of the deceptive consumer sales act that: (1) involved the maintenance of accounts for the receipt of funds for the payment of real estate taxes and insurance periodically owed in connection with real estate; and (2) occurred before July 1, 2010. Provides that the total amount paid from the loan broker regulation account to all individuals identified in the qualifying claim may not exceed \$150,000.

DIGEST OF HB 1336 (Updated March 13, 2010 12:51 am - DI 58)

Mortgages and public deposits. Establishes a voluntary five star mortgage program for creditors (including mortgage brokers) that offer qualifying mortgages to Indiana customers after June 30, 2010. Requires the department of financial institutions (department) to adopt guidelines to implement the program. Provides that to qualify as a five star mortgage lender, a creditor must provide to the department a certification attesting that the creditor meets specified criteria. Provides that to qualify as a five star mortgage, a mortgage: (1) must require: (A) a down payment of at least 10% of the purchase price of the dwelling, in the case of a purchase money transaction; or (B) that the customer have equity of at least 10% in the dwelling, in the case of a refinancing; (2) must have a fixed rate of interest; (3) must provide for an escrow account for the payment of taxes and insurance, if the creditor regularly provides for such escrow accounts in the creditor's ordinary course of business; (4) may not have a term that exceeds 30 years; and (5) may not include a prepayment penalty or fee. Requires a five star mortgage lender to provide a written statement to any Indiana customer who: (1) applies for a five star mortgage offered by the lender; and (2) does not qualify for the mortgage based on the lender's underwriting standards. Provides that the statement must set forth the reasons why the customer did not qualify for the five star mortgage. Allows a creditor that qualifies as a five star mortgage lender to include that fact in marketing materials or solicitations directed at Indiana customers, subject to the department's guidelines. Requires the department to publish on the department's Internet web site a list of all creditors that have a current and accurate certification or renewal certification on file with the department. Requires the department to provide written notice to a creditor that the creditor does not qualify for the program whenever a creditor: (1) holds itself out as a five star mortgage lender when it does not qualify to participate in the program; or (2) fails to comply with any program requirement. Requires the department to remove such a creditor from the list of five star mortgage lenders on the department's Internet web site and to provide, on the same Internet web page on which the list is published, a link to the notice provided to the creditor. Provides that the authority of the boards of trustees of the public employees' retirement fund (PERF) and of the state teachers' retirement fund (TRF) to invest in pooled funds includes the authority to invest in pools consisting in part or entirely of five star mortgages. Allows the PERF board to maintain alternative investment programs within: (1) the PERF annuity savings account; and (2) the legislators' defined contribution plan; that invest in pooled funds consisting in part or entirely of five star mortgages, or that otherwise invest in five star mortgages. Allows the TRF board to maintain alternative investment programs within the TRF annuity savings account that invest in pooled funds consisting in part or entirely of five star

mortgages, or that otherwise invest in five star mortgages. Removes the discretion of a school corporation to determine whether a local board of finance meeting is needed on an annual basis. Permits local government investment officers to invest in municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana so long as the issuer has not defaulted on an obligation within the 20 years preceding the date of the purchase. Permits counties and political subdivisions to invest public funds in certificates of deposit under certain conditions. Removes the prohibition against investing more than 50% of a unit's depository funds in money market mutual funds. Replaces the requirement that money be invested in transaction accounts and certificates of deposit with the depository quoting the highest interest rate with the authority to invest in a depository offering any one of the top three interest rates so long as the reason for choosing the alternate depository is noted in the memorandum of quotes. Changes the appointments to the board for depositories (board) to require one appointment by the speaker of the house of representatives, one appointment by the president pro tempore of the senate, and two appointments (instead of four) by the governor. Requires one of the appointees by the governor to be a chief executive officer or a chief financial officer of a depository that is a state chartered credit union in Indiana. Requires that each of the four appointed members be a chief executive officer or a chief financial officer of a depository and that each appointment represent a different segment of the financial institutions industry. Provides that if the depository is not domiciled in Indiana, the appointee must be the most senior corporate officer of the depository with management or operational responsibility or the person designated to manage public funds for the depository that is located in Indiana. Specifies that the term of an appointed member is four years. Permits the appointing authority to reappoint a member if the individual meets the requirements at the time of reappointment. Provides that a simple majority of the board members voting is required to approve an action by the board, instead of a unanimous vote. Requires the board to hold a public meeting at least once each calendar quarter. Requires that deliberations concerning a particular financial institution be held in executive session by the board and provides that records related to these matters are confidential. Requires the board to prepare a general summary semiannual report and present it to the budget committee. Changes the requirement for meeting notices from ten days to two days. Allows the board to fix the assessment rate at the times the board determines to be necessary instead of twice each year. Exempts certain certificates of deposit issued by a federally insured bank or savings and loan association from the assessment calculation. Provides that the board may consider capital adequacy, liquidity, and asset quality in addition to any study by actuaries in establishing any change in the reserve for losses. Increases from \$1,500,000 to \$300,000,000 the amount of anticipatory warrants the board may issue to pay immediate claims when the assets in the public deposit insurance fund (PDIF) are not sufficient to pay claims. Permits the board to accept as collateral bonds or other obligations that the board could not invest in if the board determines the obligations are acceptable collateral. Specifies United States treasury securities, federal agency securities, and irrevocable letters of credit issued by a Federal Home Loan Bank are acceptable collateral. Permits the board to determine whether a depository may withdraw collateral when the amount of public funds on deposit is at least 10% less than the market value of securities pledged as collateral. Allows the board to determine the amount and type of substituted securities a depository may provide to insure the insurance fund's solvency, consistent with the depository's pro rata share of total deposit accounts of public funds based on an average of the depository's total public deposits. Exempts federally insured deposits from the assessment

calculation. Provides an exemption from assessment for a public depository if it pledges acceptable collateral equal to the public deposits it holds and the collateral level was continuously maintained for the 12 months immediately preceding an assessment. Provides that if the PDIF balance reaches zero, all depositories must pledge collateral equal to 100% of the depository's public fund holdings. Provides that the market value of the substituted securities as of the date of delivery may be less than, but may not exceed, the amount determined by the board. Provides that a joint investment fund may be invested or reinvested only in investments that are permitted for political subdivisions. Provides that a financial institution may not have public funds on deposit if it issues a credit card as a card issuer and the institution is not in substantial compliance with the federal Credit Card Accountability Responsibility and Disclosure Act of 2009 and requires the department of financial institutions to investigate complaints and determine whether a financial institution is in substantial compliance with the act. Eliminates a report by the public employees' retirement fund to the board for depositories' secretary-investment manager and an interest calculation concerning the coverage of local police and firefighter pension funds. Changes the distribution from the pension distribution fund to local units into a distribution to the pension relief fund from which distributions are made to local units.

DIGEST OF HB1350 (Updated February 23, 2010 4:42 pm - DI 84)

Uniform acts concerning civil procedure. Enacts the Uniform Interstate Depositions and Discovery Act. Allows litigants to present a clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the trial state. Provides that once the clerk receives the foreign subpoena, the clerk shall issue a subpoena for service upon the person or entity on which the original subpoena is directed. Specifies that the terms of the issued subpoena must incorporate the same terms as the original subpoena and contain the contact information for all counsel of record and any party not represented by counsel. Enacts the Uniform Unsworn Foreign Declarations Act. Affirms the use in state law proceedings of unsworn declarations made by declarants who are physically outside the boundaries of the United States when making the declaration. Provides that if an unsworn declaration is made subject to penalties for perjury and contains the information in the model form provided in the act, the statement may be used as an equivalent of a sworn declaration. Excludes use of unsworn declarations for depositions, oaths of office, oaths related to self-proved wills, declarations recorded under certain real estate statutes, and oaths required to be given before specified officials other than a notary.

DIGEST OF HB 1367 (Updated March 13, 2010 12:38 am - DI 51)

Education. Permits a school corporation that elects to provide coverage under a state employee health plan to active and retired employees without providing coverage to individuals who retire from the school corporation before July 1, 2010. Requires schools to give priority in the allocation of resources to remediation programs to students who are deficient in reading skills in grade 1 through grade 3. Requires the state superintendent of public instruction in conjunction with the state board of education to develop a plan to improve reading skills of students. Provides that the plan must include reading skill standards for grade 1 through grade 3. Allows

the governing body of a school corporation to adopt a resolution to transfer money between funds held by the school corporation in the 2010-2011 school year in order to preserve and protect instructional programs. Directs a school corporation to take the actions necessary and desirable to preserve and protect instructional programs. Changes the restoration grant calculation for all school corporations to reflect the amount of the annual decrease in federal aid to affected areas from the year preceding calendar year 2009 by three (3) years to the year preceding calendar year 2009 by two (2) years.