2007

SUMMARY

of

New Laws

from

State Senator

Vaneta Becker

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FIRST REGULAR SESSION OF THE
115TH
INDIANA GENERAL ASSEMBLY
2007

SUMMARY OF NEW LAWS

PREPARED BY THE SENATE MAJORITY ATTORNEY'S OFFICE

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PREFACE

This document is a comprehensive Summary of Laws passed by the 2007 Indiana General Assembly, including the 238 bills (120 Senate Bills and 118 House Bills) passed during the Legislative Session completed on April 29, 2007. Four of these bills were subsequently vetoed by the Governor, each is marked in the summary. The bills have been categorized by general subject matter, as listed in the Table of Contents. The Index at the back of this document lists all Senate and House bills in numerical order and notes the page number for each bill.

Many of the bills passed could have been categorized under several related headings in the Summary. In order to limit the length of the Summary book, the complete digest has been included under only one heading, and a cross reference to the bill has been included under additional related topic headings. These other bills are noted by bill number, with the subject heading under which they appear in the Summary noted in brackets below the bill number and brief description.

For purposes of this Summary, we have listed only the first, second and third author(s) or sponsor(s) for each bill. Additional Senators and Representatives who co-authored or co-sponsored the bill are not reflected here but can be found under "Bills and Resolutions" on the General Assembly home page or by contacting the Legislative Information Center:

For further information concerning laws passed, please contact either the Senate Majority Attorney's Office at (317) 232-9415 or the Legislative Information Center of the Legislative Services Agency at (317) 232-9856 or visit the Indiana General Assembly home page at www.in.gov/legislative.

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AGRICULTURE & ANIMALS

See also:
SB 108: Cruelty to animals.
[Criminal Law & Procedure]
SB 270: Flexible fuel vehicle incentives.
[Motor Vehicles]
HB 1065: Special fuel tax exemption for certain biofuels.
[Taxation]
HB 1146: Taking wild animals with a spotlight or silencer.
[Natural Resources]
HB 1358: Farm drainage machinery.
[Motor Vehicles]
HB 1387: Animal cruelty.
[Criminal Law & Procedure]

Senate Bill 250 (Public Law 207-2007)
Authors: Gard, R. Young
Sponsor: Grubb
Citations Affected: Various Indiana Code citations in Titles 4; 6; 15; 26
Effective: July 1, 2007

Grain buyers and corn marketing. Provides that the sales tax deductions for E85 may exceed the current statutory limit to the extent funds are available for reimbursement from the corn market development account. Provides that 25% of the net amount collected in the corn market development account is used for deductions for the sale of E85. Provides that the term "first purchaser" does not include a buyer of corn who buys less than one hundred thousand (100,000) bushels of corn annually for the buyer's own use as seed or feed. (Current law sets the exemption at 50,000 bushels.) Provides that corn assessments do not apply to seed corn. Provides that a producer has 180 days to claim a refund. Provides for an annual audit of the corn marketing council (council). Changes membership on the council. Requires the council to have an annual audit. Provides that the council may audit first purchasers. Provides that in three years if at least 25% of the assessments are refunded, the program terminates. Provides that if the program does not terminate in three years, after the three years, the program terminates if for two consecutive years at least 25% of the assessments are refunded. Specifies that if the corn marketing council requires an audit, the council must pay for the audit. Creates the grain buyers and warehouse licensing agency license fee fund (fund). Provides that fees collected by the grain buyers and warehouse licensing agency are deposited in the fund.

House Bill 1115 (Public Law 220-2007)
Author: Duncan
Sponsors: Steele, Sipes
Citations Affected: IC 15-5
Effective: July 1, 2007

Canine issues. Provides that an owner of a dog commits a Class D infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. Makes the offense a Class C infraction if the owner has a prior judgment for a violation, and provides that the offense does not apply to a nonaggressive dog that goes beyond the owner's premises onto agricultural or forested land. Defines coydog (a coyote-dog hybrid) and wolf hybrid, and makes it a Class B infraction if the owner of the coydog or wolf hybrid does not keep the animal in a secure enclosure or on a leash under the control of an individual. If the owner knowingly or intentionally fails to comply with the secure enclosure or leash requirements, it is: (1) a Class B misdemeanor if the wolf hybrid or coydog causes damage to livestock or personal property; (2) a Class A misdemeanor if the owner has one prior unrelated conviction for a violation of the secure enclosure or leash provision; (3) a Class D felony if the owner has more than one prior unrelated conviction for a violation of the secure enclosure or leash provision, or if the owner's failure to comply results in serious bodily injury to a person; and (4) a Class C felony if the failure to comply results in the death of a person. Permits a unit to prohibit the possession of a coydog or wolf hybrid, to impose more stringent conditions on the possession of a wolf hybrid or coy dog, and to provide an increased (civil) penalty for a violation of the secure enclosure or leash provisions.

BUDGET

House Bill 1001 (Public Law 234-2007)
Author: Crawford
Sponsors: R. Meeks, Mrvan
Citations Affected: Various Indiana Code citations in Titles 4; 5; 6; 7.1, 9; 10; 12; 14; 16; 20; 21; 22; 27; 33; 34; 35; 36; P.L. 191-2006
Effective: Upon Passage (May 11, 2005); July 1, 2007

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

General Provisions
- Budget structurally balanced in both years
- Total Spending Growth - Total Base Appropriations: 4.6% increase in FY08 and 3.41% in FY09
- Fully reverses payment delays to local governments and higher educational institutions

by end of biennium -$281.7M

- Combined Balances: $863.4M on 6/30/07, $763.6M on 6/30/08 and $798.8.6M on 6/30/09
- Implements the statutory use of the Pension Stabilization Fund to pay teachers pension liabilities - $24M in FY08 and $39M in FY09. Limits growth in pension payments from General Fund to 6%. Total growth in teacher pension liabilities is estimated at 10% and 8% in 2008 and 2009.

School Formula

- 3.8% increase for 2008 and 3.8% increase for 2009 for regular state support
- Total funding increase - $681.7M for the Biennium ($223.5M increase for 2008 and $234.7M increase for 2009)

K-12 Line Items

- Increase in LEP Grant from $700,000 to $6,929,157 ($200 per student)
- $7.2M increase for Gifted and Talented Program in 2008
- Provides full funding for Textbook Reimbursement for free and reduced lunch students ($19.1M increase)
- Increases funding $10M for Testing and Remediation each year of biennium
- $60K increase for advanced placement tests
- Additional $500K for INSPIRE over the biennium

Higher Education

- Total Higher Ed Operating - $71.3M or 4.9% for FY 08 and $70.1M or 4.6% for FY 09
  - SSACI - $23.2M or 10.6% in FY08 and $6.2M or 2.6% in FY09
- R&R - $11M or 21.2% over the biennium plus additional $62.2M as repayment of payment delay
- Fee Replacement - $25.9M or 19.7% - FY 08; $19.6M or 12.5% - FY 09 (approximately 50% debt service appropriated in FY09 for capital projects authorized)

Property Tax Relief

- $300M refund on Pay 2007 property taxes for homeowners
- $250M for additional Homestead Credit for Pay 2008 property taxes
- Funding for the Circuit Breaker Relief Appeal Board: $100K each year

Economic Development

- Funds new High Growth Business Incentive Fund “deal closing fund” at $3M each year
- $750K additional to base in FY08 for Office of Tourism for increased marketing
- $1.25M during the biennium for the Arts Commission to give grants to arts organizations
- Funds 21st Century R&T Fund at recommended $69.75M over biennium
- Funds new Mortgage Foreclosure Counseling at $400K each year
- Funds Life Sciences at $20M in FY09: $15M for IU; $5M for PU
- Funds I-Light II at $11M over biennium, including $4M for I-SPAN
- Funds the Technical & Financial Assistance to Small Business and the Small Business

Development Center Network at $2M over the biennium

- Appropriates $421M and $611M from the Major Moves Fund, requires a quarterly report from INDOT on the progress of the project list; and allows augmentation authority for remaining $50M each year of original INDOT request
- Appropriates $2.6M for the biennium to the Department of Agriculture for education outreach and development in conservation programs

Health & Human Services

- Medicaid increased by 5% each year - $73.4M in FY08; additional $77M in FY09
- Youth Service Bureau - Increase of $400K in FY08
- School Age Child Care Project - $450K increase in FY08
- Additional 400 Caseworkers for DCS - $15M in FY08 and $3M in FY09
- Increase appropriation for adoption assistance by $1.3M in FY08 and additional $1.7M in FY09
- Funds CHOICE at FY 07 level - $48.8M per year; allows $10.9M in FY08 and $12.9M in FY09 for appropriation to be used for state match for persons eligible for the Aged and Disabled Medicaid waiver
- Funds Centers for Independent Living at additional $2.5M per year
- Funds Community Mental Health Centers at additional $5M per year
- Begins funding Department of Health line items from General Fund: $23M in FY08 and $32M in FY09 due to insufficient funds in Tobacco Settlement Fund
- $600K to Department of Health for medical adverse reporting system
- Funds $450K each year for the Military Relief Fund
- $15M increase each year from Tobacco Settlement Fund for Community Health Centers for capital projects
- $15M each year for Tobacco Cessation and Prevention
- $1.25M and $1.75M for Area Health Education Centers

General Government

- Funding increases for the judicial branch including increased operating and trial court expenses for Supreme Court and Court of Appeals
- $2.2M increase to Guardian Ad Litem
- Increase of $2.3M for reimbursement to counties for public defenders
- Funds Transition to Medicare for State Employees and Elected Officials at $23M per year (SEA 501)
- Fully funds all debt service and leases
- Funds $2M in FY09 for data warehousing projects for various state agencies

Public Safety

- Funds Governor's request for Dept of Corrections, including additional 4% or $6.3M salary increase above usual salary increases for custody staff within FY07 appropriation level
- Increased funding for Community Corrections - $11M in FY09; 39 new parole officers in FY08

- Provides significant salary increases of State Police, Capitol Police, Excise, Conservation Officers, and Motor Carriers – an average of approximately 12 – 14%
- $7M from Postwar Construction Fund for two new State Police Posts
- $2.6M each year for Muscatatuck Urban Training Center
- $1.2M each year for the Adjutant General's Youth Challenge Program
- $1.9M for Johnson County land acquisition for a new armory
- Appropriates $2M from fireworks fees to regional public safety training; $0.5M for state disaster relief
- Authorizes $30M in bonding authority to Purdue University for the Animal Disease Diagnostic Laboratory (BSL-3) addition plus first year of debt service in FY09
- $150K for Northwest Law Enforcement Training Academy

Conservation & Environment

- Heritage Trust - $2M in FY08 and FY09
- $300K base increase to DNR divisions for fuel and utilities increases
- Funds Clean Water Indiana with additional $500K each year
- Operating for Kankakee River Basin Commission of $75K each year
- Provides funding for Confined Animal Feeding Operations (CAFO) inspections: $450K each year
- Provides funding for the Abraham Lincoln Bicentennial Commission, the Lincoln Park Amphitheater and the Young Abe Lincoln Dramatic Production
- Highlights for DNR capital
  - Tippecanoe Battlefield Fence Restoration - $400K
  - Cedar Lake Dredging - $2M
  - Lake Shafer Dredging - $850K
  - Upgrades to campgrounds, marinas, nature centers, pools, water and wastewater systems at State Parks and Reservoirs around the state
  - State Fair - Ice Skating Academy - $4M

Statutory Language

- Requires a public hearing and recommendation from the budget committee to the budget agency before a state agency may enter into a contract with a private company that is longer than four years and valued at more than $10M
- Provides an exemption for social security taxes withholding on election workers reimbursement in amounts less than $1,300
- IRS update provisions
- Provides a tax exemption to the NFL for the Super Bowl
- Charter school provisions: 1) allows a school employee to participate in private pension or retirement program; and 2) prohibits a school corporation from making a covenant that prohibits the sale of real property to another educational institution
- Changes several SSACI line items from General Fund reverting to non-reverting
- Eliminates the daily deposit requirement for the legislative branch for amounts less than $100
- Changes the salary matrices of the State Police, Conservation Officers and Excise

Officers from 10 to 20 increments

- Extends the $7 automated record keeping fee until 2011 ($7 fee is set to decrease to $4 in 2009) and is used to fund Judicial Technology and Automation Committee (JTAC)
- Increases the percentage of sales tax distributed to the Public Mass Transportation Fund back to pre-2002 levels; approximately $7M revenue loss to General Fund
- Expresses findings by the General Assembly that the State Capitol complex needs additional parking facilities and authorizes the Indiana Finance authority to proceed with parking projects
- Establishes the county courts in Franklin, Hamilton, Jackson, Clark and Floyd counties as recommended from the Senate-passed version of SB 147/Commission on Courts
- Changes the state employed deferred compensation plan from an opt in to an opt out choice for new employee hires
- Provides that DOE may not refuse to make a grant, or reduce a grant, for FDK to a school corporation because the school previously used Federal Title I funds to fund, or partially fund, a FDK Program
- Includes Double Up and Fast Track language
- Delays implementation of FINMARS to July 1, 2009
- Allows cities, towns, and counties to issue bonds to meet their pension obligations
- Extends to 2011 the provision that the pension relief fund pays 50% of the local police and fire pension contributions
- Moves up the expiration date on the property tax automatic abatement provisions
- Establishes the Spinal Cord and Brain Injury Trust Fund by adding a $10 fee to the registration of a motorcycle
- Establishes a prekindergarten grant pilot program
- Requires the state to reimburse counties for the cost of remanded criminal cases; limits the annual expenditures to $1M
- Establishes the Commission on Disproportionality in Youth Services including an appropriation of $125,000
- Requires the deposit of insurance fees into the Department of Insurance Fund
- Increases the taxes on tobacco products (excluding cigarettes); it raises approximately $6M to be deposited into the Affordable Housing and Community Development Trust Fund
- Allows the redevelopment of property in blighted areas in Marion County to be used in a convention center or hotel project
- Establishes the sentencing policy committee
- Requires FSSA to perform a coordination of benefits study
- Requires the Higher Education Commission to review targets for university tuition and fees
- Requires that payments from United Airlines to be deposited into the Affordable Housing and Community Development Trust Fund
- Makes changes in the distribution of local revenues from the Orange County riverboat
- Prohibits DNR from conveying water rights on DNR property that is close to the Charlestown water wells
- Appropriates funds to construct a reservoir serving Ripley, Decatur and Jennings counties

and allows the Indiana Finance Authority to issue bonds to fund the remainder of the cost of the project

- Allows for the renegotiation of local riverboat agreements with the City of East Chicago

BUSINESS & OTHER ASSOCIATIONS

Senate Bill 562 (Public Law 113-2007)

Authors: Mishler, Smith

Sponsor: Summers

Citations Affected: IC 23-14; 30-2; 34-30

Effective: July 1, 2007

Authorization procedures for disinterment. Provides that the remains of a deceased human being shall not be removed from a cemetery without written consent from one of the following classes of individuals, in order of priority: (1) The spouse at the time of the deceased's death. (2) A surviving adult child of the deceased. (3) A surviving parent of the deceased. (3) An individual in the next degree of kinship to the deceased under state laws governing intestate succession. (Current law requires the written consent of the deceased's: (1) spouse; or (2) in the case of a deceased minor child, parents.) Specifies that if more than one individual in the same class survives the deceased, the requirement for written consent is satisfied if: (1) any individual in the class consents to the proposed removal; and (2) the state department of health (department) does not receive an objection to the removal from any other individual in the class. Makes conforming changes to provisions allowing: (1) the required consent to be waived under certain circumstances; (2) a coal company to remove human remains from property owned or leased by the coal company; and (3) the removal of human remains from a cemetery plot for the purpose of autopsy or reinterment, reentombment, or reinurnment in another cemetery. Eliminates provisions requiring the department to take certain actions before authorizing the removal of human remains. Provides that a: (1) licensed funeral director; or (2) cemetery owner; is not liable in an action brought by a person because of the removal of a deceased's remains unless the licensed funeral director or the cemetery owner had actual notice that a representation made in a required written consent was untrue. Specifies the order of need for a family burial plot and allows the living parents and children to terminate the status of a family burial plot. Allows a cemetery to terminate the rights and interests of the owner of the burial space if the burial space has: (1) remained unused for a period of at least 50 years from the date of sale or last recorded designation or transfer; and (2) not had improvements on the burial space. Makes it a Class C felony if a person knowingly or intentionally uses funds in a perpetual care fund, endowment care fund, or funeral trust for purposes other than the perpetual care fund, endowment fund, or funeral trust was established.

House Bill 1305 (Public Law 65-2007)
Author: Cheatham
Sponsors: Lewis, Nugent
Citations Affected: IC 23-14; 25-15; 30-2
Effective: July 1, 2007

Cemetery funds. Establishes the consumer protection fund for cemetery maintenance. Provides that the fund consists of contributions from the owners of certain cemeteries. Requires the state board of funeral and cemetery service (board) to administer the fund. Provides that the fund may be used for maintenance of a cemetery when the owner is unable to maintain the cemetery and money is not available from the cemetery's perpetual care fund. Establishes the maximum balance amount of the fund at $250,000. Increases the maximum balance amount of the preneed consumer protection fund from $1,500,000 to $2,500,000. Specifies that a cemetery perpetual care fund must be segregated from other accounts belonging to the owner of the cemetery. Requires the custodian or trustee of a cemetery's perpetual care fund to file an annual accounting with the board of funeral and cemetery service. Authorizes the board to audit a cemetery perpetual care fund.

CIVIL PROCEDURE

See also the following bills containing immunity provisions:
SB 134: Automated external defibrillators in health clubs.
[Health & Human Services]
HB 1033: Weather radios in manufactured homes.
[Public Safety]
HB 1067: Pension issues.
[Pensions]
HB 1116: Required emergency procedures training for teachers.
[Education]
HB 1192: Environmental matters.
[Environment]
HB 1508: Probate & trust matters.
[Probate & Trusts]
HB 1509: Lease protections for domestic violence victims.
[Family & Juvenile Law]

See also the following bills containing civil penalties:
SB 134: Automated external defibrillators in health clubs.
[Health & Human Services]
SB 286: Environmental crimes and infractions.
[Environment]

SB 403: Freezing of consumer reports.
[Trade Regulation]
HB 1092: Military service benefits.
[Labor]
HB 1115: Canine issues.
[Agriculture & Animals]
HB 1312: Accountants.
[Professions & Occupations]
HB 1503: Coroners and child deaths.
[Local Government]
HB 1510: Gaming.
[Gaming]
HB 1738: Use of outside water resources by water utilities.
[Natural Resources]

See also the following bills containing civil procedure matters:
SB 232: Real property issues.
[Property]
SB 534: Various family law matters.
[Family & Juvenile Law]
HB 1211: Tax sales.
[Taxation]
HB 1663: Health and hospital corporation; real property issues.
[Health & Human Services]

COMMERCIAL LAW

See also:
HB 1717: Regulation of loan brokers, franchises, and collection agencies.
[Financial Institutions]

Senate Bill 229 (Public Law 77-2007)
Authors: Simpson, Bray
Sponsor: Kuzman
Citations Affected: Various Indiana Code citations in Titles 15; 26
Effective: July 1, 2007
Repeal of uniform bulk sales law. Repeals the uniform law concerning the documentation and regulation of bulk sales. Makes conforming amendments.

Senate Bill 419 (Public Law 143-2007)
Authors: Simpson, Paul
Sponsor: Bardon
Citations Affected: IC 26-1; 32-31
Effective: July 1, 2007
Uniform Commercial Code. Modifies the Indiana Uniform Commercial Code - General Provisions to conform with the Uniform Commercial Code - General Provisions. Modifies the Indiana Uniform Commercial Code - Documents of Title to conform with the Uniform Commercial Code - Documents of Title. Makes conforming amendments to other articles of the Indiana Uniform Commercial Code.

House Bill 1555 (Public Law 27-2007)
Author: Bardon
Sponsors: Bray, Lanane
Citations Affected: Various IN Code citations in Titles 4; 5; 6; 8; 23; 24; 27; 28; 35; 36
Effective: July 1, 2008
Uniform securities law. Adopts the Uniform Securities Act. Establishes: (1) registration and filing requirements for securities offerings; and (2) registration requirements for securities professionals. Establishes and restricts penalties, liability, and disciplinary actions for violations of registration, filing, and other requirements concerning securities and securities professionals. Makes: (1) fraudulent practices involving securities unlawful; and (2) conforming changes. Repeals the current securities regulation statute.

CONSUMER PROTECTION

See also:
SB 267: Attorney General's office issues.
[State Offices & Administration]
SB 390: Mortgage rescue protection fraud.
[Trade Regulation]
SB 403: Freezing of consumer reports.
[Trade Regulation]
HB 1753: Mortgage foreclosure counseling.
[State Offices & Administration]

CORRECTIONS

See also:
HB 1653: Sexual misconduct with an inmate.
[Criminal Law & Procedure]

House Bill 1128 (Public Law 34-2007)
Author: Stilwell
Sponsors: Becker, R. Young
Citations Affected: IC 11-12
Effective: July 1, 2007
Community corrections advisory boards. Provides that a majority of the members of a community corrections advisory board may establish a quorum requirement of at least six but less than a majority of the members.

House Bill 1338 (Public Law 93-2007)
Author: C. Brown
Sponsors: C. Lawson, Simpson
Citations Affected: IC 11-10
Effective: July 1, 2007
Mental health and health records. Provides for the maintenance and transfer of a criminal offender's health and mental health records. (The introduced version of this bill was prepared by the commission on mental health.)

House Bill 1437 (Public Law 192-2007)
Author: Foley
Sponsors: Bray, Long
Citations Affected: IC 5-2; 11-12; 12-23; 35
Effective: July 1, 2007
Forensic diversion and criminal gangs. Imposes additional requirements for a person to participate in a pre-conviction or post-conviction forensic diversion program. Provides that a person who has both a mental illness and an addictive disorder may participate in a forensic diversion program. (Current law allows a person who has a mental illness or an addictive disorder to participate.) Permits a court to allow a person by a prosecuting attorney's office or pretrial services bureau to utilize the facilities or programs offered by an alcohol and drug services program. Changes the definition of "criminal gang", for purposes of certain criminal statutes, to provide that a criminal gang consists of at least three members (instead of five members). Makes it a Class D felony for an individual to solicit, recruit, entice, or intimidate another individual to join a criminal gang. Makes criminal gang recruitment a Class C felony if: (1) the solicitation, recruitment, enticement, or intimidation to join a criminal gang occurs within

1,000 feet of school property; or (2) the individual being solicited, recruited, enticed, or intimidated to join a criminal gang is less than 18 years of age. Requires the criminal justice institute to develop, maintain, and identify grants and other funds for the criminal gang witness protection program. Establishes a program to assist a person who witnesses criminal gang crime with certain expenses. Requires a court to order a criminal gang member to make restitution to a victim of a felony or misdemeanor committed by the criminal gang member. (The introduced version of this bill was prepared by the forensic diversion study committee.)

COURTS & COURT OFFICERS

See also:
SB 45: Battery by body waste and criminal procedure.
[Criminal Law & Procedure]
SB 108: Cruelty to animals.
[Criminal Law & Procedure]
SB 128: Pensions.
[Pensions]
SB 247: Various motor vehicle matters.
[Motor Vehicles]
HB 1480: Judges' pensions.
[Pensions]

Senate Bill 41 (Public Law 5-2007)
Authors: Bray, Broden
Sponsor: Kuzman
Citations Affected: IC 33-23
Effective: June 29, 2007
Commission on courts. Changes the expiration date of the commission on courts from June 30, 2007, to June 30, 2011. (The introduced version of this bill was prepared by the commission on courts.)

Senate Bill 44 (Public Law 125-2007)
Authors: Bray, Bowser
Sponsor: L. Lawson
Citations Affected: IC 16-41; 31-37; 35
Effective: Upon Passage (May 3, 2007)
Courts and HIV testing. Provides that the consent of a patient or the patient's representative to HIV screening may be either oral or in writing. Corrects certain cross-references that relate to HIV testing after convictions for certain sex and substance abuse offenses. Makes other changes and conforming amendments. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Senate Bill 125 (Public Law 156-2007)
Authors: Dillon, Walker
Sponsor: Kuzman
Citations Affected: IC 33-37; 35-38
Effective: July 1, 2007
Court costs, fines, and fees. Allows a court to suspend payment of court costs and court imposed fines until a convicted person has completed all or part of the person's sentence. Grants a court continuing jurisdiction over the convicted person until the costs and fines are completely paid. Allows a court to use contempt proceedings or wage garnishment to enforce its order for payment. Specifies that the $13 service of process fee that a sheriff is required to collect from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff may be collected only one time per case for the duration of the case.

Senate Bill 346 (Public Law 141-2007)
Author: Bray
Sponsor: Porter
Citations Affected: IC 7.1-3; 36
Effective: July 1, 2007
Marion County superior courts. Removes the requirement that certain judicial decisions made by the superior court of Marion County be made en banc or by a majority of the judges. Provides procedures for the superior court of Marion County to hear and determine certain matters.

Senate Bill 445 (Public Law 85-2007)
Authors: Broden, Zakas
Sponsor: Niezgodski
Citations Affected: IC 33-42; 35-43
Effective: July 1, 2007
Notaries. Requires a non-attorney who advertises as a notary public or notario publico to include a disclosure stating that the person is not an attorney. Makes it notorio publico deception, a Class A misdemeanor, to: (1) advertise as a notary without the required disclosure; (2) advertise as an expert in immigration matters without being a federally designated entity; or (3) accept payment for legal advice. Provides for the revocation of a notary public's commission if the notary public is convicted of notario publico deception.

House Bill 1287 (Public Law 118-2007)
Author: Richardson
Sponsors: Bray, Lanane
Citations Affected: IC 3-7; 33; 34; 35
Effective: July 1, 2007
Jury selection. Consolidates provisions concerning jury selection into one chapter of the Indiana Code that conforms to jury selection rules adopted by the Indiana supreme court. Repeals provisions outside this chapter concerning jury selection. Moves and consolidates provisions

relating to the loss and restoration of the right to possess a firearm by a person convicted of a crime of domestic violence. Provides that if a county, city, or town fiscal body adopts an ordinance for the payment of juror parking fees, the county, city, or town may pay the parking fees incurred by a juror instead of paying for mileage. Allows a county to use unencumbered money in a jury pay fund to maintain and improve the jury system in the county. Specifies that city court jurors are to be selected in the same manner as other jurors. Makes other conforming amendments.

House Bill 1291 (Public Law 119-2007)
Author: Van Haaften
Sponsors: Bray, Broden
Citations Affected: Various Indiana Code citations in Title 33
Effective: July 1, 2007

Appointment of special prosecutors. Requires a court to appoint a special prosecutor if: (1) a previously appointed special prosecutor files a motion to withdraw as special prosecutor or has become incapable of continuing to represent the interests of the state; and (2) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist. Makes numerous changes to the law concerning the compensation of special prosecutors. Permits a prosecuting attorney to establish a youth mentoring program as a tax exempt organization and receive charitable contributions, appropriations, and grants to establish or administer the program. Requires the prosecuting attorney to make an annual report to the county fiscal body concerning the youth mentoring program, and provides that the youth mentoring program is subject to audit by the state board of accounts. Increases the compensation paid to a senior judge from $50 to $100 for the first thirty days of service, and from $200 to $250 for each day of service after the thirtieth day.

CRIMINAL LAW & PROCEDURE

See also:
SB 271: Next of kin control of bodies in murder cases.
[Local Government]
SB 286: Environmental crimes and infractions.
[Environment]
SB 311: Child in need of services (CHINS).
[Family & Juvenile Law]
SB 411: Wiretap law.
[Public Safety]
SB 445: Notaries.
[Courts & Court Officers]
SB 506: Private investigator and security guard licensing.
[Professions & Occupations]

SB 534: Various family law matters.
[Family & Juvenile Law]
SB 550: Anatomical gifts.
[Health & Human Services]
SB 562: Authorization procedures for disinterment.
[Business & Other Associations]
HB 1115: Canine issues.
[Agriculture & Animals]
HB 1437: Forensic diversion and criminal gangs.
[Corrections]
HB 1503: Coroners and child deaths.
[Local Government]
HB 1510: Gaming.
[Gaming]
HB 1738: Use of outside water resources by water utilities.
[Natural Resources]

Senate Bill 43 (Public Law 109-2007)
Authors: Bray, Bowser
Sponsor: L. Lawson
Citations Affected: IC 35-46
Effective: July 1, 2007
Neglect of a dependent. Specifies that a person having the care of a dependent commits neglect of a dependent as a Class C felony if the person's abandonment or cruel confinement of the dependent: (1) deprives a dependent of necessary food, water, or sanitary facilities; (2) consists of confinement in an area not intended for human habitation; or (3) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Senate Bill 45 (Public Law 178-2007)
Authors: Bray, Bowser
Sponsor: L. Lawson
Citations Affected: Various Indiana Code citations in Title 35
Effective: Upon Passage (May 8, 2007); July 1, 2007
Battery by body waste and criminal procedure. Requires a court to issue a sentencing statement after the court has pronounced a sentence for a felony conviction. Provides that a court is not required to use an advisory sentence in imposing consecutive sentences for felony convictions that are not crimes of violence arising out of an episode of criminal conduct. Provides that an indictment or information may be amended at any time before the commencement of trial when the amendment does not prejudice the substantial rights of the defendant. Makes it battery by body waste, a Class D felony, for a person to knowingly or intentionally in a rude, insolent, or angry manner place blood or another body fluid or waste on a probation officer, firefighter, or first responder (in addition to other law enforcement officers or

corrections officers) while the victim is engaged in the performance of official duties. Enhances the penalties for committing battery by body waste if the body waste is infected with hepatitis C.(The introduced version of this bill was prepared by the sentencing policy study committee.)

Senate Bill 108 (Public Law 7-2007)
Authors: Lanane, Drozda
Sponsor: L. Lawson
Citations Affected: IC 35-46
Effective: July 1, 2007
Cruelty to animals. Requires a court to consider counseling as part of the sentence imposed on an adult or juvenile who has committed animal cruelty. Permits a court to order the adult or juvenile to receive counseling.

Senate Bill 557 (Public Law 112-2007)
Author: Kruse
Sponsor: Kuzman
Citations Affected: IC 25-9; 35-45
Effective: July 1, 2007
Combative fighting. Defines "combative fighting". Provides that a person who knowingly or intentionally: (1) participates in combative fighting commits unauthorized combative fighting, a Class C misdemeanor; and (2) promotes or organizes combative fighting commits unlawful promotion or organization of combative fighting, a Class A misdemeanor. Makes unlawful promotion or organization of combative fighting a Class D felony if, within the five years preceding the commission of the offense, the person had a prior unrelated conviction for unlawful promotion or organization of combative fighting. Requires the state boxing commission to adopt rules to define ultimate fighting, Ultimate Fighting Championships, mixed martial arts, martial arts, including jujutsu, karate, kickboxing, kung fu, and tae kwon do, and professional wrestling.

House Bill 1019 (Public Law 164-2007)
Author: Duncan
Sponsors: Nugent, Ford
Citations Affected: IC 35-42
Effective: July 1, 2007
Criminal law matters. Provides that a person who commits interference with custody must intend to deprive another person of custody rights. Eliminates the condition that, for an individual to commit the offense of interference with custody by failing to return a child to Indiana, the individual must have taken the child outside Indiana. Eliminates the condition under which an individual who takes or detains a child with intent to deprive another of custody or parenting time does not commit the offense of interference with custody unless the individual conceals the child. Provides that an individual who conceals a child with the intent to deprive another of custody or parenting time commits interference with custody even if the individual

did not take or detain the child. Provides a defense if the accused person: (1) was threatened; or (2) reasonably believed the child was threatened. Increases the penalty for battery to a Class D felony for an offense against a family or household member if: (1) the person who committed the offense was at least 18 years of age; and (2) the offense occurred while in the physical presence of a child less than 16 years of age who might be able to see or hear the offense. Increases the penalty for battery to a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

House Bill 1381 (Public Law 15-2007)

Author: L. Lawson

Sponsor: Bray

Citations Affected: IC 35-46

Effective: July 1, 2007

Neglect of a dependent. Specifies that a person having the care of a dependent commits neglect of a dependent as a Class C felony if the person's abandonment or cruel confinement of the dependent: (1) deprives a child of necessary food, water, or sanitary facilities; (2) consists of confinement in an area not intended for human habitation; or (3) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain the child. (The introduced version of this bill was prepared by the sentencing policy study committee.)

House Bill 1386 (Public Law 216-2007)

Author: L. Lawson

Sponsors: Bray, Steele, Drozda

Citations Affected: Various Indiana Code citations in Titles 5; 10; 11; 25; 31; 34; 35; 36

Effective: Upon Passage (May 10, 2007); July 1, 2007

Sex offenders and criminal procedure. Adds: (1) promoting prostitution as a Class B felony; (2) promotion of human trafficking if the victim is less than 18 years of age; (3) sexual trafficking of a minor; (4) human trafficking if the victim is less than 18 years of age; and (5) possession of child pornography as a first offense; to the list of offenses requiring a person to register as a sex offender. Specifies that registration as a sex offender is not required for: (1) a parent or guardian who is convicted of kidnapping or confining a child of the parent or a child over whom the guardian has guardianship; or (2) a person convicted of sexual misconduct with a minor as a Class C felony if the person is not more than four or five years older than the victim (depending on when the offense was committed) and the court finds that the person should not be required to register. Specifies that, for purposes of the child pornography statute, a person may not possess certain material depicting or describing sexual conduct by a child who: (1) the person knows is less than 16 years of age; or (2) appears to be less than 16 years of age. Makes it a Class B felony for a person to commit child seduction by using a computer network if the person has a previous unrelated conviction for committing the offense by using a computer network. Removes the lifetime registration requirement for sexual battery as a Class D felony, and imposes the standard ten year registration requirement. Specifies that a person is an offender against children if the person engages in a conspiracy to commit or attempts to commit an offense that would make the person an offender against children. Permits a county to adopt: (1)

an annual sex offender registration fee that does not exceed $50; and (2) a sex offender address change fee that does not exceed $5. Provides that 90% of each fee is deposited in the county sex offender administration fund, and 10% of each fee is transferred to the state for deposit in the state sex offender administration fund. Specifies that the funds are to be used for expenses related to the operation of the Indiana sex offender registry. Requires a sexually violent predator whose sentence does not include a commitment to the department of correction to be placed on lifetime parole. Permits the department of correction to report certain fingerprint information to the state police department, and makes certain other changes relating to fingerprinting. Requires the department of correction to maintain records on certain sex offenders who are no longer required to register in Indiana. Requires a local law enforcement authority to notify the department of correction and update the National Sex Offender Registry database when a sex offender registers or the registration information changes. Makes numerous other changes to sex offender registration procedures. Requires a court to consider expert testimony before determining that a juvenile is likely to be a repeat sex offender, and establishes a procedure for psychological evaluation of sex offenders to determine if they are sexually violent predators. Provides that a person who is not more than four years older than the victim, was involved in a dating relationship with the victim, and did not use violence in the commission of the offense is not a sexually violent predator if certain other conditions are met, and provides a similar defense to sexual misconduct with a minor. Establishes a procedure to permit an offender against children to petition a court to have the designation removed. Permits a court to suspend the sentence of a person convicted of nonviolent child molesting who is not more than four years older than the victim, who was involved in a dating relationship with the victim, and who meets certain other conditions. Specifies that "school property", for purposes of the offender against children statute, does not include the property of an institution providing postsecondary education. Changes the name of the sex offender registry to the "sex and violent offender registry" and requires persons convicted of murder or voluntary manslaughter to register on the sex and violent offender registry under the same conditions applying to registration by sex offenders. Prohibits the suspension of the first 30 years of the sentence for certain serious child molesting offenses. Provides that the mistake-of-age defense to child molesting does not apply when the offense was committed by means of violence or the use of a drug. Establishes a procedure to permit certain offenders required to register in accordance with older laws to register in accordance with new laws. Adds a culpability standard to a criminal statute relating to the use of limited criminal histories. Requires persons in Indiana convicted of murder or voluntary manslaughter to be placed on lifetime parole. Reestablishes the sentencing policy study committee to evaluate sentencing laws and policies for an additional four years. Provides that a juvenile court does not have jurisdiction over an individual for attempted murder. Makes other changes, conforming amendments, and technical corrections. (The introduced version of this bill was prepared by the sentencing policy study committee.)

House Bill 1387 (Public Law 171-2007)

Author: L. Lawson

Sponsors: Lanane, Alting

Citations Affected: IC 31-9; 34-6; 35-41; 35-46

Effective: July 1, 2007

Animal cruelty. Specifies that the definition of "crime involving domestic or family violence" includes certain crimes involving animal cruelty used to threaten, intimidate, coerce, harass, or terrorize a family or household member. Defines certain terms used in the animal cruelty statute. Exempts: (1) destruction of or injury to a fish; and (2) destruction of an animal that is threatening or harming livestock, a domestic animal, or property from the animal cruelty statute. Permits a court to prohibit or impose conditions on the right of a person convicted of certain animal cruelty offenses to possess an animal. Specifies that animal cruelty based on abandonment or neglect may only be committed by the animal's owner, and creates a defense if the owner reasonably believed that the animal was capable of surviving on its own. Makes purchasing an animal with the intent to use the animal in an animal fighting contest a Class D felony. Requires the state veterinarian or the designee of the state veterinarian to investigate the condition of a mistreated animal if the owner is criminally charged with an offense relating to the animal's mistreatment and make a recommendation concerning the animal's confiscation. Makes killing an animal with the intent used to threaten, intimidate, coerce, harass, or terrorize a family or household member a Class D felony, and makes sexual intercourse or deviate sexual conduct with an animal a Class D felony. Requires a court to consider requiring a person who commits animal cruelty to receive counseling as part of the sentence or dispositional decree.

House Bill 1477 (Public Law 37-2007)

Author: Mays

Sponsors: Simpson, Riegsecker

Citations Affected: IC 35-46

Effective: July 1, 2007

Self-service cigarette displays. Prohibits a retail establishment from selling cigarettes through a self-service display.

House Bill 1653 (Public Law 69-2007)

Author: Dembowski

Sponsors: Rogers, Lubbers

Citations Affected: IC 35-44

Effective: July 1, 2007

Sexual misconduct with an inmate. Makes it a Class C felony for a service provider to knowingly or intentionally engage in sexual intercourse or deviate sexual conduct with a person who is lawfully detained. (Under current law, the offense is a Class D felony.) Makes it a Class B felony for a service provider who is at least 18 years of age to knowingly or intentionally engage in sexual intercourse or deviate sexual conduct with a lawfully detained person who is less than 18 years of age.

House Bill 1654 (Public Law 41-2007)

Author: Dembowski

Sponsors: Steele, Lanane

Citations Affected: IC 5-2; 16; 35-37

Effective: July 1, 2007

Sex crime victims and polygraph examinations. Prohibits a law enforcement officer from requiring an alleged victim of a sex crime to submit to a polygraph or other truth telling device. Provides that a law enforcement officer may not refuse to investigate, charge, or prosecute a sex crime solely because the alleged victim of the sex crime has not submitted to a polygraph or other truth telling device. Removes restrictions for when the victim services division of the criminal justice institute (institute) may reimburse a medical services provider for the costs in providing forensic services. Creates the secured storage fund to assist counties with paying for the secured storage of a sample (sample) from forensic medical examinations of a sex crime victim (victim). Requires a hospital to give notice to a victim of certain rights and to contact law enforcement. Requires law enforcement to transport the sample to secured storage. Requires the sample to remain in secured storage for specified periods of time. Requires the institute to provide notice to victims regarding the sample. Requires a prosecuting attorney to appoint a sexual assault response team (SART) if a SART is not established in a county, or to join with one or more other counties to create a regional SART. Requires a SART to develop a plan regarding evidence of sexual assaults. Provides that the failure to comply with certain statutory provisions, county plans, or SART protocols relating to the collection and preservation of evidence of a sexual assault does not, standing alone, affect the admissibility of evidence in a civil or criminal proceeding.

House Bill 1739 (Public Law 155-2007)

Author: Pelath

Sponsor: Nugent

Citations Affected: IC 35-47

Effective: July 1, 2007

Sale of handguns. Eliminates the requirement that a firearms dealer, after selling a handgun, must forward a copy of Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, completed and signed by a handgun purchaser, to the state police department. Provides that a lifetime qualified license or a lifetime unlimited license to carry a handgun may not be issued to a person who is a resident of another state.

ECONOMIC DEVELOPMENT

See also:
SB 103: Serial meetings and public access issues.
[State & Local Administration]
SB 524: IFA and IEDC programs.
[State Offices & Administration]
HB 1461: Tax exemptions and credits.
[Taxation]
HB 1774: Regional development authorities.
[Local Government]

House Bill 1424 (Public Law 154-2007)
Author: Austin
Sponsors: Ford, Lanane
Citations Affected: IC 36-7
Effective: July 1, 2007
Certified technology parks. Provides that a certified technology park is subject to the review of the Indiana economic development corporation and must be recertified every four years. Provides that the failure of any party to comply with the terms of an agreement to establish a certified technology park may result in the termination or rescission of the designation of the area as a certified technology park. (Current law provides that noncompliance does not result in the termination or rescission of a designation.)

House Bill 1426 (Public Law 222-2007)
Author: Austin
Sponsors: Ford, Lanane
Citations Affected: IC 5-28; 6-3.1
Effective: Upon Passage (May 11, 2007)
Economic incentives accountability. Requires that the Indiana economic development corporation (corporation) report on certain tax credits, loans, and grants awarded or approved by the corporation, including the extent of compliance with representations that recipients made in the course of obtaining the benefits. Provides that the corporation may seek to reclaim parts of certain loans and grants if the entity to which the loan or grant is awarded has not, in the absence of good cause, complied with the representations that the entity made in obtaining the loan or grant. Repeals separate requirements that the corporation make annual reports concerning: (1) the economic development for a growing economy (EDGE) tax credit program; and (2) the Hoosier business investment tax credit program.

ECONOMIC MATTERS

Senate Bill 500 (Public Law 211-2007)
Authors: Kenley, Dillon
Sponsor: Kuzman
Citations Affected: Various Indiana Code citations in Titles 5; 6; 20; 36
Effective: Retroactive (January 1, 2007); Retroactive (March 1, 2007); Upon Passage (May 10, 2007); July 1, 2007; December 16, 2007

Various economic matters. Authorizes county fiscal bodies to adopt an ordinance authorizing a recording fee of $2.50 for the first page and $1 for each additional page. Specifies that 60% of the fee shall be deposited in affordable housing funds in the county (or the housing trust fund in Marion County) and that 40% of the fee shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund. Provides that money in the state affordable housing and community development fund may not be used for rent supplements. Restricts a sales tax exemption available under current law for an electric utility that purchases distribution equipment or transmission equipment. Restricts a sales tax exemption available under current law for a hotel or restaurant that purchases electricity, water, gas, or steam. Restricts a sales tax exemption available under current law for an aircraft lessor that purchases an aircraft for rental or leasing. Provides for a graduated three-tier sales and use tax collection allowance for retail merchants. Provides that a taxpayer is not entitled to a venture capital investment tax credit for providing investment capital after December 31, 2012. (Current law provides that a taxpayer is not entitled to a credit for providing investment capital after December 31, 2008.) Provides that an energy savings tax credit may not be awarded for taxable years beginning after December 31, 2010. Specifies conditions under which a professional tax return preparer must file client returns electronically. Decreases various periodic tax liability thresholds at which taxpayers are required to make tax payments by electronic funds transfer from $10,000 to $5,000. Provides that a tax payment made by electronic funds transfer is considered made on the date the taxpayer issues the payment order for the electronic funds transfer. Provides for the accrual of interest at the rate of 6% per annum on inheritance tax refunds that are not processed within 90 days by the department of state revenue. Provides that the cigarette stamp discount to distributors is one and two-tenths cents per individual package of cigarettes. Provides that when a taxpayer claiming a refund requests a hearing on the claim, the department of state revenue must hold the requested hearing. Repeals a provision of the sales tax statute that requires certain out-of-state merchants making sales to customers in Indiana to register as retail merchants and remit sales and use tax. Provides a cigarette tax credit to a cigarette distributor for an uncollectible debt to the extent that the uncollectible debt: (1) is included in the cost of cigarette tax stamps purchased by the distributor; and (2) resulted from a transfer of cigarettes to a retailer. Provides a tobacco tax deduction to a tobacco products distributor from the tobacco products tax for uncollectible debts resulting from wholesale sales of tobacco products. Provides a tax exemption for the National Football League Super Bowl and related activities. Provides that for county wheel taxes adopted after June 30, 2007, an owner of a commercial motor vehicle paying an apportioned registration to the state under the International Registration Plan shall pay an apportioned wheel tax calculated by dividing in-state

actual miles by total fleet miles generated during the preceding year. Requires a partnership to file a composite adjusted gross income tax return on behalf of all nonresident individual partners. Requires an S corporation to file a composite adjusted gross income tax return on behalf of all nonresident individual shareholders. Makes changes concerning enterprise zones. Requires corporations to add back dividends paid to shareholders of a captive real estate investment trust. Increases the thresholds for mandatory estimated income tax payments. Provides that an account owner of a college choice 529 education savings plan must repay a portion of a tax credit if any nonqualified withdrawal is made from the plan. Includes as nonqualified withdrawals any withdrawals made from an account that is terminated within 12 months after the account is opened, rollovers to another qualified tuition program under Section 529 of the Internal Revenue Code that is not a college choice 529 education savings plan account, and other withdrawals that do not meet the requirements of a qualified withdrawal. Provides a limited use tax exemption for an aircraft that is titled or registered in another state or country and is temporarily brought to Indiana to be repaired, refurbished, remanufactured, or subjected to a prepurchase evaluation. Expands the limited sales tax exemption under current law for a transaction involving an aircraft to include transactions in which an aircraft that is purchased by a nonresident remains in Indiana for up to 30 days after the aircraft is repaired, refurbished, or remanufactured. Expands the exemption from the aircraft registration requirements under the aircraft license excise tax statute for a nonresident who bases an aircraft with a dealer while the aircraft is being repaired, remodeled, or refurbished to include aircraft that are based with a person that has been issued a repair station certificate by the Federal Aviation Administration. Provides that a retail merchant may verify that the sale of property used or consumed in providing public transportation is exempt from sales tax by obtaining certain information from the purchaser. Allows a retail merchant that sold property to a person that used or consumed the property in providing public transportation to verify that the sale was exempt from sales tax by using the information contained in form ST-135 for the transaction. Allows a corporation to use its annualized income to calculate the amount of its estimated adjusted gross income tax payments. Allows the state board of education to loan money to an eligible school corporation that has experienced a shortfall of at least 5% in the collection of property tax levies for the eligible school corporation's general fund because of certain actions. Specifies that the rate of interest paid by the department of state revenue on excess tax payments must be the same as the rate of interest paid by a taxpayer for failing to pay the full amount of tax by the due date for a tax return. Reallocates Lake County innkeeper's tax revenue.

EDUCATION

See also:
SB 29: TRF service credit for military service.
[Pensions]
SB 88: Teacher reemployment after retirement.
[Pensions]
SB 128: Pensions.
[Pensions]
SB 342: School absence for civil air patrol activities.
[Military]
SB 345: Vocational technical proficiency panel.
[Labor & Industrial Safety]
SB 412: Social Security number disclosures.
[State Offices & Administration]
SB 451: Emergency communication disorder permits.
[Professions & Occupations]
SB 480: Military and veterans' benefits.
[Military]
SB 500: Various economic matters.
[Economic Matters]
SB 526: Recodifies the law governing higher education.
[General Provisions]
HB 1060: Teachers' retirement fund COLA.
[Pensions]
HB 1067: Pension issues.
[Pensions]
HB 1382: Juvenile delinquency and criminal law information.
[Family & Juvenile Law]
HB 1505: Prudent management of institutional funds.
[Financial Institutions]

Senate Bill 10 (Public Law 4-2007)
Authors: Miller, Simpson
Sponsor: Welch
Citations Affected: IC 20-34
Effective: July 1, 2007
Repeal of student scoliosis testing requirement. Repeals a provision that requires each public school student in grade 5, grade 7, and grade 9 to be tested for postural defects.

Senate Bill 30 (Public Law 45-2007)

Author: Waltz

Sponsor: Porter

Citations Affected: IC 20-47

Effective: July 1, 2007

Education foundations. Provides that until June 30, 2012, the governing body of a school corporation may donate up to $25,000 per year from the general fund of the school corporation to a public school endowment corporation for the future use of the school corporation for programs and activities that enhance the quality of education or extend learning opportunities for students of the school corporation. Requires matching private funds on at least a dollar for dollar basis for each dollar contributed by a school corporation.

Senate Bill 192 (Public Law 132-2007)

Author: Lubbers

Sponsor: Porter

Citations Affected: Various Indiana Code citations in Titles 5; 20

Effective: July 1, 2007

School safety. Requires a school safety committee to submit a copy of the floor plans for each building located on the school's property to the law enforcement agency and the fire department that have jurisdiction over the school. Requires school corporations to abate certain school building safety violations that are not immediate safety hazards before the earlier of: (1) one year after the state fire marshal's determination; or (2) six months after the start of the school corporation's next budget year. Requires at least one: (1) tornado preparedness drill; and (2) manmade occurrence disaster drill; during each semester of school. Provides that the governing body of a school corporation (including a school city) may establish a school corporation police department staffed by police officers who have general police powers. Provides that the governing body of a school corporation in collaboration with local law enforcement shall establish the powers of the school corporation police officers. Provides that school corporation police officers' survivors are eligible for death benefits. Requires school corporation police officers to have law enforcement academy education and pre-basic and basic training and to participate in local continuing education programs. Requires a school corporation police officer who was appointed before July 1, 2007, to complete the law enforcement academy education and basic training requirements not later than July 1, 2010. Imposes deadlines for school corporation police officers to begin law enforcement academy education and basic training requirements. Provides that a school corporation police department established before July 1, 2007, is considered a school corporation police department established under this legislation.

Senate Bill 327 (Public Law 80-2007)

Authors: C. Lawson, Simpson, Becker

Sponsor: Mays

Citations Affected: IC 20-34

Effective: July 1, 2007

Immunization for school age girls. Requires a school to: (1) provide certain information to each parent of a female child entering grade 6 concerning the link between cervical cancer and

the human papillomavirus (HPV) infection and of the availability of an immunization; (2) collect written statements from the parent indicating whether the child has received or will not receive the immunization or chooses not to provide the information; and (3) file a written report with the state department of health (state department) stating the number of required female students who have or will receive the immunization, the number of female students who have not received the immunization, and the number of students who have not provided the information. Requires the state department to provide a school with the information on cervical cancer and HPV and prescribe the format for the written statement. Provides that a student may not be prohibited from enrolling, attending, or graduating from school for not providing the written statement to the school.

Senate Bill 330 (Public Law 159-2007)

Authors: C. Lawson, Lubbers

Sponsor: Summers

Citations Affected: Various Indiana Code citations in Titles 20; 31

Effective: July 1, 2007

Legal settlement of foster children. Provides that a student who is placed in a foster family home or the home of a relative or other caretaker that is not located in the school corporation in which the student has legal settlement may attend school in either the school corporation in which the home is located or in the school corporation in which the student has legal settlement. Provides for the payment of transfer tuition in certain cases. Defines "homeless student", for purposes of school transportation law, to include a student who is awaiting placement in a foster family home. Allows a juvenile court to: (1) determine the legal settlement of; and (2) place in a public school with an appropriate educational program; a student who is under the jurisdiction of the juvenile court. Makes corresponding changes to related sections. Provides that a school corporation may enter into an agreement with a nonprofit corporation that educates certain children who have been placed by or with the consent of the department of education to provide students with an individualized education program.

Senate Bill 408 (Public Law 84-2007)

Author: Lubbers

Sponsor: Porter

Citations Affected: Various Indiana Code citations in Title 20

Effective: July 1, 2007

Programs for high ability students. Changes reference in school corporation annual report from "gifted and talented" to "high ability". Changes the criteria for awarding grants to school corporations for high ability programs. Requires a school corporation to establish a program for high ability students consistent with federal, state, local, and private funding sources and sets forth requirements for assessments to identify high ability students.

House Bill 1059 (Public Law 86-2007)

Author: Kersey

Sponsors: Lubbers, Skinner

Citations Affected: IC 20-30

Effective: July 1, 2007

Holocaust education. Beginning with the 2007-2008 school year, requires each school corporation to include a study of the Holocaust in each high school United States history course.

House Bill 1116 (Public Law 166-2007)

Author: Cheatham

Sponsors: Landske, Rogers

Citations Affected: Various Indiana Code citations in Titles 20; 34

Effective: July 1, 2007

Required emergency procedures training for teachers. Immunity, volunteer health aides for diabetic students and emergency procedures training for teachers. Requires an individual to have training in cardiopulmonary resuscitation (CPR), removing obstructions to a person's airway, and the Heimlich maneuver before obtaining an initial license as a teacher. Provides a governmental entity or an employee acting within the scope of the employee's employment immunity from a loss resulting from the operation of an authorized emergency vehicle under certain circumstances. Establishes immunity from liability for certain acts or omissions by a teacher who has been trained in CPR, removing obstructions, and the Heimlich maneuver. Establishes a training program for school nurses and for school employees who volunteer to assist students with diabetes in managing and treating the diabetes. Sets forth requirements for individualized health plans for students who will be managing and treating diabetes while at school or school activities. Requires a school corporation to report information on the number of students with chronic diseases and the number of school nurses. Requires the department of education to report certain information to the health finance commission. Removes the provisions that provide a governmental entity or an employee acting within the scope of the employee's employment immunity from a loss resulting from the operation of an authorized emergency vehicle under certain circumstances.

House Bill 1256 (Public Law 167-2007)

Author: V. Smith

Sponsors: Lubbers, Kenley

Citations Affected: IC 20-12; 21-27

Effective: July 1, 2007

Diversity committees at state universities. Creates a diversity commission at the home campus and each regional campus of each state educational institution to: (1) review and recommend employment policies concerning diversity; (2) review faculty and administration personnel complaints concerning diversity; (3) make recommendations to promote and maintain cultural diversity among faculty members of state educational institutions; (4) make recommendations to promote recruitment and retention of minority students. Requires each commission to submit a report to their board of trustees annually.

House Bill 1266 (Public Law 168-2007)

Author: Avery

Sponsors: Lubbers, Sipes

Citations Affected: IC 20-12; 21

Effective: Upon Passage (May 4, 2007); July 1, 2007

Twenty-first century scholarships. Provides that a student who is in foster care, or placed in a child caring institution, a group home, or the home of a relative or other unlicensed caretaker: (1) is considered a full-need student by the state student assistance program; and (2) receives information concerning the twenty-first century scholars program from the student's caseworker. Requires the state student assistance commission to adopt rules allowing a student in foster care to enroll in the twenty-first century scholarship program at any time during high school if the student agrees to meet certain eligibility criteria for at least six months after graduation from high school. Allows students in certain nonpublic schools that are not accredited by the state board of education to become eligible students for the twenty-first century scholarship program. Makes amendments to conform with the higher education recodification.

House Bill 1300 (Public Law 20-2007)

Author: Porter

Sponsors: Lubbers, Sipes

Citations Affected: IC 20-36

Effective: July 1, 2007

Advanced placement programs. Encourages the department of education to pursue federal grant opportunities to increase the awareness and availability of and participation in advanced placement programs for low income students.

House Bill 1301 (Public Law 169-2007)

Author: Porter

Sponsors: Lubbers, Breaux

Citations Affected: IC 20-12; 21

Effective: July 1, 2007

Ivy Tech Community College of Indiana. Replaces references to "regional institute" with references to "region". Eliminates the authority of Ivy Tech's state board of trustees to change the name of the college with the approval of the governor. Makes a technical correction. Incorporates Ivy Tech's current practice of having the treasurer of Ivy Tech provide a financial report at each regular meeting of the state board of trustees. Permits the state board of trustees to provide for periodic audits of the financial records of the administrative regions. Allows regional boards to have more than seven members. Requires a regional board to submit the names of one or more candidates (instead of three) whenever there is a vacancy to be filled. Reinforces Ivy Tech's workforce development mission.

House Bill 1428 (Public Law 122-2007)

Author: Hoy

Sponsors: Lubbers, Miller

Citations Affected: Various Indiana Code citations in Title 20

Effective: July 1, 2007

Autism and Asperger's training for school personnel. Requires every school corporation police officer or regular or special police officer assigned to a school to complete training on autism and Asperger's syndrome. Allows a governing body to adjourn its schools to allow teachers, school administrators, and paraprofessionals to participate in a basic or inservice course of education and training on autism.

House Bill 1489 (Public Law 38-2007)

Author: Cheney

Sponsors: Lubbers, Tallian

Citations Affected: IC 20-28

Effective: July 1, 2007

Cancellation of nonpermanent teacher contracts. Allows a nonpermanent teacher ten days to request a conference with the governing body after receiving a notice of the governing body's consideration of the nonrenewal of the teacher's contract. Specifies that, if the nonrenewal of the teacher's contract is not due to a reduction in force, the notice of consideration of nonrenewal must inform the teacher that the teacher may request a conference within 10 days of receipt of the notice. Provides that the governing body may not take action concerning the nonrenewal of the teacher's contract until after the ten day period has ended.

House Bill 1647 (Public Law 229-2007)

Author: Porter

Sponsors: Lubbers, Alting

Citations Affected: Various Indiana Code citations in Titles 20; 21

Effective: July 1, 2007

Twenty-first Century scholarships; GEDs; informational graduation rate. Expands eligibility for the 21st Century Scholars program to grade 7 students, and beginning with the 2008-2009 school year, to grade 6 students. Provides that an individual must be at least 18 or have withdrawn from school with permission to receive a GED diploma. Modifies the formula for determining graduation rates, and adds an informational five-year and six-year graduation rate determination.

ENVIRONMENT

See also:
HB 1145: Board of sanitary commissioners.
[Local Government]

Senate Bill 154 (Public Law 204-2007)
Author: Gard
Sponsor: Dvorak
Citations Affected: Various Indiana Code citations in Titles 4; 13
Effective: Upon Passage (May 10, 2007); July 1, 2007

Environmental matters. Allows an environmental rulemaking board to adopt an emergency rule to comply with a date provided by federal law. Establishes a special environmental rulemaking process for adoption or incorporation by reference of federal provisions or for technical or clarifying amendments. Requires the environmental quality service council to study environmental rulemaking and recycling issues. Changes the name of the Indiana recycling and energy development board to the Indiana recycling market development board (IRMDB), reduces membership from thirteen to nine, and adjusts the subject areas that must be represented by members. Provides for administration of the IRMDB by the division of pollution prevention of the department of environmental management instead of the lieutenant governor. Terminates the terms of the members of the former board and directs the governor to appoint the IRMDB members before July 1, 2007. Deletes references to IRMDB activities concerning energy resources and substitutes activities concerning recycling and uses of solid waste. Adjusts the permitted uses of the waste tire management fund, eliminating use of the fund by the lieutenant governor.

Senate Bill 155 (Public Law 75-2007)
Authors: Gard, Hume
Sponsor: Dvorak
Citations Affected: IC 13-23
Effective: Upon Passage (April 26, 2007); July 1, 2007

Alcohol blended fuel underground storage tanks. With respect to the prohibition against installation of certain underground storage tanks (USTs) before the effective date of certain rules, adds to the criteria for exception from the prohibition the requirement that all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the solid waste management board. With respect to USTs that contain alcohol blended fuels composed of greater than 15% alcohol: (1) excepts the USTs from that prohibition if they meet certain standards; and (2) provides that the USTs are subject to certain release response and detection requirements. Adds effective date provisions. Adjusts limitations on payments from the excess liability trust fund.

Senate Bill 205 (Public Law 205-2007)

Author: Gard

Sponsor: Dvorak

Citations Affected: IC 13-20

Effective: July 1, 2007

Environmental matters. Provides that a person that: (1) holds a valid solid waste landfill construction permit that authorizes construction for a facility that has not been substantially developed; and (2) has not commenced construction within five years after the date of the permit or another period established by rule or statute; must apply for a new construction permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought. Provides that a person that: (1) holds a valid solid waste landfill construction permit that authorizes construction at an operating facility; and (2) has not commenced construction within five years after the date of the permit or another period established by rule or statute; must meet the requirements of all applicable environmental laws existing at the time construction is substantially commenced. Provides that the construction periods are tolled pending administrative appeals or judicial reviews concerning the construction permit.

Senate Bill 286 (Public Law 137-2007)

Authors: Kenley, Bray, Broden

Sponsor: Dvorak

Citations Affected: Various Indiana Code citations in Titles 4; 6; 13; 14; 33; 34; 35

Effective: July 1, 2007

Environmental crimes and infractions. Makes violations of certain environmental statutes or permits Class D felonies. Makes certain environmental crimes Class C felonies if the crimes result in the death of a person. Requires a court to consider any improper economic benefit received by a defendant, including unjust enrichment, in determining the level of fine to impose. Provides that a person who makes a material misstatement in an application for a permit or for certain forms of financial assistance commits a Class D felony. Makes poisoning a water supply or tampering with a water supply with intent to cause serious bodily injury a Class B felony. Allows a prosecuting attorney to appoint the attorney general or a deputy attorney general as a special deputy prosecuting attorney to assist in criminal proceedings related to a violation of environmental law. Repeals current provisions establishing offenses that are superseded by this bill. Makes: (1) disposing of sewage accumulated in a holding tank or any other container on a watercraft in a manner that the sewage reaches or may reach public waters; or (2) depositing litter, filth, a putrid or unwholesome substance, or the contents of a toilet, catch basin, or grease trap from a watercraft into or upon public waters or the banks of public waters; a Class A infraction instead of a Class B infraction. Makes littering a Class A infraction instead of a Class B infraction if refuse is placed or left in, on, or within 100 feet of a body of water that is under the jurisdiction of the: (1) department of natural resources; or (2) United States Army Corps of Engineers. Requires that a civil judgment of at least $1,000 be imposed for these Class A infractions.

House Bill 1017 (Public Law 61-2007)

Author: Pelath

Sponsors: Heinold, Arnold

Citations Affected: Various Indiana Code citations in Title 13

Effective: July 1, 2007

Community and noncommunity water systems. Provides that for purposes of the safe drinking water law, a community water system is a public water system: (1) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents; and (2) in which all the service connections are located on the same parcel of real estate or all the components of the system are connected. Requires the department of environmental management (IDEM) to pay certain costs of well water testing incurred by a nontransient noncommunity water system operated by a nonprofit center for advocacy for abused and neglected children that does not provide overnight care on site. Sets forth procedures by which a specified nonprofit center may apply to IDEM for reimbursement for amounts paid by the center for well water testing.

House Bill 1192 (Public Law 221-2007)

Author: Ulmer

Sponsor: Gard

Citations Affected: Various Indiana Code citations in Titles 13; 36

Effective: Upon Passage (May 11, 2007); July 1, 2007

Environmental matters. Requires the department of environmental management (department) to provide notice of a release from, a spill from, or an overfill of an underground storage tank (UST) system to the county health officer of each county in which the release, spill, or overfill occurred. Requires a county health officer that receives notice from the department to: (1) publish notice of the release, spill, or overfill in a newspaper of general circulation in the county health officer's county; and (2) provide any other notice of the release, spill, or overfill the county health officer considers necessary or appropriate. Adjusts limitations on payments from the excess liability trust fund. With respect to the prohibition against installation of certain UST's before the effective date of certain rules, adds to the criteria for exception from the prohibition the requirement that all newly installed or replaced piping connected to the tank meets the secondary containment requirements adopted by the solid waste management board. With respect to UST's that contain alcohol blended fuels composed of greater than 15% alcohol: (1) excepts the UST's from that prohibition if they meet certain standards; and (2) provides that the UST's are subject to certain release response and detection requirements. Adds effective date provisions. Broadens permissible uses of the environmental remediation revolving loan fund. Increases from 10% to 50% the amount of money available in the fund that may be loaned by the Indiana finance authority (authority) to any one political subdivision in a state fiscal year. Allows the authority to: (1) undertake activities to make private environmental insurance products available to encourage and facilitate the cleanup and redevelopment of brownfield properties; (2) enter into agreements with political subdivisions for various purposes related to environmental investigation and remediation; and (3) provide services to and collect fees from any person in connection with financial assistance, liability clarification, and technical assistance. Requires the deposit of fee revenue in the fund. Provides governmental immunity to the authority with respect to investigation and remediation of brownfields under agreements with political subdivisions. Allows redevelopment commissions to enter into agreements with the

authority and to carry out environmental investigation and remediation. Provides that no activity of a political subdivision related to investigation or remediation on a brownfield site will be considered to contribute to the contamination at the site unless caused by gross negligence or willful misconduct. Provides that a nonprofit corporation that supports a political subdivision is not liable to the state for certain environmental remediation costs and damages unless the corporation causes or contributes to the environmental contamination. Eliminates the requirement that a person that brings an environmental legal action (ELA) be a private person. Specifies that a person may bring an ELA regardless of whether the person caused or contributed to the hazardous substance release or petroleum release that is the basis for the ELA. Makes technical corrections. Requires a regional sewage district (RSD) that seeks to require connection to the RSD's sewer system of property that is: (1) located outside the RSD's territory; and (2) within 300 feet of the system; to provide the property owner with a letter of recommendation from the local health department that the connection is necessary to protect the public's health. Prohibits the RSD from requiring the property owner to connect if the property is already connected to a sewer system that: (1) has received an NPDES permit; and (2) has been determined to be functioning satisfactorily. Requires a RSD that adopts an ordinance to increase rates and charges more than 5% per year to give notice to affected users.

FAMILY & JUVENILE LAW

See also:
SB 330: Legal settlement of foster children.
[Education]
HB 1019: Family & Juvenile Law
[Criminal Law & Procedure]
HB 1266: Twenty-first century scholarships.
[Education]
HB 1406: Kinship caregivers.
[Health & Human Services]

Senate Bill 311 (Public Law 52-2007)
Authors: Hershman, Bray
Sponsor: Welch
Citations Affected: IC 5-2; 31; 34
Effective: July 1, 2007

Child in need of services (CHINS). Provides that if the department of child services (department) determines that: (1) a child is a child in need of services; and (2) the child would be protected in the child's residence by the removal of the alleged perpetrator of child abuse or neglect; the department may file a petition to remove the alleged perpetrator from the child's residence instead of attempting to remove the child from the child's residence. Allows a court to issue a temporary child protective order without a hearing in an action by the department for the removal of the alleged perpetrator of child abuse or neglect. Requires a court to hold a hearing

within 48 hours of issuing the order. Allows the court, after notice and a hearing, to issue a child protective order if certain conditions are met. Makes it a Class A misdemeanor for: (1) a parent or other adult with whom a child continues to reside after the issuance of a child protective order to knowingly or intentionally fail to comply with the requirements of an order; or (2) for an alleged perpetrator of child abuse to knowingly or intentionally return to a child's residence in violation of an order. Requires a court to consider placing a child with a de facto custodian or stepparent before considering an out-of-home placement when a child alleged to be a child in need of services is taken into custody.

Senate Bill 328 (Public Law 138-2007)
Author: C. Lawson
Sponsor: Welch
Citations Affected: IC 10-13; 12; 29-3; 31
Effective: Upon Passage (May 3, 2007); July 1, 2007

Department of child services and Uniform Child Custody Jurisdiction Act. Requires the director of the department of child services (department) to appoint a county director for each county office of family and children. (Current law requires the director of the division of family resources to make the appointments in consultation with the director of the department.) Specifies that national criminal history checks shall be conducted in compliance with federal law to determine whether certain individuals who supervise children have been convicted of specified offenses. Requires criminal history checks in pre-adoption placements, even if the child is: (1) not a ward of the court or the department; or (2) placed with certain relatives. Adds domestic battery to the list of crimes requiring the denial of a foster family home license or the adoption of a child. Provides that the department shall establish at least three citizen review panels including that one panel must be: (1) a community child protection team; (2) a statewide or local child fatality review team; and (3) a foster care advisory panel. Requires a citizen review panel to: (1) consist of volunteer members who broadly represent the community; (2) examine policies and procedures of child welfare agencies and specific cases when appropriate; (3) meet at least one time every three months; and (4) prepare an annual report. Requires the department to submit a response to a citizen review panel's report not more than six months after the date the department receives the report. Prohibits a member of a citizen review panel from disclosing identifying information about a specific child services case, child or member of the child's family who is the subject of a child protective services investigation, or any other person identified in confidential materials. Provides that the department may remove a member who discloses identifying information from a citizen review panel. Requires child welfare agencies to cooperate and work with citizen review panels. Allows citizen review panels access to reports and other materials concerning child protective services. Provides that an initial hearing on a child in need of services (CHINS) petition shall be held within seven business days after the detention hearing. Provides that if an initial hearing on a CHINS petition is not held within seven business days of the detention hearing, the child shall be released. Permits a court to waive certain home study requirements otherwise required for an adoption if one of the petitioners is a stepparent or grandparent of the child. Specifies that the court may not waive required criminal history checks. Establishes a child protection index, and permits a person or agency to obtain certain information contained in the index relating to an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children. Requires a court to consult with a CHINS regarding a proposed

permanency plan for the child. Provides that if the child is at least 16 years of age and the proposed permanency plan for the child provides for the transition from foster care to independent living, the court shall notify the child of the permanency hearing and provide the child an opportunity to be heard. Provides that on July 1, 2007, certain reports and documents relating to child abuse or neglect cases contained in the child abuse registry or the automated child protection system to be transferred to the child protection index. Establishes a uniform process to enforce interstate child custody and visitation determinations, and harmonizes the law with respect to simultaneous proceedings and inconvenient forums. Repeals provisions: (1) requiring the department to offer certain services to a family or a child following an investigation of a report of child abuse or neglect; (2) authorizing voluntary services referral agreements between the department and persons accused of child abuse or neglect; and (3) concerning the Uniform Child Custody Jurisdiction Law. Provides that the right of notice and the opportunity to be heard applies to all court proceedings in CHINS and delinquency cases. Makes conforming amendments.

Senate Bill 329 (Public Law 103-2007)
Authors: C. Lawson, Simpson
Sponsor: Welch
Citations Affected: IC 4; 6-8.1; 9; 14; 25; 27; 31; 33; 34
Effective: July 1, 2007; January 1, 2008

Child support. Requires: (1) a court that orders, modifies, or enforces a child support order in a Title IV-D case to issue an immediate income withholding of an obligor's income; and (2) the bureau of child support to prescribe standard income withholding order and notice forms. Establishes: (1) requirements for implementation of an income withholding order; (2) amounts to be withheld under certain income withholding orders; (3) notice requirements concerning income withholding orders; and (4) income withholding requirements for income payors. Provides that: (1) a court may stay implementation of an income withholding order if certain requirements are met; (2) if a court does not issue an income withholding order, a Title IV-D agency may issue an income withholding order; (3) a Title IV-D agency may lift a stay of implementation of an income withholding order if certain conditions are met; (4) an obligor or obligee may file a petition to lift a stay; (5) an income payor who fails to comply with an income withholding order is liable under certain circumstances; and (6) a Title IV-D agency or its agent is not subject to civil liability for income withheld and paid in accordance with an income withholding order. Provides that an income payor that discharges from employment, refuses to employ, takes disciplinary action, or otherwise discriminates against an obligor because of an income withholding order is subject to a penalty not to exceed $5,000. Requires a: (1) Title IV-D agency that collects at least $500 of child support for an individual who has never received Title IV-A assistance to charge an annual fee, which must be collected from child support payments, the parent who owes child support, or state funds appropriated for the purpose of paying the fee; and (2) child support order to include an order for medical support to be provided by either or both parents. Changes the annual child support fee from $30 to $55. Permits a Title IV-D agency to increase the weekly amount withheld from an obligor subject to an income withholding order who is in arrears. Repeals and replaces provisions concerning the issuance and activation of income withholding orders. Prohibits a fee from being charged to a custodial parent for seeking an offset of a federal or state income tax refund for past due child support payments.

Senate Bill 347 (Public Law 142-2007)

Author: Bray

Sponsor: Porter

Citations Affected: Various Indiana Code citations in Titles 31; 33

Effective: July 1, 2007

Marion County juvenile detention centers. Moves control of the Marion County juvenile detention centers from the Marion County juvenile judge to the executive committee of the Marion County judges. Makes conforming amendments. Provides that a probation officer may be present at a juvenile delinquency dispositional hearing under certain circumstances.

Senate Bill 534 (Public Law 146-2007)

Authors: Lubbers, Miller

Sponsor: Kuzman

Citations Affected: IC 31; 34-24; 35-46

Effective: July 1, 2007

Various family law matters. Provides that: (1) proceedings for voluntary termination of parent-child relationships and adoptions are not governed by the uniform child custody jurisdiction law; (2) certain adoption notices are valid regardless of whether the notice is served within or outside Indiana; (3) adoption notices served on a putative father who is not a resident of Indiana are valid if certain conditions are met; (4) a parent who has given valid consent to the termination of the parent-child relationship may waive certain notice requirements; (5) certain notices of adoption proceedings shall be served by publication in the same manner that a summons is served by publication; and (6) if a prospective adoptive parent suffers a pecuniary loss as a result of a violation of adoption deception, the prospective parent may bring a civil action against the person who benefits from the adoption related expenses. Allows a petition for adoption to be amended to substitute another petitioner under certain circumstances. Requires that if a parent has given written consent, been advised concerning a voluntary termination of the parent-child relationship, and appears in court, the court may consider only whether the consent for the termination of the parent-child relationship was voluntary. Changes the period within which a putative father may register with the putative father registry to be entitled to notice of an adoption. Makes it a Class A misdemeanor to place a paid advertisement or paid listing of a telephone number in a telephone directory: (1) that a child is offered or wanted for adoption; or (2) to place or locate a child for adoption; unless the advertisement is placed by an attorney or a licensed child placing agency and certain other requirements are met. Requires a person that publishes a telephone directory to include certain information concerning adoption and adoption services.

House Bill 1264 (Public Law 91-2007)

Author: Avery

Sponsors: Dillon, Lanane

Citations Affected: IC 33-24

Effective: July 1, 2007

Guardian ad litem and CASA funding. Provides that the division of state court administration

will determine the number of children in need of services cases in each county to determine funding for guardian ad litem and court appointed special advocate programs.

House Bill 1339 (Public Law 120-2007)
Author: C. Brown
Sponsors: C. Lawson, Simpson
Citations Affected: IC 31; 34-46
Effective: July 1, 2006

Protection from self-incrimination for juveniles. Provides that information provided by a child in the course of mental health screening, assessment, evaluation, or treatment provided during juvenile court, probation, or intake proceedings may not be admitted as evidence against the child on the issue of whether the child committed a delinquent act or a crime. Specifies that this provision does not affect a disclosure or reporting requirement in effect on July 1, 2007, under statute or in case law regarding a statement that relates directly to the facts or immediate circumstances of a homicide or reveals that the child may intend to commit a crime. Provides that a person who is at least 21 years of age and who is alleged to have committed a murder is not considered a child under juvenile law, even if the murder was committed when the person was less than 18 years of age, and specifies that certain juvenile procedures only apply to persons less than 18 years of age.

House Bill 1382 (Public Law 67-2007)
Author: L. Lawson
Sponsors: Becker, Mrvan
Citations Affected: IC 20-33; 31; 35-50
Effective: July 1, 2007

Juvenile delinquency and criminal law information. Requires the parent of a student who is at least 18 years of age to be notified by the following persons if the student is interrogated on school property by a law enforcement officer regarding an incident in which the student is a suspect: (1) The school principal, if the school does not have a policy concerning parental notification. (2) The individual designated to notify parents under a school policy concerning parental notification, if the school has adopted a policy. Requires a law enforcement agency to notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or the superintendent of the school district in which a child is enrolled if the child is taken into custody for allegedly committing certain crimes. Provides that a juvenile court may release court records to certain entities without a court order. Provides that certain agencies and entities may exchange certain information about a juvenile. Provides that a judge shall give written notice of a conviction to the chief administrative officer of a primary or secondary school or the superintendent of the school district in which a child is enrolled if the child is convicted of certain felonies or if the child has been adjudicated as a delinquent child for an act that would be certain felonies if committed by an adult.

House Bill 1509 (Public Law 22-2007)
Author: L. Lawson
Sponsors: Becker, Lanane
Citations Affected: IC 32-31; 34-30
Effective: July 1, 2007
Lease protections for domestic violence victims. Provides that a tenant who is a victim or an alleged victim of a crime involving domestic or family violence, a sex offense, or stalking may have the locks of the tenant's dwelling unit changed at the tenant's expense. Prohibits a landlord from taking certain actions related to such a tenant. Provides that such a tenant is entitled to terminate the tenant's rights and obligations under the rental agreement under certain circumstances. Provides such a tenant and the tenant's landlord immunity from civil liability in certain situations and for taking certain actions.

House Bill 1726 (Public Law 96-2007)
Author: Dembowski
Sponsors: Heinold, Sipes
Citations Affected: Noncode
Effective: July 1, 2007
Missing children. Establishes the interim study committee on missing children to study issues related to the location and recovery of missing children, including the use of DNA profiles, fingerprints, and technology to assist in the location of missing children.

House Bill 1778 (Public Law 124-2007)
Author: Summers
Sponsors: Lubbers, Dillon
Citations Affected: Various Indiana Code citations in Titles 12; 31
Effective: July 1, 2007
Juvenile law and child care. Applies the law concerning children in need of services to child care ministries, certain child care providers, and certain individuals who have contact with children. Requires the department of child services and the appropriate law enforcement agency to jointly investigate a report that alleges child abuse or neglect and involves a child care ministry. Adds a definition of "child caregiver." Specifies that a child who is at least 14 years of age and does not require child care services is not counted for purposes of the limit on the number of children who may be present in a child care home. Specifies that a licensed child care provider is considered to be in compliance with the federal Child Care and Development Fund voucher program requirements if the provider is not found to be in violation of the requirements. Requires a criminal history background check for members of a child care home provider's household. Requires that a child care ministry refrain from employing, or allowing to serve as volunteers, certain individuals.

FINANCIAL INSTITUTIONS

See also:
SB 49: Trust and fiduciary matters.
[Probate & Trusts]

Senate Bill 559 (Public Law 213-2007)
Author: Paul
Sponsor: Bardon
Citations Affected: IC 4-21.5; 5; 24; 26; 28
Effective: July 1, 2007
Various financial institutions matters. Makes various changes to the laws concerning: (1) financial institutions; and (2) persons licensed under the Uniform Consumer Credit Code.

House Bill 1505 (Public Law 226-2007)
Author: Bardon
Sponsors: Bray, Simpson
Citations Affected: IC 6-8.1; 20-12; 21-29; 28; 30
Effective: July 1, 2007
Prudent management of institutional funds. Removes provision concerning claims submitted to financial institutions by a special counsel or collection agency on behalf of the department of state revenue or a county treasurer. Requires the department of state revenue to operate a data match system with financial institutions. Specifies that: (1) certain records concerning alternative investments made by an institutional investment fund of a state educational institution are not subject to disclosure under the public records law; and (2) certain information in the records is subject to disclosure and is not confidential financial information. Permits a bank, trust company, or savings bank that holds funds or property as a fiduciary to use the funds or property to purchase products, services, and securities from the bank, trust company, savings bank, affiliate, or a selling group or syndicate that includes the bank, trust company, savings bank, or affiliate. Sets forth procedures for a bank, trust company, or savings bank to: (1) give notice of; and (2) obtain consent for; such a transaction with respect to specified fiduciary relationships. Amends the Uniform Management of Institutional Funds Act to conform to the Uniform Prudent Management of Institutional Funds Act. Repeals nonconforming provisions.

House Bill 1557 (Public Law 217-2007)
Author: Burton
Sponsor: Paul
Citations Affected: IC 4-21.5; 5; 24; 26-2; 28
Effective: Upon Passage (May 10, 2007); July 1, 2007
Various financial institutions matters. Makes various changes to the laws concerning: (1) financial institutions; and (2) persons licensed under the Uniform Consumer Credit Code.

House Bill 1717 (Public Law 230-2007)

Author: Bardon

Sponsors: Bray, Lanane

Citations Affected: IC 4; 5-2; 23; 25-11; 35-41

Effective: Upon Passage (May 11, 2007); July 1, 2007; July 1, 2008

Regulation of loan brokers, franchises, and collection agencies. Specifies that, to the extent authorized by federal law, the homeowner protection unit in the attorney general's office shall cooperate with federal, state, and local law enforcement agencies in the investigation of violations of certain federal laws and regulations. Requires the unit to report annually to the legislative council. Exempts an enforcement officer of the securities division of the office of the secretary of state from basic training requirements for law enforcement officers. Specifies that a securities enforcement officer is a law enforcement officer for the purpose of certain statutes. Gives the securities commissioner (commissioner) the same administrative powers and remedies to regulate: (1) franchises; and (2) collection agencies; as the commissioner has to regulate securities. Provides the same appeals procedures in the laws governing: (1) franchises; and (2) collection agencies; as are available under the laws governing securities. Specifies that a person that seeks to be registered as a loan originator must: (1) apply to the commissioner for a certificate of registration; and (2) pay a $100 registration fee. Specifies that a person that seeks to be registered as a principal manager for a loan brokerage business must: (1) apply to the commissioner for a certificate of registration; and (2) pay a $200 registration fee. Requires a person applying for registration as an originator or a principal manager to pass an examination. Requires a contract for services of a loan broker to contain a specific statement. Expands the reasons for disciplinary action against a loan broker or a registrant to include: (1) regulatory actions against the licensee or registrant in Indiana or other jurisdictions; and (2) certain violations, crimes, or practices committed by the licensee or registrant. Specifies that the commissioner may by summary order deny, suspend, or revoke a license or certificate of registration before any proceeding is initiated against the licensee or registrant. Provides that the exemption from the loan broker law that applies to a correspondent of loans insured by the United States Department of Housing and Urban Development applies only if the person closes at least 25 insured loans in Indiana during each calendar year. Provides that a person claiming certain exemptions from the loan broker law must file a notice every 24 months to receive or maintain the exemption. Requires the commissioner to report to the legislative council not later than November 1, 2007, concerning the implementation of the amendments to the loan broker statute. Requires the department of financial institutions to study the feasibility of regulating loan brokers, originators, and principal managers. Establishes the interim study committee on mortgage lending practices and home loan foreclosures. Requires the committee to study various issues concerning mortgage lending practices and home loan foreclosures. Makes certain changes to the Uniform Securities Act.

GAMING

See also:
SB 128: Pensions.
[Pensions]

House Bill 1510 (Public Law 227-2007)
Author: Van Haaften
Sponsors: Merritt, Hershman, Simpson
Citations Affected: Various Indiana Code citations in Titles 4; 5; 6; 7.1; 35
Effective: July 1, 2007

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

- HEA 1510 originated from a desire to legitimize ongoing practices and to correct non-statutorily authorized activities of legitimate organizations historically allowed by the Department of Revenue.
- Current law is inconsistent as it provides certain benefits and exemptions only to particular types of qualified organizations, but does not do so for others. HB 1510 attempts to even the playing field for all organizations and the events they are allowed to conduct.
- There are some policy issues in HEA 1510 that were brought to the legislature by the Indiana Gaming Commission requesting guidance with the intent that at the end of session, the Gaming Commission will be strictly enforcing the law. These issues include:
  - Full Time Employees—The use of full time employees is commonplace and may be necessary for qualified organizations to conduct allowable events. HEA 1510 sanctions the use of full time employees to conduct the events.
  - Pull Tabs, Punchboards, and Tip Boards (PPT)—Historically, the Department of Revenue allowed the daily sale of PPT's, primarily to fraternal and veterans organizations. HEA 1510 creates an annual PPT license that codifies previous practices.
  - Charity Game Night License—HEA 1510 creates an annual charity game night license that can be granted to civic and veteran's organizations which have been in existence for 10 years or more. This license allows a qualified organization to conduct these events three times a week on not more than two consecutive days. This legitimizes many organizations' Texas Hold 'Em tournaments that are currently conducted without a charity game night license.
  - Annual Raffle License—Under existing law, an organization must obtain a single license for every individual raffle event held or one license to conduct five events over the course of a year. In 2006, the Office of the Attorney General (OAG) rejected the Gaming Commission's attempt to re-promulgate an existing Dept. of Revenue regulation which administratively created the equivalent of an annual raffle license. The OAG cited insufficient statutory authority as its reason for the

rejection. HEA 1510 creates an annual raffle license that permits a qualified organization to conduct three raffles a week on not more than two consecutive days.

- Candidate Committee Events—Existing law only allows candidate committees to conduct a raffle. HEA 1510 will allow a candidate committee to also conduct a door prize at that raffle event.
- Rent Limitation—Existing law restricts a qualified organization from renting a facility in excess of $200/day. This posed a hardship for certain organizations conducting events that, by their nature, required a facility that cost more. HEA 1510 eliminates this restriction. However, a qualified organization will not be allowed to deduct more than $200 for purposes of arriving at the organization's net proceeds or license renewal fees.
- HEA 1510 also clarifies existing law to provide that card games cannot constitute a bona fide game of skill thereby eliminating a potential defense for someone accused of gambling in a card game.

- HEA 1510 also seeks to crack down on illegal gaming in Indiana. These changes make it clear that the state and the Gaming Commission are serious about enforcing the state's laws:
  - Specifically outlaws cherry masters, video poker and similar machines from public places. This change makes it illegal to possess these machines regardless of whether or not they pay out (current law was tough to enforce because it was difficult to determine whether or not there was a payout involved). Some estimate there are as many as 20,000-30,000 such machines placed across the state.
  - Creates 16 new gaming commission officers to assist in enforcing the state's illegal gaming laws.
  - Creates a new "License Control Division" within the Indiana Gaming Commission to provide administrative enforcement actions. This division will have the authority to pursue revocations of charity gaming licenses, as well as retail, alcohol and tobacco permits for illegal gaming activities (they cannot unilaterally revoke licenses). The division will not have any involvement in the prosecution of illegal activities—this will remain with local prosecutors.
  - Funding for the License Control Division and the additional Gaming Commission officers will be paid from the Charity Gaming Enforcement Fund.

House Bill 1835 (Public Law 233-2007)

Author: Van Haaften

Sponsors: Jackman, Lanane

Citations Affected: IC 4; 6; 7.1; 35-45

Effective: Retroactive (March 1, 2006); Upon Passage (May 11, 2007); July 1, 2007

Gaming. Provides that the horse racing commission shall require at least 140 but not more than 165 live racing days at each racetrack. Provides that a permit holder may not conduct more than 14 races on a racing day. Authorizes slot machines at racetracks. Provides that a licensee may not install more than 2,000 slot machines without the approval of the Indiana gaming

commission (commission). Limits a permit holder who offers slot machines to the number of satellite facility licenses issued to the permit holder before January 1, 2007. Specifies certain powers and duties of the commission for the purpose of administering, regulating, and enforcing the system of slot machine gambling at racetracks. Provides that a license is null and void if the licensee fails to obtain and maintain a horse racing permit and satisfy the racing requirements of the horse racing law. Requires from each licensee an initial licensing fee of $250,000,000 payable in two annual installments. Requires the commission to deposit the initial licensing fees into the property tax reduction trust fund. Imposes a graduated slot machine wagering tax equal to: (1) 25% of the first $100,000,000 of adjusted gross receipts received during the state fiscal year; (2) 30% of the adjusted gross receipts in excess of $100,000,000 but not exceeding $200,000,000 received during the state fiscal year; and (3) 35% of the adjusted gross receipts in excess of $200,000,000 received during the state fiscal year. Provides that all slot machine wagering taxes are deposited into the property tax reduction trust fund. Imposes a 3% county slot machine wagering fee on a licensee that offers slot machine wagering. Provides that a licensee is not required to pay more than $8,000,000 of fees in any state fiscal year. Provides that the fees are distributed to the county auditor of the county in which the licensee's racetrack is located for distribution to the county and cities and towns in the county. Requires a licensee that offers slot machine wagering to annually pay to the commission a gaming integrity fee of $250,000. Provides that in state fiscal years beginning after June 30, 2007, and ending before July 1, 2012, a licensee that offers slot machine wagering shall pay to the commission a supplemental fee equal to 1% of the adjusted gross receipts received from slot machine wagering. Provides that the supplemental fees are distributed to each licensed owner or operating agent that commences gaming operations with respect to an initial owner's license or the initial term of an operating agent contract after June 30, 2006. Requires a licensee in each state fiscal year to devote to horse racing purses and certain other purposes an amount equal to the lesser of 15% of the adjusted gross receipts from slot machine wagering or $85,000,000 plus inflation. Specifies the distribution of this money. Specifies that beginning with the first year in which slot machine wagering is allowed, the riverboat admissions tax revenue otherwise distributed to the Indiana horse racing commission is reduced each state fiscal year by the money that is dedicated to purses, breed development, and horsemen's associations. Provides that the first $250,000 (from each racetrack) of the money is to be deposited in the gaming integrity fund. Provides that money distributed to a horsemen's association may not be expended unless the expenditure is for the purposes specified in statute and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana. Requires a horsemen's association to: (1) annually file a report with the Indiana horse racing commission concerning the use of the money; and (2) register with the Indiana horse racing commission. Allows a slot machine facility to be licensed under the alcoholic beverage laws under the same conditions as a riverboat. Provides that the commission shall establish goals for permit holders concerning contracts for goods and services with minority business enterprises and women's business enterprises. Requires these goals to be equal to goals set by the commission for riverboat gaming licensees. Requires a licensee that offers slot machine wagering at racetracks to annually pay to the division of mental health and addiction a problem gambling fee equal to $500,000 for each racetrack at which the licensee offers slot machine wagering. Specifies the five counties in which a riverboat is currently operating as the Ohio River counties for which a riverboat owner's license may be issued. Provides that a person

holding a riverboat owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007. Provides that the commission may by rule determine the point at which a person is considered to be admitted to a gambling excursion or admitted to a riverboat, for purposes of collecting the riverboat admissions tax. Increases the riverboat wagering tax rate on adjusted gross receipts exceeding $600,000,000 to 40%. Prohibits local development agreements between the permit holders who operate slot machine facilities and political subdivisions. Provides alternative property tax assessment methodologies for riverboats.

GENERAL PROVISIONS

Senate Bill 94 (Public Law 99-2007)
Authors: Landske, Kenley
Sponsor: Van Haaften
Citations Affected: Various IN Code citations in Titles 1; 2; 3; 4; 5; 6; 8; 10; 11; 12; 22
Effective: Upon Passage (May 2, 2007)
Individuals with disabilities. Changes terms used to describe individuals with disabilities. (The introduced version of this bill was prepared by the code revision commission.)

Senate Bill 310 (Public Law 208-2007)
Authors: Hershman, Heinold
Sponsor: Grubb
Citations Affected: IC 1-1
Effective: July 1, 2007
Proof of mailing. Provides that if a law or a rule requires a mailing by registered mail or certified mail, a person may use: (1) any service of the United States Postal Service or any services of any designated private delivery service (as defined by the United States Internal Revenue Service) that: (A) tracks the delivery of mail; and (B) requires a signature upon delivery; or (2) delivery by an employee of the unit of government sending the notice. Provides required notice procedures to follow if the mailed notice is returned undelivered**.**

Senate Bill 526 (Public Law 2-2007)
Author: Landske
Sponsor: Van Haaften
Citations Affected: Various Indiana Code citations in Titles 1 through 16; 20 through 25; 27; 28; 30 through 36
Effective: July 1, 2007
Recodifies the law governing higher education. Changes references in provisions that cross reference to the law being recodified. Makes related changes. Repeals obsolete provisions. (The introduced version of this bill was prepared by the code revision commission.)

House Bill 1084 (Public Law 1-2007)
Author: Kuzman
Sponsor: Landske
Citations Affected: Various Indiana Code citations in Titles 4 through 16; 20 through 28; 31 through 36
Effective: Upon Passage (March 30, 2007)
Technical corrections. Corrects various technical problems in the Indiana Code. (The introduced version of this bill was prepared by the code revision commission.)

HEALTH & HUMAN SERVICES

See also:
SB 10: Repeal of student scoliosis testing requirement.
[Education]
SB 44: Courts and HIV testing.
[Courts & Court Officers]
SB 94: Individuals with disabilities.
[General Provisions]
SB 327: Immunization for school age girls.
[Education]
SB 333: Health facility administrator class of license.
[Professions & Occupations]
SB 371: Mobile camps for railroad employees.
[Transportation]
HB 1116: Required emergency procedures training for teachers.
[Education]
HB 1241: Physician assistants.
[Professions & Occupations]
HB 1338: Mental health and health records.
[Corrections]
HB 1376: Dental hygienists.
[Professions & Occupations]
HB 1468: Immunizations by pharmacists.
[Professions & Occupations]

Senate Bill 5 (Public Law 3-2007)
Authors: Miller, Sipes
Sponsor: C. Brown
Citations Affected: P.L. 18-2006
Effective: July 1, 2007
Nursing facility quality assessment fee. Extends collection of the nursing facility quality assessment until August 1, 2009.

Senate Bill 93 (Public Law 73-2007)
Authors: Landske, Becker
Sponsor: Mays
Citations Affected: IC 16-28
Effective: July 1, 2007

Fire sprinklers and smoke detectors in nursing homes. Requires certain health facilities to have automatic fire sprinkler systems before July 1, 2012. Provides that if a system is not installed before July 1, 2010, a plan for completion must be submitted to the state department of health (state department). Requires the health facilities to have a smoke detector in each resident's room before July 1, 2012. Requires the state department to publish in the state department's consumer guide to nursing homes the types of fire sprinkler systems and smoke detectors in a nursing home.

Senate Bill 104 (Public Law 126-2007)
Authors: C. Lawson, Sipes
Sponsor: Summers
Citations Affected: IC 12-17.2
Effective: July 1, 2007

Child Care Committees. Requires the division of family resources to establish child care advisory committees. Reestablishes the committee on child care with different membership and additional considerations for the committee's program of study. (The introduced version of this bill was prepared by the committee on child care.)

Senate Bill 134 (Public Law 129-2007)
Authors: Miller, Rogers
Sponsor: Tyler
Citations Affected: IC 16-19; 24-4; 34
Effective: July 1, 2007

Automated external defibrillators in health clubs. Requires that before July 1, 2008 the owner or operator of a health club: (1) have a defibrillator available on the health club premises; (2) employ at least one individual who is trained to use the defibrillator and administer cardiopulmonary resuscitation; (3) have a trained employee on the health club premises during business hours when staff is present at the health club; (4) meet certain requirements if staff are not on the premises; (5) post a sign indicating the location of the defibrillator; and (6) comply with other defibrillator requirements. Provides that a person who violates the health club defibrillator requirements commits a Class C infraction. Allows inspection of a health club to determine compliance. Provides certain immunity from liability for acts or omissions involving defibrillators in health clubs.

Senate Bill 150 (Public Law 8-2007)
Authors: C. Lawson, Simpson
Sponsor: C. Brown
Citations Affected: IC 12-15; P.L.101-2005
Effective: Upon Passage (March 30, 2007)
Mental health quality advisory committee. Extends the expiration date for the mental health quality advisory committee from July 1, 2007 to July 1, 2009.

Senate Bill 190 (Public Law 100-2007)
Authors: Drozda, Riegsecker
Sponsor: Welch
Citations Affected: Various Indiana Code citations in Title 16
Effective: July 1, 2007
Food establishment sanitary requirements exception. Provides exceptions to the term "food establishment" for purposes of food establishment sanitary requirements.

Senate Bill 193 (Public Law 158-2007)
Authors: Miller, Rogers
Sponsor: C. Brown
Citations Affected: P.L.96-2006; Noncode
Effective: Upon Passage (May 4, 2007)
Comprehensive care bed moratorium. Extends the moratorium on new comprehensive care beds until March 30, 2008. Adds exemptions from the comprehensive care bed moratorium. States that a licensed health facility may not convert to a continuing care retirement community during the comprehensive care bed moratorium. Requires the health finance commission to study certain issues concerning hospitals.

Senate Bill 207 (Public Law 101-2007)
Authors: Dillon, Hershman
Sponsor: Welch
Citations Affected: Various Indiana Code citations in Titles 16; 34
Effective: July 1, 2007
Medical adverse event reporting. Requires the state department of health, subject to appropriation by the general assembly, to enter into an agreement with an agency to collect, analyze, interpret, and disseminate findings on a statewide basis until June 30, 2010, regarding patient safety. Makes it voluntary for certain persons to submit information to the agency and makes the reports and certain other information confidential and privileged. Requires the state department of health to use standards for infections that have been adopted by a national consensus organization and report to the health finance commission before September 1, 2007, and September 1, 2008, concerning the implementation of the program. Provides that the information remains confidential if the program expires or is repealed.

Senate Bill 208 (Public Law 50-2007)
Author: Dillon
Sponsor: C. Brown
Citations Affected: IC 12-10
Effective: Upon Passage (April 25, 2007)
Prior approval for nursing facility admissions. Allows, beginning July 1, 2008, the office of Medicaid policy and planning to require an individual to receive prior approval from the office before being admitted to a nursing facility.

Senate Bill 316 (Public Law 79-2007)
Authors: Miller, Sipes
Sponsor: C. Brown
Citations Affected: 5-11; 12-7
Effective: Upon Passage (April 26, 2007)
Definition of knowing. Defines various forms of the word "know" for purposes of the false claims act and for statutes regarding improper Medicaid payments.

Senate Bill 450 (Public Law 210-2007)
Authors: Sipes, Miller
Sponsor: Stemler
Citations Affected: IC 12-23; P.L. 25-2006
Effective: July 1, 2007
Opioid treatment program moratorium and report. Places a moratorium on new opioid treatment programs until December 31, 2008. Requires the division of mental health and addiction to: (1) compare other state regulations of methadone clinics with Indiana regulations; (2) address concerns that have been raised concerning Indiana's regulation of methadone clinics; and (3) prepare a report to be submitted to the health finance commission and the general assembly; before July 1, 2007. Requires the director of the division of mental health and addiction to testify before the health finance commission, and requires the health finance commission to study the adequacy of Indiana's methadone clinic regulations during the 2007 interim. Repeals a provision that allows new methadone providers under certain circumstances.

Senate Bill 489 (Public Law 108-2007)
Author: Ford
Sponsor: Welch
Citations Affected: Various Indiana Code citations in Title 16
Effective: July 1, 2007
Funding for rural health care program. Establishes the rural health care pilot program support fund to provide grants to Indiana health care providers who participate in the federal rural health care pilot program.

Senate Bill 503 (Public Law 212-2007)
Authors: Miller, Simpson, Becker
Sponsor: C. Brown
Citations Affected: IC 12; 34-30
Effective: July 1, 2007

Disproportionate share hospitals and health. Makes changes to the disproportionate share program. Requires the department of insurance and the office of the secretary of family and social services to study and make final recommendations to the legislative council not later than November 1, 2008, concerning: (1) a plan to provide health insurance to specified uninsured individuals; and (2) a health insurance program that would require local units of government, school corporations, and other public employees to join together to purchase health insurance. Requires the health finance commission, during the 2007 interim, to study specified issues concerning the Indiana tobacco use prevention and cessation program and certain health coverage reimbursement rates and premium costs. Requires the office of the secretary of family and social services to study and make final recommendations to the legislative council not later than November 1, 2008, concerning the viability of keeping families who are eligible for different state health care assistance plans together under the same health care plan.

Senate Bill 504 (Public Law 161-2007)
Authors: Miller, Sipes
Sponsor: C. Brown
Citations Affected: IC 3-7; 8-23; 11-10; 12; 29-1
Effective: July 1, 2007

TANF. Changes references from "Aid to Families with Dependent Children (AFDC) program" to "Temporary Assistance for Needy Families (TANF) program". Requires TANF applicants to participate in employment and job opportunities and that applicants who refuse to participate may be sanctioned. Removes a provision that makes a person convicted of specified misdemeanors ineligible for TANF. Provides that an individual who has been convicted of a felony involving a controlled substance, that does not include an element of distribution or manufacturing of controlled substances, and has completed or is participating in certain substance abuse treatment programs or mental health programs may receive assistance under TANF for up to 12 months. Requires drug testing not less than once every two months for a individual who has been convicted of a felony involving a controlled substance. Requires the department of correction to assist an offender with applying for TANF. Specifies when a dependent child is eligible for TANF and removes the high school diploma or equivalency certificate requirement. Makes certain TANF records confidential and not subject to disclosure. Repeals: (1) a provision requiring the diversion of a grant to subsidize child care costs; (2) a provision allowing for payment of care to be made directly to the person furnishing the care; (3) language regarding the amount of assistance available to a person who was previously eligible under AFDC; (4) a provision allowing the county office to designate a responsible person to receive assistance for a dependent child if the person essential to the well-being of the child is not providing proper care or not capable of properly spending assistance; (5) a provision allowing a person whose income would otherwise make the person ineligible for TANF to qualify for Medicaid assistance or transitional child care assistance under certain circumstances; (6) a provision allowing for a lawful permanent resident to be eligible for assistance and

transitional benefits for one year; (7) provisions requiring assistance certificates and certificate requirements; (8) a chapter on change of residence for TANF recipients; and (9) a provision requiring that payments must be made monthly to recipients by warrant. Requires the family and social services agency to study tax relief and financial or medical assistance programs available to residents with incomes below the federal poverty income level.

Senate Bill 550 (Public Law 147-2007)

Authors: Becker, Miller

Sponsor: Welch

Citations Affected: IC 9-24; 16; 21-44; 29-2; 34-30; 35-46; 36-2

Effective: July 1, 2007

Anatomical gifts. Provides that the law concerning the anatomical gift promotion fund expires July 1, 2012, instead of July 1, 2007. Adds references to Donate Life Indiana in the anatomical gift promotion fund law. Repeals the Uniform Anatomical Gift Act (current act) and replaces it with the Revised Uniform Anatomical Gift Act. Keeps language from the current act concerning: (1) anatomical gifts to specified donees and the amendment or revocation of these gifts; (2) individuals or entities that may petition a probate court to determine whether an individual has made an anatomical gift or revoked an anatomical gift; (3) hospitals inquiring whether patients are, or would like to be organ donors; and (4) certain immunities regarding anatomical gifts. Provides that if a prospective organ donor has a declaration or an advance health care directive, hospitals must use measures necessary to allow a procurement agency to determine the medical suitability of an organ by insuring that life support is not withdrawn before consultation with the procurement agency. Requires a coroner to cooperate with a procurement organization to maximize the opportunity to recover anatomical gifts. Requires a coroner to document why a postmortem examination occurred outside of a compatible period. Provides that if a coroner or designee of a coroner must be present at certain removal procedures or perform duties at times other than those that are usual and customary for the coroner or designee to maximize tissue or eye recovery, at the request of the coroner or designee, the procurement organization that requested the recovery of a part of a body shall reimburse the coroner or designee for the additional costs incurred by the coroner or designee. Makes it a Class A misdemeanor if an individual, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document that expresses, makes an amendment to, or refuses a gift of organs, tissues, eyes, or body part intended to be used in research or in transplants. Makes conforming amendments.

Senate Bill 551 (Public Law 111-2007)

Authors: Dillon, Ford

Sponsor: Austin

Citations Affected: IC 4-22; 5-31

Effective: Upon Passage (May 2, 2007)

Indiana health informatics corporation. Establishes the Indiana health informatics corporation (IHIC). Provides that the IHIC is a body politic and corporate. Requires the IHIC to encourage and facilitate the development of health informatics functions in Indiana. Provides that the IHIC is governed by a board consisting of the following nine members: (1) The secretary of family

and social services, or the secretary's designee. (2) The state health commissioner, or the state health commissioner's designee. (3) Seven individuals appointed by the governor; one of which must be a physician; and one of which must be a hospital administrator. Authorizes the IHIC board to appoint any advisory panels that the board considers useful in advising the board and the corporation on issues determined by the board. Requires the IHIC to do the following: (1) Encourage and facilitate the development of a statewide health information exchange system. (2) Encourage and facilitate users of the statewide health information exchange system and other interested parties in developing and adopting standards. (3) Develop programs and initiatives to promote and advance the exchange of health information. (4) Recommend policies and legislation that advance the development and efficient operation of the statewide health information exchange system. (5) Report on Indiana's progress toward implementing the statewide health information exchange system. Requires the IHIC's plan to create the statewide health information exchange system to provide for procedures and security policies to ensure compliance with the federal Health Insurance Portability and Accountability Act (HIPAA), protection of information privacy, and the use of information in the system only in accordance with HIPAA and as required by public health agencies. Requires the state board of accounts to examine the IHIC and its funds, accounts, and financial affairs. Specifies that the IHIC is subject to the open door law and the public records law. Provides that the IHIC must comply with current statutory provision when adopting rules. Provides the IHIC board may adopt emergency rules. Provides that the IHIC shall determine qualifications, duties, compensation, and terms of service for persons employed by the IHIC. Prohibits the IHIC from issuing bonds or other debt obligations. Authorizes the IHIC to make grants, loans, and loan guarantees. Authorizes the IHIC to establish a nonprofit subsidiary to solicit and accept nonprofit entity funding. Provides that the IHIC is abolished on June 30, 2015.

Senate Bill 566 (Public Law 187-2007)

Author: Dillon

Sponsor: C. Brown

Citations Affected: Various Indiana Code citations in Title 12

Effective: Upon Passage (May 8, 2007); July 1, 2007

Health care services and Medicaid. Requires an insurer to accept a Medicaid claim for services provided a Medicaid recipient for three years after the date the service was provided. Specifies the circumstances in which a Medicaid claim may not be denied by an insurer. States that notice requirements may be satisfied by electronic or mail submission (current law provides only for certified or registered mail). Requires an insurer to accept the state's right of recovery and assignment of certain rights as required by federal law. Adds certain less restrictive settings to the definition of children's psychiatric residential treatment services. Requires OMPP to conduct a study of Medicaid claims eligible for payment by a third party. Provides that if the study by OMPP reveals a percentage of at least 1%, OMPP shall implement an automated procedure for determining whether a Medicaid claim is eligible for payment by a third party before payment. Allows OMPP to implement a change in the office's maximum allowable cost schedule for prescription drugs 30 days after OMPP posts the changes on OMPP's Internet web site. (Current law requires 45 days before the change may be effective). Allows a pharmacy to determine not to participate in the Medicaid program as a result of a change in the schedule if the pharmacy notifies the office within 30 days of the change in the schedule taking effect. Changes the way

charges are set at state mental health institutions. Repeals provisions concerning the per capita cost of treatment at state mental health institutions and the per capita cost of outpatient services.

House Bill 1220 (Public Law 116-2007)
Author: Hoy
Sponsor: Miller
Citations Affected: IC 12-10
Effective: July 1, 2007
Adult protective services. Requires the division of aging (division) to provide coverage for (instead of contracting for) specified adult protective services. Permits the division to contract with a prosecuting attorney to perform specified adult protective services, and permits a prosecuting attorney under contract with the division to provide specified services in certain other counties.

House Bill 1242 (Public Law 18-2007)
Author: Mays
Sponsor: Miller
Citations Affected: IC 12-15
Effective: July 1, 2007
Medicaid disease management and kidney disease. Requires the Medicaid disease management program for Medicaid recipients with diabetes or hypertension to include education on kidney disease and the benefits of being evaluated for kidney disease.

House Bill 1348 (Public Law 152-2007)
Author: Welch
Sponsors: C. Lawson, Errington
Citations Affected: Noncode
Effective: Upon Passage (May 3, 2007)
Medicaid reimbursement authorization for umbilical cord blood and report. Requires the office of Medicaid policy and planning to apply to the federal government for authorization to reimburse a health care provider under Medicaid for the collection of cord blood from a pregnant Medicaid recipient upon the birth of a newborn. Specifies that the reimbursement must be paid from appropriations made to the office of the secretary of family and social services or private funds. Requires the state department of health and the office of the secretary to orally report to the health finance commission before November 1, 2007, on the progress in developing a program for the statewide collection of cord blood.

House Bill 1406 (Public Law 153-2007)

Author: Dickinson

Sponsors: Lubbers, Sipes

Citations Affected: Various Indiana Code citations in Title 31

Effective: July 1, 2007

Kinship caregivers. Requires the department of child services to: (1) collaborate with nonprofit community based agencies to develop a grant proposal for submission to potential funding sources for the purpose of establishing kinship care navigator pilot projects to assist kinship caregivers with understanding and navigating the system of services for children; and (2) report annually to the legislative council and the governor on the kinship care navigator pilot projects. Establishes requirements for: (1) the pilot projects; and (2) kinship care navigators. Provides that implementation of the kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for the projects.

House Bill 1429

Author: Ulmer

Sponsor: Steele

Citations Affected: IC 12-15

Effective: July 1, 2007

Attorney's fees in Medicaid lien collection cases. Increases the amount of attorney's fees required to be paid by the office of Medicaid policy and planning in Medicaid lien collection cases involving the recovery from an insurer or a person who injured a Medicaid recipient. Specifies that the increased attorney's fee provisions do not apply to certain liens placed on a Medicaid recipient's real property. Authorizes the office of Medicaid policy and planning to contract with an attorney to obtain or enforce certain liens placed on a Medicaid recipient's real property and caps attorney's fees in these cases.

VETOED

House Bill 1457 (Public Law 193-2007)

Author: Klinker

Sponsors: C. Lawson, Rogers

Citations Affected: IC 16; 25-1

Effective: Upon Passage (May 8, 2007); July 1, 2007

Extends the birth problems registry until July 1, 2017. (Under current law the registry expires on July 1, 2007.) Requires the state department of health to issue registrations and maintain a registry for out-of-state mobile health care entities. Requires out-of-state mobile health care entities to register with the state department before doing business in Indiana. Establishes the prenatal substance abuse commission to develop a plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco. (The introduced version of this bill was prepared by the interim study committee on children's issues.)

House Bill 1633 (Public Law 123-2007)
Author: Wolkins
Sponsor: Mishler
Citations Affected: IC 16-37
Effective: July 1, 2007
Information on death certificates. Requires a local health officer to provide certain persons with a certification of death that excludes information on the cause of death if the person requests the information to be excluded from the certification.

House Bill 1663 (Public Law 194-2007)
Author: Buell
Sponsors: Miller, Breaux
Citations Affected: IC 5-10; 12-7; 16-22; 32-21; 36
Effective: July 1, 2007
Health and hospital corporation; real property issues. Adds: (1) municipal corporations as local units for purposes of providing group health insurance for public employees; and (2) hospitals and the health and hospital corporation of Marion County as facilities for purposes of voluntary and involuntary treatment of mentally ill individuals. Provides that the health and hospital corporation of Marion County may file certain civil actions. Specifies actions a court may take when a municipal corporation brings certain civil actions. Authorizes the health and hospital corporation of Marion County to: (1) take certain actions; (2) use levied taxes or other funds to make intergovernmental transfers to the state to fund governmental health care programs; (3) condemn property; and (4) issue bonds to procure funds to pay costs of acquiring property and improving property for use as a hospital, a health care facility, or an administrative facility. Requires: (1) bonds to be issued by a resolution of the board of the health and hospital corporation of Marion County; and (2) bonds to be executed by the executive director in the name of the health and hospital corporation of Marion County. Excludes certain hospitals and the health and hospital corporation of Marion County from leasing and lease purchase laws. Amends notice requirements for unsafe building orders. Increases the maximum amount that constitutes a lien against property when employees or contractors of a municipal corporation enter onto that property and take action to bring the property into compliance with an ordinance. Provides that if the mailing address on a conveyance of real property is not a street address or rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address. Provides that a conveyance may not be recorded after June 30, 2007, unless the conveyance meets this requirement. Provides that if an unsafe building order is issued to a person regarding a premises that is: (1) owned by the person or is being purchased by the person under a contract; and (2) leased to another person; the person must provide to the department administering the unsafe building law the person's name, street address (excluding a post office box address), and phone number. Repeals a provision that requires the board of the health and hospital corporation of Marion County to provide an integrated administrative organization.

House Bill 1678 (Public Law 218-2007)
Author: C. Brown
Sponsors: Miller, Simpson
Citations Affected: IC 4-22; 6; 12; 16; 27
Effective: Retroactive (January 1, 2007); July 1, 2007; August 1, 2007

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

Funding Mechanism: 44-Cent Cigarette Tax Increase

- Increases the state's cigarette tax by 44 cents, bringing the total to 99.5 cents/pack. Of the 44 cents:
  - 33 cents: $11M to fund immunizations for children and remaining funds to go to health insurance plan.
  - 2 cents: Funds to go toward an increase in physician reimbursement.
  - 1 cent: Funds to go toward an increase in dental reimbursement.
  - 5 cents: Funds to go toward other health initiatives (including $1.2M for ITPC).
  - 3 cents: Funds go toward an employer's Section 125 Plan.
- Indiana's current rate of 55.5 cents ranks 37th highest in the nation.
- Cigarette tax rates of Indiana's neighbors:
  - Michigan: $2.00 (4th highest)
  - Ohio: $1.25 (19th highest)
  - Illinois: $0.98 (24th highest)
  - Kentucky: $0.30 (46th highest)
- National average state cigarette tax rate is $1.02 per pack. Indiana's new rate of $0.995 is still below the national average.

The Indiana Check-Up Plan
Target Group: 367,000 Hoosiers

- Uninsured, non-disabled parents of Medicaid/CHIP children from 22%-200% federal poverty level (FPL).
- Pregnant women up to 200% FPL.
- Subject to approval for federal financial participation, the following group will be covered:
  - Childless adults under 200% FPL.
- Participants must be: U.S. citizens, Indiana residents for 18 months, uninsured for 6 months, and not eligible for employer sponsored health insurance.
  - If an individual has access to employer-sponsored health insurance, and would qualify for the health plan based on income, FSSA may develop a premium assistance program.

NOTES: (1) This is not an entitlement program, and the number of individuals who may participate in the plan is dependent upon the funds appropriated for the plan. (2) Money in the fund does not revert to the state general fund at the end of any fiscal year. (3) For a family of 4, 200% FPL equals $40,000. (4) The cost of the program is $4,330 per individual.

Benefits:

- Preventive services of $500 a year that are free to the participant
- A POWER Account (similar to an HSA) valued at $1,100 per adult to pay for initial medical costs. Contributions to the account are made by the State and each participant based on a sliding scale (see below). An employer also may contribute. Coverage starts once the individual makes his/her first premium payment to the POWER Account.
  - The State shall contribute the difference into the individual's account if the individual's required contribution is less than $1,100.
  - An employer may not contribute more than 50% of an individual's required contribution to the POWER Account.
- Sliding scale for individual contributions (based on % of gross family income):
  - 0-100% FPL: 2%
  - 100%-125% FPL: 3%
  - 125%-150% FPL: 4%
  - 150%-200% FPL: 5%
- No copays or coinsurance beyond the requisite individual contribution except for inappropriate use of ER copay (subject to appeal)
- A commercial benefits package after annual medical costs exceed $1,100
- Services include: hospice, preventive services, family planning (not abortion or abortafacient), and case and disease management
- Vision and/or dental coverage can be purchased as a rider. Individuals will pay 50% of the premium for these services, but their contribution to the POWER Account and for these riders will not exceed for 5% of gross family income.
- If all age, sex and pre-existing condition appropriate preventive services are completed, all (State and individual) remaining POWER Account funds will rollover to offset the following year's contribution.
  - If preventive services are not completed, only the individual's prorated contribution (not the State's) to the account rolls over.
- Mental health coverage is similar to coverage for physical health, and includes substance abuse treatment, inpatient, outpatient, and drugs
- Dependents are covered under the health plan up to 24 years of age

Buy-in Options:

- Any individual below 200% FPL that qualifies for the program, but is not eligible because the plan has reached maximum enrollment, can purchase the plan at the Indiana Check-Up Plan rates. The individual will be responsible for the entire cost and the State will offer no subsidy
- If the individual is high-risk, then he/she will be referred to ICHIA and will have to pay the full price of the new Indiana Check-Up Plan-ICHIA program.
- An employee can buy into the health plan at full price if his/her employer has not offered employer-sponsored health insurance in 6 months. The price will be determined by standard underwriting guidelines. The State will offer no subsidy.

Termination and Late Payments:

- If an individual does not make a payment within 60 days, he/she is terminated
- If an individual is terminated, he/she cannot reapply for 12 months
- In an individual is terminated or deemed no longer eligible, he/she gets back his/her prorated contribution

- If an individual chooses not to renew participation in the plan, the individual may not reapply to the plan for at least 12 months.

Administration:

- Medicare rates for hospitals, doctors, and dentists
- 15% cap on administrative expenses (with FSSA discretion)
- Non-entitlement program
- State fully funds its portion of the POWER Account upfront

High Risk Individuals:

- Creates a new category of the Indiana Comprehensive Health Insurance Association (ICHIA) and allows FSSA to provide Hoosiers with significant and costly health care issues with insurance through ICHIA so that disease management services may be obtained

Cultural Competency:

- An insurer or HMO that has contracted with FSSA to provide health insurance under the Indiana Check-Up Plan must incorporate cultural competency standards that include standards for non-English speaking, minority, and disabled populations.

Indiana Check-Up Plan Task Force:

- Establishes a task force to study, monitor, and make recommendations to the state concerning the program.
- 4 members shall be appointed by the Speaker of the House of Representatives; 4 members shall be appointed by the President Pro Tem of the Senate; 4 members shall be appointed by the Governor.
- The task force expires on 11/1/08.

Other items in HEA 1678:

Insurance coverage to children (under the Indiana CHIP program):

- Increases coverage to children to 300% FPL

Presumptive Eligibility:

- Presumptive eligibility for pregnant women.

Rural Areas:

- Establishes that the office shall promote the plan and provide information to potential eligible individuals who live in medically underserved rural areas of the state.

Small Business Qualified Wellness Program Tax Credit:

- Provides an employer wellness tax credit for those employers who offer a wellness program that rewards overweight employees for losing weight or employees for not using tobacco
- This only applies to employers with 100 or less employees
- Taxpayers who want to receive the credit must get a certificate of satisfaction from ISDH that they have a "Qualified Wellness Program"

Employer's Section 125 Plan:

- Provides a credit to employers for the cost of implementing a Section 125 plan of $50 for each employee up to $2,500

Small Employer's Pool:

- The Secretary may develop a program that allows certain small employers to join together to purchase group health insurance

Medicaid Reimbursement Study:

- A charge to the Health Finance Commission to undertake a review of the Medicaid reimbursement from all funding streams and the implications involved.

Smoking Ban Study:

- A charge to the Health Finance Commission to study a state-wide smoking ban

INSURANCE

See also:
SB 503: Disproportionate share hospitals and health.
[Health & Human Services]

Senate Bill 114 (Public Law 74-2007)
Authors: Gard, Errington, Lanane
Sponsor: Van Haaften
Citations Affected: Various Indiana Code citations in Title 27; Noncode
Effective: Upon Passage (April 26, 2007)
Health provider reimbursement agreements. Prohibits certain provisions in health provider reimbursement agreements.

Senate Bill 171 (Public Law 131-2007)
Authors: Delph, Simpson
Sponsor: GiaQuinta
Citations Affected: IC 27-4
Effective: January 1, 2008
Insurance product sales. Provides that engaging in certain dishonest or predatory insurance practices in marketing or sales of insurance to members of the United States armed forces constitutes an unfair and deceptive act and practice in the business of insurance. Allows the insurance commissioner to adopt rules to define and protect members of the United States armed forces from dishonest or predatory insurance practices. Makes the law concerning annuity purchase or exchange recommendations made to senior consumers apply to all consumers and requires the department of insurance to adopt rules to implement the law.

Senate Bill 372 (Public Law 56-2007)
Authors: Simpson, C. Lawson, Miller
Sponsor: C. Brown
Citations Affected: Noncode
Effective: July 1, 2007
Health insurance procedures. Requires the department of insurance to review the current preauthorization practices and procedures and allows the department to review the

standardization of other insurance matters. Requires the department to report to the legislative council before November 1, 2007 concerning the department's findings.

House Bill 1378 (Public Law 98-2007)
Author: Van Haaften
Sponsors: Becker, Deig
Citations Affected: IC 27-8
Effective: January 1, 2008
Insurance coverage exclusion for intoxication. Prohibits certain policies of accident and sickness insurance from excluding or limiting the insurer's liability for losses related to an insured's intoxication or use of a narcotic.

House Bill 1452 (Public Law 173-2007)
Author: Klinker
Sponsors: Miller, Paul
Citations Affected: IC 16; 21-12; 22-3; 27; 36-8
Effective: Upon Passage (May 4, 2007); July 1, 2007
Various insurance matters. Provides that the department of insurance sets the amount charged for copies of medical records. Allows certain state educational institutions to participate in a prescription drug purchasing program. Establishes the insurance education scholarship fund and makes an annual appropriation. Revises language concerning assessments for the second injury fund. Makes changes to insurance filing fees and deposits of certain fees into the department of insurance fund. Specifies requirements for assets in a segregated investment account for a funding agreement. Requires certain notice of coverage changes in residential property policies and prohibits certain provisions in the policies. Authorizes the commissioner to issue insurance producer certificates for framing. Provides for standard personal property and casualty insurance fee. Amends insurance producer license renewal periods and continuing education requirements. Removes the requirement that resident surplus lines producers file a bond with the commissioner. Makes certain changes to filing and notice requirements that apply to commercial property and casualty insurance. Amends the definition of "multiple employer welfare arrangement" (MEWA) applying to the law regulating MEWAs. Provides for the entry of an unauthorized alien insurance company to transact business in the United States through a United States branch. Specifies policy form filing requirements for a policy of accident and sickness insurance. Amends mandated benefit statutes defining an "accident and sickness" policy to standardize the list of the types of policies that are not included in the use of the term. Makes changes to statutes concerning accident and sickness insurance policies, travel accident policies, short term health policies, and long term care insurance producer compensation, including changes to preexisting condition limitation periods, claim payment requirements, policy return periods, and independent review organization determinations. Removes a provision requiring sheriff pension annual report to the department of insurance. Establishes an interim study committee to create a definition of "health insurance" for purposes of the law concerning accident and sickness insurance and health maintenance organization contracts. Allows the office of Medicaid policy and planning to establish a health care management program demonstration project and a pilot project concerning certain small employers. Makes conforming changes.

LABOR & INDUSTRIAL SAFETY

See also:
SB 166: Employment protection for civil air patrol members.
[Military]
SB 181: Factory owned franchise limitation.
[Motor Vehicles]

Senate Bill 185 (Public Law 11-2007)
Authors: Errington, Wyss
Sponsor: Tyler
Citations Affected: IC 22-4.1
Effective: July 1, 2007
Job training priority for National Guard members. Provides that a National Guard member who has served on active duty is entitled to priority for placement in an employment or training program administered by the department of workforce development (DWD) for up to one year after discharge if the member is otherwise eligible for the program. Provides that the spouse of a National Guard member on active duty is entitled to priority for placement in a DWD employment or training program if the spouse is otherwise eligible for the program. (The introduced version of this bill was prepared by the commission on military and veterans affairs.)

Senate Bill 276 (Public Law 51-2007)
Authors: Kruse, Hume, Mishler
Sponsor: Cheney
Citations Affected: IC 22-2
Effective: Upon Passage (April 25, 2007)
Wage payments. Requires an employer to pay all wages earned to a date not more than ten business days before the payment date. (Current law does not state the requirement in terms of business days.) Defines business day for the purpose of wage payments.

Senate Bill 345 (Public Law 140-2007)
Author: Lubbers
Sponsor: Cheney
Citations Affected: IC 20; 21-43; 22-4.1
Effective: July 1, 2007
Vocational technical proficiency panel. Repeals provisions establishing the vocational technical proficiency panel (also called the workforce proficiency panel). Repeals a provision that requires the panel to adopt standards for postsecondary certificates of achievement for technical education programs. Makes conforming amendments.

House Bill 1027 (Public Law 165-2007)
Author: Day
Sponsors: Bray, Becker
Citations Affected: IC 22-2
Effective: July 1, 2007
Minimum wage. Ties the amount of Indiana's minimum hourly wage to the federal minimum wage. Increases from $800 to $6,000 the amount of the maximum wage claim for which the commissioner of the department of labor may take an assignment.

House Bill 1092 (Public Law 151-2007)
Author: Avery
Sponsors: Delph, Simpson
Citations Affected: IC 10; 22
Effective: July 1, 2007
Military service benefits. Establishes an unpaid leave of absence of up to 10 working days for the spouse, parent, grandparent, or sibling of a person ordered to active duty in the United States armed forces or the National Guard. Requires an employee to provide written notice and a copy of the active duty orders, if available, before taking the leave. Provides that an employee taking leave is permitted, or may be required, to use certain paid leave to which the employee is entitled. Requires an employee to be restored to the position that the employee held before the leave or to an equivalent position. Requires an employer to permit an employee who is taking a leave to continue the employee's health care benefits at the employee's expense. Provides equitable remedies for violations. Provides for grants from the military family relief fund for child care assistance. Provides that a person who furnishes lodging for compensation commits a class C infraction if the person refuses to rent a room to an individual who is (1) under 21 years of age; and (2) on active military duty. Exempts an individual on active military duty from serving on a jury.

House Bill 1335 (Public Law 35-2007)
Author: Stilwell
Sponsors: Landske, R. Young
Citations Affected: IC 22; 34-30
Effective: Upon Passage (April 23, 2007)
Coal mining. Revises provisions concerning the mining board (board) and the director of the bureau of mines and mine safety (bureau). Limits the availability of coal mine maps to certain persons. Repeals various provisions of state underground mining law that are preempted by federal law. Replaces the mining employee board certification category of fire boss with mining examiner, and eliminates the board certification categories of assistant mine foreman and mine electrician. Transfers certain duties from the state mine inspectors to the director of the bureau. Eliminates the requirement that quarterly meetings of the board be held on the second Saturday of the month. Requires the bureau to maintain one or two mine rescue teams, and authorizes the commissioner of labor to contract with a mine operator to supply one of the teams. Requires that fees paid to the board be deposited in the mine safety fund. Authorizes certain individuals to test coal mine employees for illegal use of drugs or alcohol. Makes conforming amendments.

LOCAL GOVERNMENT

See also:
SB 9: Consumer fireworks regulations.
[Public Safety]
SB 125: Court costs, fines, and fees.
[Courts & Court Officers]
SB 254: Airport authorities.
[Transportation]
SB 287: Various property tax matters.
[Taxation]
SB 331: Funding for emergency dispatch centers.
[Public Safety]
SB 500: Various economic matters.
[Economic Matters]
SB 550: Anatomical gifts.
[Health & Human Services]
HB 1278: Local government investment pool.
[State Offices & Administration]
HB 1306: Missing Persons.
[Public Safety]
HB 1546: Access to military discharge records.
[Military]

Senate Bill 113 (Public Law 128-2007)
Author: Gard
Sponsor: Reske
Citations Affected: IC 36-10
Effective: July 1, 2007

Town park board membership. Provides that the town legislative body (and not the town executive) appoints members of the town park and recreation board. Allows a town legislative body to waive the requirement that: (1) a town park and recreation board member be affiliated with a political party; and (2) not more than two of the four park and recreation board members be of the same political party. Provides that a town legislative body may waive the requirements by majority vote if there is an absence of persons who are willing to serve on the town park and recreation board and who would satisfy the requirements.

Senate Bill 123 (Public Law 47-2007)

Author: Drozda

Sponsor: Stevenson

Citations Affected: 36-8; Noncode

Effective: July 1, 2007

Fire protection territories. Specifies that a township must adopt a resolution (instead of an ordinance) to participate in or withdraw from a fire protection territory. Specifies that a township must adopt a resolution (instead of an ordinance) to establish an equipment replacement fund for the territory. Legalizes and validates a resolution adopted by a township before July 1, 2007.

Senate Bill 129 (Public Law 48-2007)

Authors: M. Young, Waltz, Tallian

Sponsor: Tyler

Citations Affected: IC 36-8

Effective: July 1, 2007

Public safety employees. Requires a unit with a population of 7,000 or more to meet and confer with the representative of the unit's full-time police or fire department employees concerning pay issues and conditions of employment. Specifies that an employee may not be required to become a member of or pay dues to an employee organization. Specifies the procedure for an employer to terminate its duty to meet and confer. Provides that: (1) employees may not engage in a strike; and (2) a recognized representative that engages in or sanctions a strike loses the right to represent employees for at least ten years from the date of the action. Provides that an agreement between an employer and an employee organization may not require a unit to engage in deficit financing.

Senate Bill 157 (Public Law 130-2007)

Author: Gard

Sponsor: Austin

Citations Affected: IC 4-23; 36-12

Effective: July 1, 2007

Library boards. Authorizes a library board to adopt a resolution allowing money to be disbursed to advertise and promote the programs and services of the library. Provides that with the prior written approval of the library board, claim payments for these expenses may be made in advance of the library board's allowance. Provides that the board of a county contractual library has all the powers and duties of a Class 1 public library board. Eliminates oversight responsibilities over the Indiana cooperative library services authority by the state library and the Indiana library and historical board.

Senate Bill 191 (Public Law 157-2007)
Authors: Miller, Sipes
Sponsor: Tincher
Citations Affected: IC 4-23; 36-2
Effective: July 1, 2007

Coroner issues. Prohibits disturbing a body, any evidence, and the scene of death until the coroner has photographed the body and law enforcement and the coroner have finished their investigation. Requires the coroner to positively identify a dead person by one of four specified methods. Requires the coroners training board (board), in consultation with the Indiana law enforcement academy, to create and offer an introductory training course and an annual training course for coroners and deputy coroners. Provides that the courses must include instruction regarding death investigation, crime scenes, and preservation of evidence at a crime scene for police and crime lab technicians. Requires the board to consult with a pathologist in creating the training courses. Requires each coroner and each deputy coroner to successfully complete: (1) the introductory training course; and (2) the annual training course. Provides that a coroner's or deputy coroner's paycheck shall be withheld for failing to successfully complete the training course or for failing to release specified reports unless certain conditions are met. Requires certain autopsy reports to be released to certain entities. Requires specified information concerning autopsy reports to be completed and available within a specified time frame. Allows a prosecuting attorney to petition a court to prohibit a coroner from releasing specified information if the release of the information would create a significant risk of harm to the criminal investigation of the death. (The introduced version of this bill was prepared by the interim committee on criminal justice matters.)

Senate Bill 271 (Public Law 102-2007)
Authors: Sipes, Miller, Lanane
Sponsor: L. Lawson
Citations Affected: Various Indiana Code citations in Titles 23; 25; 30; 36
Effective: July 1, 2007

Next of kin control of bodies in murder cases. Provides that if a coroner, after consultation with law enforcement, determines that there is a reasonable suspicion that a person committed murder, voluntary manslaughter, or another criminal act resulting in the death of the decedent, the person is prohibited from making certain determinations concerning the remains of the decedent. Excludes certain criminal acts involving the operation of a motor vehicle. Requires the coroner, in consultation with law enforcement, to notify a cemetery owner, a crematory authority, or a seller of prepaid funeral and burial services that the person is barred from making the determinations concerning the remains of the decedent. Specifies the order of priority among individuals, including an individual who possesses a health care power of attorney, who are permitted to authorize the interment, entombment, or inurnment of the body or cremated remains of a deceased human. Provides that, when a coroner investigates a death, the coroner may hold the remains of the decedent until the investigation is concluded. Permits the parent or adult child of a decedent to receive a full autopsy report and, with certain exceptions, prohibits the parent or adult child from publicly disclosing the contents of the full autopsy report. (The introduced version of this bill was prepared by the interim study committee on criminal justice matters.)

Senate Bill 448 (Public Law 58-2007)
Author: Paul
Sponsor: Pflum
Citations Affected: IC 36-2
Effective: July 1, 2007
Coroner reasonable care. Requires a coroner to exercise reasonable care in providing a climate controlled environment to retard decomposition of a human body in the coroner's custody.

House Bill 1058 (Public Law 188-2007)
Author: Bischoff
Sponsors: Steele, Lewis
Citations Affected: IC 5-22; 36-1
Effective: July 1, 2007
Transfer of property to volunteer fire department. Authorizes a political subdivision to transfer property to a volunteer fire department without consideration or for nominal consideration for the construction of a fire station or other purposes related to firefighting. Provides that this authority does not apply to a township in a county having a consolidated city before July 1, 2008. Provides that this authority applies to all political subdivisions after June 30, 2008.

House Bill 1145 (Public Law 17-2007)
Author: Kersey
Sponsors: Bray, Skinner
Citations Affected: IC 36-9
Effective: July 1, 2007
Board of sanitary commissioners. Provides that the board of sanitary commissioners in a second class city (other than a city in Lake County or LaPorte County) that establishes a department of sanitation may consist of not less than three or more than five members.

House Bill 1379 (Public Law 215-2007)
Author: Hoy
Sponsor: C. Lawson
Citations Affected: IC 5-14; 16-22; 16-37; 36-2
Effective: July 1, 2007
Copying and certification of documents. Increases the fee (from five to seven cents) that the county recorder can charge a bulk user for bulk form copies. Specifies that money in the records perpetuation fund may not be deposited in the county general fund and does not revert to the county general fund at the end of a fiscal year. Provides that a local government agency may charge a fee of not more than $5 for certifying a document instead of the actual cost to the agency (specifically excludes the copying and certification charges of a health and hospital corporation and a local department of health's charges for certificates of birth, death, or stillbirth registration. Provides that a local government agency may charge a fee for copying a document

that does not exceed the greater of: (1)10 cents per page (for noncolor copies) or 25 cents per page (for color copies); or (2) the actual cost to the agency (specifically excludes the charges of a health and hospital corporation and a local department of health's charges for certificates of birth, death, and stillbirth registration. Removes the definition of "actual cost" in the current law allowing local agencies to charge the "actual cost" of copying, certifying, or facsimile transmission of a document. Removes a provision in the current law that allows a local agency to charge the actual cost of facsimile transmission of a document. Makes a technical change to resolve a conflict with SEA 526-2007.

House Bill 1503 (Public Law 225-2007)

Author: Orentlicher

Sponsors: C. Lawson, Simpson

Citations Affected: IC 16; 25-22.5; 31-33; 36-2

Effective: July 1, 2007

Coroners and child deaths. Requires the state department of health to adopt rules for hospitals and physicians to identify suspicious deaths of children. Provides that the medical licensing board may certify certain physicians as a child death pathologist. Provides that the medical licensing board may approve an annual training program for pathologists concerning procedures for child death investigations. Requires a hospital, physician, coroner, or mental health professional to provide certain records requested by a local child fatality review team or the statewide child fatality review committee. Provides that a pathologist appointed to a local child fatality review team or the statewide child fatality review committee shall be certified in forensic pathology. Provides that data collected regarding an investigation by a local child fatality review team or the statewide child fatality review committee shall be provided to the appropriate coroner or pathologist who performed an autopsy. Requires a child death pathologist (CCDP) to: (1) consult with the coroner; (2) conduct certain autopsies; and (3) perform certain duties. Requires a coroner to notify a local child fatality review team or the statewide child fatality review committee of: (1) certain deaths of children; and (2) a possible SIDS death. Provides procedures to be followed if a coroner and a CCDP do not agree on whether an autopsy of a person less than 18 years of age is necessary. Increases the coroners continuing education fee to $1.75 and raises the fee by $0.25 in 2013 and every five years thereafter. Provides that a coroner shall file a certificate of death with a county health department within a specified time frame. Removes a provision allowing a coroner to employ the services of the medical examiner system. Provides that a parent or guardian of a child who died shall receive a copy of the autopsy report upon request. Provides that an autopsy report provided to the department of child services, a local child fatality review team, or the statewide child fatality review team is confidential. Provides that if a local child fatality review team or the statewide child fatality review committee requests certain records from a hospital, physician, coroner, or mental health professional, the requested records are subject to laws concerning privileged communications of health care provider peer review committees. Provides that, upon request, a hospital shall provide to a coroner a blood or tissue sample of an individual who is admitted or was admitted to the hospital and on whom the coroner performs a death investigation. Removes requirement that a coroner shall request the state police to ensure that persons entering certain data into certain databases have appropriate training to understand the information being entered. Requires a coroner to follow the Uniform Anatomical Gift Act concerning organ and tissue procurement. Changes

knowingly or intentionally failing to notify a coroner or law enforcement agency of the discovery of the body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner from a Class B infraction to a Class A misdemeanor if it is done with intent to hinder a criminal investigation. Makes it a Class D felony for a person, with intent to hinder a criminal investigation and without the permission of a coroner or a law enforcement officer, to knowingly or intentionally alter the scene of death of a person who has died from violence or in an apparently suspicious, unusual, or unnatural manner. (Current law provides that it is a Class D felony if a person moves or transports the body.) Makes it a Class B infraction for a person to knowingly or intentionally fail to notify a coroner or law enforcement agency of the discovery of the body of a child less than 3 years old who has died. Makes conforming amendments. Repeals provisions: (1) allowing a coroner to issue a warrant for the arrest of an individual whom the coroner is charging with a felony; and (2) requiring a coroner or a coroner's representative to attend meetings of the commission on forensic sciences when invited.

House Bill 1595 (Public Law 39-2007)
Author: Dobis
Sponsors: Heinold, Rogers, Mrvan
Citations Affected: IC 36-7
Effective: July 1, 2007; January 1, 2008

Northwestern Indiana regional planning commission. Allows weighted voting to continue to be used by the northwestern Indiana regional planning commission (NIRPC) after June 30, 2007. Expands the NIRPC executive board from eight members to 11 members. Provides that the immediate past chairperson of NIRPC shall serve as a nonvoting member of the executive board, if that individual is not otherwise a member of the executive board. Provides that a participating county's share of NIRPC's budget may also be paid from any local revenue other than property taxes. (Current law allows the participating counties' shares to be paid from property taxes.) Authorizes NIRPC to make loans or issue notes. Requires a loan or notes to mature in the calendar year in which the loan is made or the notes are issued. Provides that the total amount of all outstanding loans and notes in a particular year may not exceed the total amount of the NIRPC budget apportioned to participating counties for that year. Changes the membership of a plan commission operating under a joinder agreement in a certain county. Provides that the joinder agreement expires if a township that is a part of the joinder agreement is completely annexed by the municipality subject to the joinder agreement. Allows the municipality to terminate the joinder agreement if: (1) the municipality adopts an ordinance terminating the agreement; (2) the municipality conducts a public hearing; and (3) the municipal executive provides written notice to the township executive of the township subject to the joinder agreement that states the reason for terminating the joinder agreement.

House Bill 1742 (Public Law 70-2007)
Author: Pelath
Sponsors: Heinold, Arnold
Citations Affected: IC 36-9
Effective: July 1, 2007

Northwest Indiana regional bus authority. Provides that LaPorte County or a second class city

in LaPorte County shall become a member of the northwest Indiana regional bus authority if the fiscal body of the county or city adopts a resolution authorizing the county or city to become a member of the authority and the board of the bus authority approves the membership of the county or city. Provides that if the county or a city becomes a member of the bus authority, the executive of the county or city shall appoint a member to the bus authority's board and a member to the citizens advisory council.

House Bill 1774 (Public Law 232-2007)
Author: Van Haaften
Sponsors: Riegsecker, Becker
Citations Affected: IC 5-1.5; 6-3.5; 8-14; 36-7.6
Effective: Upon Passage (May 11, 2007); July 1, 2007

Regional development authorities. Authorizes the establishment of not more than two regional development authorities (development authorities) in each economic growth region designated by the department of workforce development. Authorizes counties and second class cities to establish the development authorities. Specifies that if a county becomes a member of a development authority, each municipality in the county is also a member of the development authority. Provides that a county may be a member of a development authority only if the county is contiguous to at least one other county that is a member of the development authority. Provides that a second class city may be a member of a development authority only if the county in which the second class city is located is contiguous to at least one other county that is a member of the development authority. Specifies that a development authority is a separate body corporate and politic. Provides that a development authority is governed by a board consisting of one individual appointed by the executive of each county and each second class city that is a member of the development authority. Provides that if a development authority receives or will receive an appropriation, grant, or distribution of money from the state, the development board may adopt a resolution to add one or more members appointed by the governor to the development board. Requires each county and each municipality that is a member of a development authority to pay annually to the development authority the amount that would be distributed to the county and the municipality as certified distributions of county economic development income tax revenue raised from a tax rate of 0.05% in the county. Provides that if a county is a member of a development authority, the county may impose an additional county economic development income tax at a rate of 0.05%. Requires revenue from the additional tax to be used to satisfy the obligations of the county and municipalities to make payments to the development authority. Provides that, except in a county in which the additional county economic development income tax has been imposed, a county's or municipality's required payments to the development authority may be made from any local revenue (other than property tax revenue) of the county or municipality, including excise tax revenue, income tax revenue, local option tax revenue, riverboat tax revenue, distributions, or incentive payments, or money deposited in the county's or municipality's local major moves construction fund. Authorizes the Indiana bond bank to provide bond and loan financing to a development authority. Provides that a county or second class city shall be a member of the development authority for five years after the date the county or second class city becomes a member of the development authority. Specifies that at least 12 months and not more than 18 months before the end of a five year period, the fiscal body of a county or second class city that is a member of a development

authority must adopt a resolution that either commits the county or second class city to an additional five years as a member of the development authority or withdraws the county or second class city from membership in the development authority. Authorizes a development authority to: (1) make loans, loan guarantees, and grants to or on behalf of a county, a municipality, a commuter transportation district, an airport authority, an airport development authority, and a regional transportation authority; (2) issued bond; (3) lease land or projects to a commuter transportation district, an airport authority, an airport development authority, or a regional transportation authority; (4) use the development authority's funds to match federal grants; and (5) take other actions to carry out its purposes. Requires projects funded by a development authority to be of regional importance. Requires a development authority to comply with the common construction wage law, the public purchasing laws, the public works laws, and any applicable federal bidding statutes and regulations. Requires a political subdivision that receives a loan, grant, or other financial assistance from the development authority to comply with applicable federal, state, and local public purchasing and bidding laws and regulations. Requires a development authority to submit to the budget committee and to the director of the office of management and budget for approval a comprehensive strategic development plan that includes detailed information concerning: (1) the proposed air, rail, transportation, and other economic development projects to be undertaken or financed by the development authority; and (2) the timelines, budgets, returns on investment, projected need for ongoing subsidies, and projected federal matching funds for each project. Requires a development authority to sell bonds issued by the development authority only to the Indiana bond bank. Requires a development authority to issue an annual report to the legislative council, the budget committee, and the governor concerning the operations and activities of the development authority during the preceding state fiscal year. Authorizes a development authority to enter into an agreement to jointly equip, own, lease, and finance projects and facilities or otherwise carry out the purposes of the development authority. Requires a development authority to: (1) assist in the coordination of local efforts concerning airport development projects and transportation projects; (2) assist a commuter transportation district and an airport authority in coordinating regional transportation and economic development efforts; and (3) fund various projects and facilities, including intermodal transportation projects and facilities and regional trails and greenways.

MILITARY

See also:
SB 29: TRF service credit for military service.
[Pensions]
SB 171: Insurance product sales.
[Insurance]
SB 185: Job training priority for National Guard members.
[Labor & Industrial Safety]
HB 1042: Registering with the Selective Service System.
[Motor Vehicles]
HB 1092: Military service benefits.
[Labor & Industrial Safety]

Senate Bill 68 (Public Law 71-2007)
Authors: Wyss, Paul
Sponsor: Dodge
Citations Affected: IC 10-16
Effective: July 1, 2007
Assistant adjutant general. Creates a third assistant adjutant general position. (Current law provides for two assistant adjutant generals.) Assigns the third assistant adjutant general to the Camp Atterbury Muscatatuck Training Center.

Senate Bill 166 (Public Law 10-2007)
Authors: Ford, Heinold
Sponsor: Reske
Citations Affected: IC 10-16
Effective: July 1, 2007
Employment protection for civil air patrol members. Provides that a member of the Indiana wing of the civil air patrol (CAP) may not be disciplined by an employer for leaving or being absent from work for certain emergency service operations if the member: (1) has notified the employer that the employee is a CAP member; and (2) in the case of a nongovernmental employee, is not designated by the employer as an essential employee.

Senate Bill 342 (Public Law 55-2007)
Author: Ford
Sponsor: Reske
Citations Affected: IC 20-33
Effective: July 1, 2007
School absence for civil air patrol activities. Requires a school governing body or administrative officer to excuse a secondary school student who is a member of the Indiana wing of the civil air patrol for not more than five absences per school year for certain emergency service operations, or for the duration of an international air cadet exchange program.

Senate Bill 480 (Public Law 144-2007)
Authors: Wyss, Rogers, Delph
Sponsor: Reske
Citations Affected: IC 6-3; 10-17; 20; 21; 25-1
Effective: Retroactive (January 1, 2007); Upon Passage (May 3, 2007); July 1, 2007
Military and veterans' benefits. Exempts active duty military pay earned by members of the national guard and reserve components of the United States armed forces from the individual income tax. Increases the military pay income tax deduction from $2,000 to $5,000. Provides that a taxpayer may not claim both the new exemption and the existing deduction for military income. Establishes employment criteria for employees of the Indiana department of veterans' affairs (department) and local service officers. Provides for reimbursement of certain expenses of medal of honor recipients. Provides that a power of attorney for prosecution of veterans' benefits

runs to an agency or individual authorized by the department. Establishes the veterans' affairs trust fund and the military and veterans' benefits board (board). Provides that the board (rather than the veterans' affairs commission) administers the veterans' affairs trust fund and the military family relief fund. Expands the high school diploma program for eligible veterans to include veterans of the Korean and Vietnam conflicts. Establishes the National Guard scholarship extension fund to provide scholarships to certain former National Guard members. Requires the state student assistance commission to transfer on June 30, 2007, the National Guard scholarship program reserves to the National Guard scholarship extension fund. Specifies that active duty military personnel stationed in Indiana and their dependents are eligible for resident tuition rates at state educational institutions. Authorizes the: (1) advisory board of the division of professional standards of the department of education; and (2) various professional licensing boards; to adopt rules to expedite the licensure of individuals whose spouses are stationed on active duty in Indiana.

House Bill 1546 (Public Law 174-2007)
Author: GiaQuinta
Sponsor: Wyss
Citations Affected: IC 10-17
Effective: Upon Passage (May 4, 2007)

Access to military discharge records. Provides that a military discharge record is not available for public inspection and copying. Allows the veteran who is the subject of the record, a veterans' service officer, an employee of the Indiana department of veterans' affairs, a funeral director, the spouse or next of kin of a deceased veteran, and other persons under a court order to have access to the record. Provides that: (1) for military discharge records filed before May 15, 2007, a county recorder must, to the extent technologically feasible, take precautions to prevent the disclosure of a military discharge record; and (2) after May 14, 2007, a county recorder must maintain military discharge records in a separate, confidential, and secure file from other records.

MOTOR VEHICLES

See also:
SB 220: Various transportation matters.
[Transportation]
SB 550: Anatomical gifts.
[Health & Human Services]
HB 1051: Motor fuel tax exemption.
[Taxation]

Senate Bill 163 (Public Law 9-2007)
Author: Boots
Sponsor: Niezgodski
Citations Affected: IC 9-13
Effective: July 1, 2007
Low speed vehicles. Removes the maximum: (1) weight restriction; and (2) seating capacity; for low speed vehicles.

Senate Bill 180 (Public Law 76-2007)
Authors: Weatherwax, Alting
Sponsor: Austin
Citations Affected: IC 9-23
Effective: July 1, 2007
Warranty repair and sales audit limitation. Provides that a vehicle manufacturer or distributor may audit or charge back certain claims made by a dealer: (1) for up to two years after the claim is paid; or (2) at any time in cases of fraud. Provides that a manufacturer or distributor may not discriminate among dealers when auditing or charging back claims.

Senate Bill 181 (Public Law 49-2007)
Authors: Weatherwax, Alting, Howard
Sponsor: Austin
Citations Affected: IC 9-23
Effective: July 1, 2007
Factory owned franchise limitation. Specifies that it is not an unfair labor practice for a manufacturer or distributor to establish or acquire for less than two years a franchisor owned outlet within the exclusive territory or market area of a franchisee.

Senate Bill 247 (Public Law 206-2007)
Author: Mrvan
Sponsor: L. Lawson
Citations Affected: Various Indiana Code citations in Title 9
Effective: July 1, 2007; January 1, 2008
Various motor vehicle matters. Provides that a public passenger chauffeur's license (license) is valid for four years and that the fee for the license is $8. (Current law provides that the license is valid for two years and that the fee for the license is $4.) Authorizes the division of court administration to prescribe a: (1) traffic information and summons; or (2) complaint and summons; in an electronic format, to be known as an electronic traffic ticket. Authorizes a law enforcement officer to issue an electronic traffic ticket in lieu of a paper ticket, and authorizes the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Makes conforming amendments.

Senate Bill 270 (Public Law 182-2007)

Authors: Heinold, Weatherwax, Hershman

Sponsor: Grubb

Citations Affected: Various Indiana Code citations in Titles 6; 8; 15

Effective: July 1, 2007; January 1, 2008

Flexible fuel vehicle incentives. Increases the amount of the additional sales tax allowance for sales tax collected on the sale of E85 from $0.10 per gallon to $0.18 per gallon. Reduces the maximum amount of increased allowances that may be allowed from $2,000,000 to $1,000,000. Extends the period of time in which the additional E85 allowance may be claimed. Provides a monthly incentive payment to a political subdivision if 75% of the fuel used in the political subdivision's E85 compatible motor vehicles is E85. Establishes an E85 fueling station grant program. Appropriates $1,000,000 to the department of agriculture for the grant program.

Senate Bill 434 (Public Law 106-2007)

Author: Weatherwax

Sponsor: Moses

Citations Affected: IC 9-17; 36-2

Effective: July 1, 2007

Retirement of manufactured home titles. Requires a person who owns a manufactured home that is personal property not held for resale or not attached to real estate by a permanent foundation to obtain a certificate of title for the manufactured home. (Current law requires a certificate of title for manufactured homes whether owned as personal property or real property.) Requires an application for: (1) a certificate of title; or (2) an affidavit of transfer to real estate; to include certain identification numbers, if available. Provides that the bureau of motor vehicles (bureau) may issue a certificate of title or an affidavit of transfer to real estate even if the numbers are not available. Specifies that certain persons are not required to apply for an affidavit of transfer to real estate to convert a manufactured home to real property. Provides that a certificate of title or certificate of origin is not required to apply for an affidavit of transfer to real estate. Provides that the bureau may adopt rules to require additional information in an application for a certificate of title. Repeals and relocates a provision requiring an affirmation of correctness by an applicant for a certificate of title. Requires the bureau to adopt rules concerning the issuance of an affidavit to transfer a manufactured home to real estate. Provides that the filing of an affidavit of transfer of real estate is not required to convert a manufactured home to real estate.

Senate Bill 463 (Public Law 184-2007)

Authors: Heinold, Wyss, Paul

Sponsor: Tincher

Citations Affected: IC 4-5; 6-6; 9; 23-2

Effective: July 1, 2007

Bureau of motor vehicles matters. Provides that the bureau of motor vehicles (bureau) may no longer collect a transaction fee on credit card transactions. Changes the pro rata reductions in registration fees and excise taxes for automobiles registered after the owners' regular registration dates from a 10 month schedule to a 12 month schedule. Makes certain changes concerning the

contents of and application procedure for a driver's license, learner's permit, or identification card (card) to comply with federal law. Provides for varying expiration dates for a driver's license, learner's permit, and card based on the holder's lawful status in the United States. Requires that an application for a driver's license, permit, or card by a person who does not have a Social Security number must include a verification of the applicant's: (1) ineligibility for a Social Security number; and (2) identity and lawful status in the United States. Authorizes the bureau to adopt rules regarding temporary invalidation of a card if the bureau believes that the card was issued based on fraudulent documentation. Authorizes: (1) a law enforcement officer to issue an electronic traffic ticket in lieu of a paper ticket; and (2) the transmission of an electronic traffic ticket to a court under certain conditions. Allows an electronic traffic ticket to be admissible in a court proceeding under certain circumstances. Adds advance practice nurses to the list of professionals who may certify an individual as being severely restricted in mobility for purposes of issuance of a parking placard for a person with physical disabilities. Provides that an individual participating in the address confidentiality program may provide to the bureau an address designated by the attorney general as the principal residence address. Authorizes the bureau to adopt a written exceptions process to create exceptions for the issuance of driver's licenses, permits, and cards when certain documentary evidence is lacking. Provides that an individual may not hold a driver's license and a card at the same time. Replaces the commissioner of the bureau as the chairman of the motor vehicle sales advisory board (board) and transfers administrative control of the board to the secretary of state. Requires certain civil penalties collected for violations related to the board to be deposited into the securities division enforcement account. Makes other changes and conforming amendments. Makes technical corrections.

House Bill 1018 (Public Law 114-2007)

Author: Duncan

Sponsors: Jackman, Lewis

Citations Affected: Various Indiana Code citations in Title 9

Effective: July 1, 2007

School buses. Increases the maximum length for a conventional school bus from thirty-eight feet to forty-two feet. Increases the maximum speed limit for the operation of a school bus from 55 miles per hour to 60 miles per hour.

House Bill 1042 (Public Law 62-2007)

Author: Orentlicher

Sponsor: Delph

Citations Affected: IC 9-24

Effective: July 1, 2007

Registering with the Selective Service System. Provides that a male who is or will be required to register with the Selective Service System may do so when he applies for issuance or renewal of certain licenses at the BMV.

House Bill 1085 (Public Law 63-2007)
Author: Kuzman
Sponsors: Nugent, Skinner
Citations Affected: IC 9
Effective: July 1, 2007
Semitrailer registration. Specifies that the registration of a permanently registered semitrailer must be renewed on an annual basis. Requires the bureau of motor vehicles to adopt rules to prescribe the manner and form in which a person must annually renew the registration of a permanently registered semitrailer. Specifies that the amount of a fee increase imposed by rule for the crossroads 2000 fund must be collected after the elimination of the underlying fee. Eliminates the $2 annual fee to renew the permanent registration of a semitrailer.

House Bill 1237 (Public Law 214-2007)
Author: Welch
Sponsors: Wyss, Rogers
Citations Affected: Various Indiana Code citations in Titles 6; 9
Effective: July 1, 2007
Motor vehicle restraint systems. Requires occupants of motor vehicles to wear safety belts, with certain exceptions. Repeals conflicting laws concerning stopping, inspecting, or detaining vehicles to determine compliance with safety belt laws. Reinserts at a different location the statute concerning primary enforcement of safety belt laws. Provides that a law enforcement agency may not use a safety belt checkpoint to detect and issue a citation for failure to wear a safety belt. Makes conforming changes.

House Bill 1274
Author: Herrell
Sponsors: Bray, Lewis
Citations Affected: IC 9-29
Effective: July 1, 2007
Accident report fees. Provides that the fee charged for an accident report must be not less than five dollars and not more than eight dollars. Provides that certain entities may not charge an accident report fee of more than five dollars unless the state police department has certified that the entity has submitted accident reports to the central repository within 20 days of completion. Requires the superintendent of the state police department to biennially produce a report analyzing the costs associated with operation of a vehicle crash records system as compared to the costs of having a private vendor operate a vehicle crash records system, and authorizes the superintendent to use the rulemaking process to increase the fee if the report analyzing the costs associated with the vehicle crash records system demonstrates the need for a higher fee. Prohibits political subdivisions or local law enforcement agencies of political subdivisions from imposing or collecting an accident response service fee on or from the driver of a motor vehicle or any other person involved in a motor vehicle accident. Exempts certain preexisting contracts from the eight dollar fee cap for a copy of an accident report. Requires the regulatory flexibility committee to study the revision of the Indiana statute governing enhanced wireless 911 systems

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to include Internet Protocol enabled services and other emerging technologies. Requires the committee to report any recommendations resulting from its study to the legislative council not later than December 1, 2007.

House Bill 1357 (Public Law 21-2007)
Author: Tincher
Sponsors: Wyss, Simpson
Citations Affected: IC 8-2.1; 9; 10-11
Effective: Upon Passage (April 4, 2007)
Commercial motor vehicles. Incorporates certain federal regulations pertaining to commercial motor vehicles into Indiana law. Corrects a reference to a federal agency concerning commercial motor vehicles. Amends an exemption from federal regulations to intrastate operators of construction vehicles. Repeals language concerning the use of a farm truck, farm trailer, or farm semitrailer and tractor for the transportation of seasonal fruit or vegetables. Authorizes certain persons who are not state police officers to enforce violations of certain laws pertaining to trucks and trailers having a declared gross weight of at least 10,001 pounds. (Current law sets the declared gross weight threshold at 11,000 pounds.) Makes a conforming amendment.

House Bill 1358 (Public Law 25-2007)
Author: Tincher
Sponsors: Nugent, R. Young
Citations Affected: IC 9-20
Effective: Upon Passage (April 9, 2007)
Farm drainage machinery. Exempts farm drainage machinery from vehicle size and weight regulations.

House Bill 1425 (Public Law 191-2007)
Author: Austin
Sponsors: Heinold, Simpson
Citations Affected: Various Indiana Code citations in Title 9
Effective: Upon Passage (May 8, 2007); July 1, 2007
Various vehicle matters. Provides that a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of certain seasonal crops to the first point of processing for certain periods in a registration year. Revises the definition of "motor vehicle" for purposes of persons required to be licensed to engage in the business of buying or selling motor vehicles and their unfair practices to include semitrailers. Returns proceeds from the sale of an abandoned vehicle by the person who removed, towed, or stored the vehicle to the previous owner of the vehicle if the proceeds exceed all removal, towing, and storage expenses. (Current law returns proceeds in excess of storage expenses to previous owner.) Provides that a municipal corporation that operates a storage yard may dispose of an abandoned vehicle to an automobile scrapyard or salvage recycler. Revises language concerning certain procedures to be used by a public agency or towing service concerning notice of an abandoned vehicle. Removes the bureau of motor vehicles from the process of disposing of abandoned vehicles. Repeals the bureau's

abandoned motor vehicle fund and transfers the balance to the motor vehicle highway account. Retains certain reporting requirements. Permits third class cities and towns to dispose of abandoned vehicles. (Current law permits only a consolidated city, a second class city, or a county to dispose of abandoned vehicles.) Makes a conforming amendment. Corrects an internal cross-reference.

House Bill 1623 (Public Law 40-2007)
Author: Oxley
Sponsors: Delph, Simpson
Citations Affected: IC 9-21; 34-28
Effective: July 1, 2007

Highway work zone safety. Requires the department of transportation (department) to design and manufacture signs to inform drivers of offenses and penalties related to operating a vehicle in or near highway work zones. Establishes higher minimum penalties for exceeding posted highway work zone speed limits. Establishes various offenses related to operating a vehicle in or near highway work zones. Requires that funds collected as judgments for violating the speed limit in a highway work zone be transferred to the department to pay the costs of hiring off duty police officers to perform certain duties.

House Bill 1693 (Public Law 42-2007)
Author: Cochran
Sponsors: Kenley, Wyss
Citations Affected: IC 8-2.1; 9
Effective: Retroactive (January 1, 2007); July 1, 2007

Motor carriers. Provides certain deadlines for the renewal of motor carrier registrations under the International Registration Plan (IRP). Provides penalties for a motor carrier that fails to timely register under the IRP. Makes various changes to conform with the unified carrier registration system. Requires that a license plate must be displayed on the front of a dump truck. Repeals obsolete provisions concerning interstate express companies.

NATURAL RESOURCES

See also:
SB 128: Pensions.
[Pensions]
SB 312: Conservancy districts.
[Utilities]

Senate Bill 357 (Public Law 82-2007)
Authors: Heinold, Gard, Waterman
Sponsor: Dembowski
Citations Affected: IC 8-23; 14
Effective: July 1, 2007
Sale of nursery stock and wildflower seeds. Prohibits the department of transportation and the department of natural resources from selling or distributing nursery stock or wildflower seeds to certain residents of other states and certain businesses.

House Bill 1146 (Public Law 13-2007)
Author: Bischoff
Sponsors: Jackman, Lewis
Citations Affected: IC 14-22
Effective: July 1, 2007
Taking wild animals with a spotlight or silencer. Allows an employee of the department of natural resources (DNR) or an employee of a federal wildlife management agency to use an artificial light or a silencer to take an animal if the employee: (1) is acting in the performance of the employee's duties; and (2) has received the express written consent of the director of the DNR.

House Bill 1299 (Public Law 14-2007)
Author: Bischoff
Sponsors: Jackman, Weatherwax
Citations Affected: IC 14-22
Effective: July 1, 2007
Senior fishing licenses. Exempts from fishing license and trout-salmon stamp requirements a resident born before April 1, 1943. Establishes a resident senior yearly license to fish at an annual cost of three dollars. Establishes a resident senior "fish for life" license at a cost of seventeen dollars. For both licenses, requires that the applicant must be at least 64 years of age and must have been born after March 31, 1943.

House Bill 1738 (Public Law 231-2007)

Author: Welch

Sponsors: Gard, Simpson

Citations Affected: IC 14-25; 35

Effective: Upon Passage (May 11, 2007); July 1, 2007

Use of outside water resources by water utilities. Provides that the natural resources commission (commission) may not contract with a person to: (1) provide the person with certain minimum quantities of stream flow; or (2) sell water to the person; from reservoir impoundments financed by the state unless the department of natural resources (DNR) and the advisory council follow certain procedures, including providing notice of the proposed contract and holding public meetings on the proposed contract. Requires a person holding an existing contract with the commission for water from the reservoir to provide notice of the request to any water utility or other person to whom it sells water for resale. Requires each water utility or other person that receives notice to in turn provide notice of the request to any water utility or other person to whom it sells water for resale. Specifies that for purposes of the statute making poisoning a public water supply a Class B felony, a person must act with the intent to cause serious bodily injury. Provides that for purposes of the statute making it a Class A infraction to litter in, on, or within 100 feet of a body of water under the jurisdiction of the: (1) DNR; or (2) U.S. Army Corps of Engineers; a judgment of not more than $1,000 (rather than a judgment of at least $1,000, as in current law) may be imposed. Requires the water resources study committee (committee) to study and make findings and recommendations concerning: (1) current processes and methods for water resource allocation and distribution in Indiana; and (2) appropriate policies governing future water resource allocation and distribution planning in Indiana. Requires the committee to report its findings and recommendations to the legislative council not later than November 1, 2007.

House Bill 1762 (Public Law 28-2007)

Author: Friend

Sponsors: Jackman, Lewis

Citations Affected: IC 14-26

Effective: July 1, 2007

Permits for work on ditches and drains. Provides that a person is not required to obtain a permit from the department of natural resources before conducting certain work on a ditch or drain from which water empties into a lake if: (1) the ditch or drain continues to empty into the lake at the same location after the work is completed; and (2) the work is conducted using best management practices for soil and erosion control.

PENSIONS

See also:
SB 401: Compensation of state officers and legislators.
[State Offices & Administration]

Senate Bill 29 (Public Law 201-2007)
Author: Waltz
Sponsor: Robertson
Citations Affected: IC 5-10.4
Effective: July 1, 2007
TRF service credit for military service. Extends from 18 months to 24 months after the completion of active military service the time by which a member of the teachers' retirement fund (TRF) is required to return to: (1) active teaching; (2) an approved four year teacher training program; or (3) baccalaureate or post-baccalaureate education, for an employee of a state institution of higher education; in order to receive TRF service credit for the member's active military service. Extends the 24 month deadline for a period not to exceed 48 months after the member's discharge if the TRF board determines that an illness, an injury, or a disability related to the member's military service prevents the member from returning to active teaching service or to a teacher education program by the 24 month deadline. Establishes the interim study committee on teachers' retirement fund benefits.

Senate Bill 88 (Public Law 72-2007)
Author: Weatherwax
Sponsor: Porter
Citations Affected: Various Indiana Code citations in Title 5
Effective: July 1, 2007
Teacher reemployment after retirement. Removes the earnings limitation for a member of the teachers' retirement fund (TRF) who is reemployed more than 90 days after the member's retirement in a TRF covered position. Provides that neither the retired member nor the member's employer makes contributions to TRF for the period of the member's reemployment. Provides that the member does not earn creditable service in TRF and is not entitled to an additional benefit from TRF for the period of reemployment.

Senate Bill 128 (Public Law 180-2007)
Authors: M. Young, Waltz
Sponsor: Tyler
Citations Affected: IC 5-10; 33-18; 36-8
Effective: July 1, 2007
Pensions. Allows a participant in the state excise police, gaming agent, and conservation enforcement officers' retirement plan (plan) to receive creditable service for the time a plan

participant receives benefits under the state's long term disability plan. Allows a plan participant to purchase service credit for service earned in the public employees' retirement fund (PERF), the Indiana state teachers' retirement fund (TRF), the state police pension trust, or the 1977 police officers' and firefighters' pension and disability fund (1977 fund). Increases the plan participant's contribution from 3% of the first $8,500 to 4% of the participant's annual salary. Authorizes an employer to pay all or a part of the plan participant's contribution. Increases from 1% to 1 2/3% the percentage of average salary used in computing a plan participant's annual retirement allowance for years of service greater than 25. Allows a plan participant who is at least 50 years of age and has at least 25 years of creditable service to retire with a normal (unreduced) benefit. Provides that a plan participant receiving a line of duty disability benefit is entitled: (1) to receive a disability benefit for the remainder of the participant's life; and (2) to have the benefit recomputed as a normal benefit when the participant becomes 60 years of age. Allows a participant in the 1977 judges' retirement system to receive credit in the 1977 judges' retirement system for service as a full-time referee, full-time commissioner, or full-time magistrate after the participant leaves an elected term on the bench. Authorizes the transfer from the 1977 fund to PERF of service credit and contributions for certain appointed police and fire chiefs and waives all credit for the service in the 1977 fund if the transfer to PERF is made. Allows an employee beneficiary (excluding a sheriff) to authorize the trustee of a sheriff's pension trust to pay a portion of the employee beneficiary's monthly pension benefit to an insurance provider for the payment of accident, health, or long term care insurance premiums for the employee beneficiary, the employee beneficiary's spouse, or the employee beneficiary's dependents. Extends the pilot program for the defined contribution plan of the legislators' retirement system until July 1, 2010. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 561 (Public Law 148-2007)
Authors: Mishler, Miller
Sponsor: L. Lawson
Citations Affected: IC 5-10.3; 36-8
Effective: July 1, 2007

Deferred retirement option plan and public safety matters. Provides that a member of the public employees' retirement fund (PERF), previously employed by a state quasi-governmental entity not affiliated with PERF that is absorbed by a PERF affiliated entity, may purchase service credit at the full actuarial cost. Removes a provision that limits credit for prior service to allow a firefighter to accrue 20 years of service credit in the 1977 police officers' and firefighters' pension and disability fund (1977 fund). Permits a member of the 1977 fund who retires because of a disability more than 12 months after the date the member enters the deferred retirement option plan (DROP) to choose whether to receive a retirement benefit calculated as if the member: (1) had never entered the DROP; or (2) exited the DROP on the date the member retires because of the disability. Allows a person who fulfills certain firefighter certification requirements to be in compliance with minimum basic firefighter training requirements. Allows any county to adopt an ordinance creating a public safety communications systems and computer facilities district (district). Prohibits a county from imposing an ad valorem property tax levy to fund the operation or implementation of the district. Authorizes a member of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, or the 1977 fund

to resubmit, before July 1, 2007, a disapproved election to enter a DROP and to have the election approved so that the dates the member enters and exits the DROP are the dates selected by the member when the election was initially submitted.

Senate Bill 568 (Public Law 163-2007)
Authors: R. Meeks, Riegsecker, Hume
Sponsor: Kuzman
Citations Affected: IC 5-10.2
Effective: July 1, 2007
PERF COLA and thirteenth check. Provides for a 2% cost of living adjustment (COLA) for a retired member of the public employees' retirement fund (PERF) (or a survivor or beneficiary of a PERF member). Provides for a thirteenth check based on the complete years of service credited to a PERF member at retirement.

House Bill 1060 (Public Law 87-2007)
Author: Avery
Sponsors: R. Meeks, Hume
Citations Affected: IC 5-10.2
Effective: July 1, 2007
Teachers' retirement fund COLA. Provides a cost of living adjustment (COLA) for certain members, survivors, and beneficiaries of the state teachers' retirement fund in 2008.

House Bill 1067 (Public Law 149-2007)
Author: Crooks
Sponsors: Kruse, Hume
Citations Affected: IC 5-10.2; 34-30
Effective: July 1, 2007
Pension issues. Allows a member of the teachers' retirement fund (TRF) who is receiving a benefit from TRF and who is a party in an action for dissolution of marriage in which: (1) the member's designated beneficiary is also a party; and (2) a final order is issued after the member's first benefit payment is made; to elect under certain conditions to change the member's designated beneficiary or form of benefit. Requires the public employees' retirement fund (PERF) and TRF, in the capacity of shareholders, to: (1) request that companies with certain business activities in Sudan cease those business activities; and (2) for a company that is unresponsive to a request, sell or divest all publicly traded securities held by PERF or TRF in that company. Requires that PERF and TRF report their Sudan-related activities to the general assembly. Excludes private equity funds held by PERF and TRF from the divestment requirement. Provides for: (1) civil immunity for any act or omission; and (2) indemnification for costs or expenses, including reasonable attorney fees, associated with a claim or lawsuit; related to divestment. Assigns to the pension management oversight commission the study of TRF's structure.

House Bill 1173 (Public Law 189-2007)
Author: Cochran
Sponsors: Kruse, Deig
Citations Affected: IC 10-12
Effective: Upon Passage (May 8, 2007)

State police pension benefits. Requires that the salary of a sixth year trooper, rather than the salary of a third year trooper, be used to compute the basic pension amount under the state police pre-1987 benefit system. Provides a cost of living adjustment (COLA) in each of the next two state fiscal years to retired or disabled members of the state police 1987 benefit system. Changes the manner in which the supplemental benefit for retired or disabled members of the state police pre-1987 benefit system is calculated. Provides that the state police pension advisory board (board) may meet at any time to compute the supplemental pension benefits for members of the state police pre-1987 benefit system. Requires the board to meet at least one time each year.

House Bill 1480 (Public Law 68-2007)
Author: Kuzman
Sponsors: R. Meeks, Kruse
Citations Affected: IC 33-38
Effective: July 1, 2007

Judges' pensions. Provides for a 2% increase of the monthly benefits paid to participants, survivors, and beneficiaries from the judges' 1985 retirement system after December 31, 2007. Provides for a 2% increase of the monthly benefits paid to participants, survivors, and beneficiaries from the judges' 1985 retirement system after December 31, 2008. Allows service credit accrued by a full-time referee, full-time commissioner, or full-time magistrate after leaving an elected term on the bench to be granted to a participating judge in the 1977 judges' retirement system if certain conditions are met. Directs the pension management oversight commission: (1) to study the issue of implementing a judges' defined contribution plan; (2) to study inequities between the 1977 judges retirement system and the 1985 judges' retirement system; and (3) to identify ways that benefits provided by the 1977 judges' retirement system and the benefits provided by the 1985 judges' retirement system may be aligned.

PROBATE & TRUSTS

See also:
SB 550: Anatomical gifts.
[Health & Human Services]
SB 562: Authorization procedures for disinterment.
[Business & Other Associations]
HB 1305: Cemetery funds.
[Business & Other Associations]
HB 1505: Prudent management of institutional funds.
[Financial Institutions]

Senate Bill 49 (Public Law 202-2007)
Authors: Zakas, Broden
Sponsor: Kuzman
Citations Affected: IC 28; 30-4
Effective: July 1, 2007

Trust and fiduciary matters. Permits a bank, trust company, or savings bank that holds funds or property as a fiduciary to use the funds or property to purchase products, services, and securities from the bank, trust company, savings bank, affiliate, or a selling group or syndicate that includes the bank, trust company, savings bank, or affiliate. Sets forth procedures for a bank, trust company, or savings bank to: (1) give notice of; and (2) obtain consent for; such a transaction with respect to specified fiduciary relationships. Specifies remedies for beneficiaries of trusts injured as a result of the trustee's violation of the provisions concerning the purchase products, services, and securities from the bank, trust company, savings bank, affiliate, or a selling group or syndicate that includes the bank, trust company, savings bank, or affiliate. Eliminates the requirement that a trust certification document include the trust's taxpayer identification number.

Senate Bill 212 (Public Law 12-2007)
Author: Ford
Sponsor: Pierce
Citations Affected: IC 29-1
Effective: July 1, 2007

Electronic documents as estate property. Requires a person who electronically stores the documents or information of another person who is deceased to give the personal representative of the estate access to, or copies of, the decedent's stored documents or information. Prohibits a custodian from destroying or disposing of the documents or information of the deceased person for two years after the custodian receives: (1) a request for access to the electronically stored documents or information from the personal representative; or (2) a court order.

House Bill 1508 (Public Law 95-2007)
Author: Koch
Sponsors: Zakas, Steele
Citations Affected: IC 6-1.1; 29; 30; 32-38; 34-30
Effective: July 1, 2007

Probate and trust matters. Provides that a trust is entitled to certain property tax deductions for real property owned by the trust if the property is occupied by an individual who has a beneficial interest in the trust, would be considered the owner of the property if the property were a life estate, and otherwise qualifies for the deduction. Specifies that the trust entitled to a deduction is not required to file a statement to apply for the deduction if certain conditions are met. Provides that when a court has not directed notice by rule, the default certified or registered mail option is replaced by the option to provide notice by first class postage prepaid mail. Specifies that the notice provided by the clerk of the court to an heir, a devisee, a legatee, or a creditor when letters testamentary or of administration are issued shall be served by certified mail. Provides that a will can be admitted to probate more than three years after the decedent's death if the will is

presented for probate less than 60 days after: (1) another will previously offered for probate is denied probate; or (2) the probate of another will previously admitted to probate is revoked. Authorizes the use of an affidavit to obtain the information necessary to determine whether the value of a decedent's gross probate estate is low enough to allow the estate to be administered summarily. Provides immunity from civil liability to a person who provides information in good faith reliance upon the affidavit. Increases the maximum gross value of a probate estate that may be summarily distributed and closed upon the filing of an affidavit from $25,000 to $50,000. Specifies that the personal representative has the right to take possession of all the property of the decedent, without exception. Removes a provision under which the personal representative is not authorized to possess property subject to the surviving spouse and family allowances. Provides that the notice requirements applying to hearings on filed estate accountings also apply to a hearing on a petition for a court to decree the final distribution of an estate. Requires notice to be given by certified mail when a petition for the appointment of a guardian or for the issuance of a protective order is filed under the probate code. Specifies that when a petition for appointment of a guardian or for the issuance of a protective order is filed with the court, notice of the petition and the hearing on the petition shall be given by certified mail. Removes a provision requiring that notices concerning guardianship petitions be given according to the notice requirements applicable to hearings on guardianship petitions. Provides that upon the termination of a guardianship any remaining property subject to the guardianship may be transferred to a trust approved by the court or to a custodian under the Uniform Transfers to Minors Act. Authorizes the self-appointment of certain fiduciaries as custodians under the Uniform Transfers to Minors Act. Eliminates the requirement that a trust certification document include the trust's taxpayer identification number. Provides that the trustee of a trust to which an interest in real property is transferred is considered the insured owner under a title insurance policy issued for the interest in real property if the transfer meets certain conditions. Makes technical corrections. (The introduced version of this bill was prepared by the probate code study commission.)

PROFESSIONS & OCCUPATIONS

See also:
SB 480: Military and veterans' benefits.
[Military]
SB 557: Combative fighting.
[Criminal Law & Procedure]

Senate Bill 320 (Public Law 200-2007)
Authors: Miller, Errington
Sponsor: Klinker
Citations Affected: Various Indiana Code citations in Title 25
Effective: July 1, 2007
Massage therapists certification. Establishes the state board of massage therapy to certify

massage therapists. Specifies certification requirements. Establishes guidelines for the certification by endorsement of a massage therapist who holds a certification or license in another state. Establishes penalty for the unauthorized use of the titles certified massage therapist or massage therapist.

Senate Bill 333 (Public Law 54-2007)
Author: Riegsecker
Sponsor: C. Brown
Citations Affected: IC 15-19
Effective: July 1, 2007
Health facility administrator class of license. Requires the Indiana state board of health facility administrators to adopt rules establishing separate education, experience, and training requirements for licensure as a: (1) comprehensive health facility administrator; and (2) residential health facility administrator. Requires a residential care facility administrator to be licensed as a comprehensive care facility administrator or a residential care facility administrator.

Senate Bill 377 (Public Law 57-2007)
Authors: Becker, Riegsecker
Sponsor: Tyler
Citations Affected: Various Indiana Code citations in Title 25
Effective: July 1, 2007
Real estate appraisers. Requires that continuing education for real estate appraisers be approved by the Appraiser Qualifications Board or the real estate appraiser licensure and certification board for specific courses or course subjects. Provides that a person may not conduct, solicit, or accept student enrollment for a real estate appraiser school or course represented as satisfying the requirements of the real estate appraiser licensure board without approval of the school or course by the Appraiser Qualifications Board. Repeals and replaces provisions that require: (1) the real estate appraiser licensure and certification board to submit recommendations to the real estate commission to establish a fee of not more than $20 to fund the investigative fund; and (2) the real estate commission to establish fees for real estate brokers, salespersons, and real estate appraisers of not more than $20 to fund the investigate fund. Repeals a provision that requires a person to submit certain items to the real estate appraiser licensure and certification board to obtain approval of a real estate appraiser course.

Senate Bill 451 (Public Law 59-2007)
Authors: Becker, Lubbers, Sipes
Sponsor: Candelaria Reardon
Citations Affected: IC 25-35.6
Effective: Upon Passage (April 25, 2007)
Emergency communication disorder permits. Allows the department of education to issue an emergency communication disorder permit to an individual to serve the needs of certain students who are eligible for speech and language services. Makes technical corrections.

Senate Bill 490

Authors: Kruse, Mishler
Sponsor: Micon
Citations Affected: IC 23-1.5; 25
Effective: July 1, 2007

Registration of interior designers. Changes the board of registration for architects and landscape architects to the board of registration for architects, landscape architects, and interior designers (board). Adds an interior designer to the board. Updates language concerning the board's operation. Specifies the board's powers. Requires the board to register interior designers. Establishes the requirements for registration and fees. Requires the board to deposit the fees into the registered architects, registered land surveyors, and registered interior designers investigative fund. Provides that a person who recklessly, knowingly, or intentionally: (1) uses the title "registered interior designer" or any title designation sign, card, or device indicating the person is a registered interior designer if the person does not hold a certificate of registration; or (2) is ineligible for continued registration because there is a civil judgment entered against the person for certain breaches of the standard of care in the practice of interior design; commits Class B misdemeanor.

VETOED

Senate Bill 506 (Public Law 185-2007)

Authors: Merritt, Wyss, Rogers
Sponsor: Tincher
Citations Affected: Various Indiana Code citations in Title 25
Effective: July 1, 2007

Private investigator and security guard licensing. Changes the detective license law to the private investigator firm license law and the security guard agency license law. Removes exemptions concerning: (1) armored services agencies and owners of industrial plants from the private investigator firm license laws; and (2) armored service agencies from the security guard agency license laws. Removes one year residency requirement to obtain a license as a private investigator firm. Requires a pocket card to be issued to a licensed private investigator firm and a licensed security guard agency. Establishes: (1) the private investigator and security guard licensing board; and (2) requirements for security guard agency licensing. Changes a Class A infraction to a Class A misdemeanor for certain violations of the private investigator and security guard agency licensing laws. Makes conforming changes. Repeals provisions concerning: (1) the private detective licensing laws application to certain law enforcement officers; and (2) the establishment of the private detectives licensing board.

House Bill 1241 (Public Law 90-2007)

Author: Welch
Sponsors: Miller, Simpson
Citations Affected: Various Indiana Code citations in Titles 16; 25
Effective: July 1, 2007

Physician assistants. Authorizes a physician to delegate to a physician assistant duties that are within the supervising physician's scope of practice, including prescribing and dispensing certain drugs and medical devices. Requires that a supervising physician must be either: (1) physically

present at the location where services are performed by the physician assistant; or (2) immediately available for consultation and in the county or a contiguous county of the location where the services are being rendered or at a hospital or health facility. Requires the supervisory agreement between the physician and the physician assistant to include certain information and be approved by the medical licensing board. Establishes requirements for a physician assistant to prescribe certain drugs. Requires the patient to be seen by the physician in certain circumstances. Changes references from certification to licensure of physician assistants. Makes certain other changes concerning the physician assistant committee and licensure of physician assistants.

House Bill 1312 (Public Law 190-2007)
Author: Austin
Sponsors: C. Lawson, Lanane
Citations Affected: IC 25-2.1
Effective: July 1, 2007

Accountants. Requires the board of accountancy (board) to: (1) adopt rules for a quality review of CPA and PA firms that renew permits to practice accountancy; and (2) investigate a complaint made by a board of accountancy or the equivalent of a board of accountancy in another state. Provides that the members' terms expire on June 30. Establishes: (1) the accountant investigative fund (fund) to provide funds for administering and enforcing accountancy laws; and (2) a civil penalty of $25,000 for certain violations. Provides that the fund consists of fees assessed against certified accountants and civil penalties collected. Continually appropriates money from the fund to the professional licensing agency for its use in administering and enforcing accountancy laws. Allows the attorney general and the professional licensing agency to enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement of the accountancy laws. Eliminates the requirement that an individual with a valid CPA certificate or similar qualifications from another state who intends to conduct business as a CPA in Indiana must notify the board of that intent. Provides that a CPA firm that employs individuals who have all the privileges granted to a CPA certificate holder consents to certain actions and requirements. Repeals provisions concerning certification of accounting practitioners.

House Bill 1324 (Public Law 170-2007)
Author: Crooks
Sponsor: Hershman
Citations Affected: IC 25-37.5
Effective: July 1, 2007

Valuable metal dealers. Adds copper, copper alloy, brass, aluminum, or aluminum alloy that is readily used or useable on residential or commercial property to the definition of "valuable metal." Requires valuable metal dealers to make and retain copies of government issued photographic identification used to verify the identity of persons from whom the dealers purchase valuable metal. Provides that a valuable metal dealer may not accept a damaged or an undamaged metal beer keg if: (1) the keg is clearly marked as the property of a brewery manufacturer; or (2) the keg's identification markings have been made illegible. Requires the superintendent of the state police department to prepare and distribute a list to each valuable

metal dealer describing the valuable metal products of interest for use on residential or commercial property. Removes certain notification requirements for valuable metal dealers.

House Bill 1376 (Public Law 121-2007)
Author: Mays
Sponsors: Becker, Breaux
Citations Affected: Various Indiana Code citations in Titles 16; 25
Effective: July 1, 2007
Dental hygienists. Allows a dental hygienist employed by a local health department or the health and hospital corporation to provide certain services under specified circumstances until June 30, 2009. Allows a dental hygiene student to administer dental anesthetics during an educational course on the practice of dental anesthetics if the course is supervised by a dentist and conducted at an approved school.

House Bill 1391 (Public Law 36-2007)
Author: Reske
Sponsor: Miller
Citations Affected: IC 25-36.1
Effective: July 1, 2007
Surgical technologists. Provides that an individual may not profess to be a certified surgical technologist unless the individual holds and maintains the Certified Surgical Technologist Credential administered by the National Board of Surgical Technology and Surgical Assisting (NBSTSA).

House Bill 1468 (Public Law 94-2007)
Author: Welch
Sponsors: Becker, Simpson
Citations Affected: IC 25-26
Effective: July 1, 2007
Immunizations by pharmacists. Allows a physician to delegate a pharmacist to administer immunizations under a drug order or prescription. Allows a pharmacist to administer an immunization for influenza under a physician protocol for certain individuals under certain circumstances. Requires the state department of health to: (1) consult with health care providers in evaluating the immunization data registry system and determine ways to make the registry easier for health care providers to report to and use; and (2) report to the health finance commission. Requires the Indiana board of pharmacy to: (1) study and make findings on the issue of the application of technology in the dispensing of drugs and to report the board's findings to legislative council and the health finance commission; and (2) adopt rules concerning the qualifications, protocols, and record keeping requirements of pharmacists who administer immunizations. Specifies that a pharmacist may not be required to administer an immunization or complete training if the pharmacist chooses not to administer any immunizations.

House Bill 1821 (Public Law 197-2007)

Author: Klinker

Sponsors: Miller, Alting

Citations Affected: IC 10-13; 12-10; 16-18; 16-27; 20-28; 21-13; 25; 34-6; 35-48

Effective: July 1, 2007

Professions and occupations; criminal background checks by certain entities. Requires: (1) a licensed home health agency and licensed personal services agency to apply for determinations concerning national criminal history background checks for employees (current law requires a limited criminal history check); and (2) the licensure of occupational therapists (current law requires certification). Provides that: (1) an occupational therapist may not provide certain services unless the patient has been referred by specified providers; (2) a holder of a license, registration, or certificate may be subject to civil penalties under certain circumstances; (3) the professional licensing agency may delay reinstating a license, certificate, or registration for 90 days to investigate an applicant; (4) a holder of a license, registration, or certificate is subject to disciplinary sanctions in specified circumstances; (5) the board may summarily suspend the license of a real estate appraiser under certain circumstances; (6) an individual may obtain a beauty culture instructor license and instruct in areas of beauty culture in which the individual holds a license; and (7) a registration to distribute controlled substances is automatically suspended under specified circumstances. Provides for reinstatement of a tanning facility license. Removes: (1) semi-professional elimination contests from the boxing and sparring laws; and (2) a provision that requires certain organizations to supply information concerning continuing education of land surveyors. Allows: (1) an individual who holds a valid CPA certificate from any state with substantial equivalency standards to perform quality reviews; (2) the state board of cosmetology examiners to establish standards for mobile salons; and (3) individuals who meet certain requirements to obtain a license in speech-language pathology. Changes the: (1) fee for issuance of a duplicate license, registration, or certificate from $10 to $25; (2) limitation on course work hours for students in barber school or cosmetology school from eight to ten hours per day; and (3) clinical experience required for marriage and family therapists from three to two years. Removes: (1) the psychology board's authority to establish a list of restricted psychology tests; and (2) the prohibition of certain individuals, including marriage and family therapists, licensed clinical social workers, and mental health counselors, from administering or interpreting a restricted psychological test. Makes conforming changes. Repeals provisions concerning: (1) the requirement for a person to complete a cosmetology school program again if the person fails the examination by the state board of cosmetology examiners; (2) esthetics and electrology instructors licenses, which are replaced with the beauty culture instructor license; and (3) inactive cosmetology professionals' licenses.

PROPERTY

See also:
SB 390: Mortgage rescue protection fraud.
[Trade Regulation]
SB 416: Property taxes.
[Taxation]
SB 434: Retirement of manufactured home titles.
[Motor Vehicles]
HB 1075: Individual development accounts.
[State & Local Administration]
HB 1211: Tax sales.
[Taxation]
HB 1478: Taxation.
[Taxation]
HB 1509: Lease protections for domestic violence victims.
[Family & Juvenile Law]
HB 1663: Health and hospital corporation; real property issues.
[Health & Human Services]
HB 1753: Mortgage foreclosure counseling.
[State Offices & Administration]

Senate Bill 232 (Public Law 135-2007)
Authors: Zakas, Bray
Sponsor: Pierce
Citations Affected: Various Indiana Code citations in Title 32
Effective: July 1, 2007

Real property issues. Provides that if the mailing address on a conveyance of real property is not a street address or rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address. Provides that a conveyance may not be recorded after June 30, 2007, unless the conveyance meets this requirement. Provides that if certain recorded mortgages do not comply with certain requirements or technical recording requirements, the mortgage is validly recorded and provides constructive notice of the contents of the mortgage as of the date of filing. Establishes procedures for creating, recording, foreclosing, and releasing a lien on real estate filed by a homeowners association for nonpayment of common expenses assessed against the real estate.

Senate Bill 261 (Public Law 181-2007)
Authors: Heinold; Mishler
Sponsor: Dembowski
Citations Affected: IC 32-25
Effective: July 1, 2007

Condominium common areas and facilities. Provides that in certain townships all or part of the common areas and facilities of a condominium may be conveyed or encumbered if at least 95% of the co-owners agree to the action. Provides that a different percentage of votes may be required to convey or encumber the common areas and facilities if the percentage is specified in: (1) the condominium declaration or condominium association bylaws; or (2) an amendment to the declaration or bylaws, if the amendment is approved by the co-owners. Specifies that the different percentage of votes in the declaration or bylaws may not allow less than 95% of the co-owners to convey or encumber all or part of the common areas or facilities. Provides that proceeds from the conveyance or encumbrance of common areas and facilities must be distributed to co-owners as common profits.

Senate Bill 334 (Public Law 139-2007)
Authors: Riegsecker, Heinold
Sponsor: Moses
Citations Affected: IC 4-22; 32-21
Effective: July 1, 2007

Restrictive covenants regarding modular homes. Provides that certain rules concerning the fire safety, building, and equipment laws are not subject to the requirement that the adopting agency prepare a statement that describes the annual economic impact of the rule on all small businesses after the rule is fully implemented. Provides that a deed restriction or restrictive covenant recorded after June 30, 2007, may not prohibit or restrict the erection of an industrialized residential structure on real property. Provides that a deed restriction, restrictive covenant, or agreement that applies uniformly to all homes and industrialized residential structures in a subdivision may impose the same aesthetic compatibility requirements on an industrialized residential structure in the subdivision that apply to all residential structures in the subdivision.

House Bill 1214 (Public Law 115-2007)
Author: Pierce
Sponsor: Bray
Citations Affected: IC 32-31
Effective: July 1, 2007

Landlord-tenant law. Specifies circumstances in which a landlord may enter a tenant's dwelling unit. Provides that a landlord has no liability for the loss or damage to a tenant's personal property if the property has been abandoned. Provides that under certain circumstances, a landlord may remove a tenant's personal property and deliver it to a storage facility approved by the court.

PUBLIC SAFETY

See also:
SB 45: Battery by body waste and criminal procedure.
[Criminal Law & Procedure]
SB 123: Fire protection territories.
[Local Government]
SB 128: Pensions.
[Pensions]
SB 129: Public safety employees.
[Local Government]
SB 192: School safety.
[Education]
SB 247: Various motor vehicle matters.
[Motor Vehicles]
SB 463: Bureau of motor vehicles matters.
[Motor Vehicles]
SB 561: Deferred retirement option plan and public safety matters.
[Pensions]
HB 1058: Transfer of property to volunteer fire department.
[Local Government]
HB 1173: State police pension benefits.
[Pensions]
HB 1237: Motor vehicle restraint systems.
[Motor Vehicles]
HB 1274: Accident report fees.
[Motor Vehicles]
HB 1373: Changeable message signs.
[Transportation]
HB 1382: Juvenile delinquency and criminal law information.
[Family & Juvenile Law]
HB 1427: Protecting undercover officer information.
[State & Local Administration]
HB 1654: Sex crime victims and polygraph examinations.
[Criminal Law & Procedure]
HB 1726: Missing children.
[Family & Juvenile Law]
HB 1739: Sale of handguns.
[Criminal Law & Procedure]

Senate Bill 9 (Public Law 177-2007)
Authors: Heinold, Landske, Becker
Sponsor: Moses
Citations Affected: IC 22-11
Effective: Upon Passage (May 8, 2007)
Consumer fireworks regulations. Provides that counties and municipalities may adopt ordinances to regulate the time and location for the use, ignition, or discharge of consumer fireworks. Provides that a consumer fireworks use ordinance may not limit the use of consumer fireworks on certain days during certain times of the day. Makes a conforming amendment.

Senate Bill 331 (Public Law 81-2007)
Authors: C. Lawson, Bray
Sponsor: Grubb
Citations Affected: IC 6-6
Effective: July 1, 2007
Funding for emergency dispatch centers. Provides that, for a county other than Allen County, a county's share of hazardous waste disposal tax revenue deposited in a county fund may be used to pay costs associated with the construction, structural rehabilitation, and equipment of a facility used for a county public safety central dispatch or a county emergency operations center. Prohibits the county from using for those purposes in a calendar year an amount that exceeds ten percent of the fund balance as of January 1 of the year.

Senate Bill 411 (Public Law 105-2007)
Authors: Hershman, Wyss
Sponsor: Tincher
Citations Affected: 35-33.5
Effective: July 1, 2007
Wiretap law. Includes additional offenses as designated offenses for purposes of intercepting electronic communication. Defines "electronic communication" to include any type of communication transmitted by a wire, a radio, orally, or an electromagnetic, a photoelectronic or a photo-optical system, and replaces references to interception of a telephonic or telegraphic communication. Permits the state police department to authorize a law enforcement agency that has requested an interception to operate or monitor equipment under the supervision of the state police department. Specifies that the superintendent of the state police department may terminate an interception if there is probable cause that the allegations on which the interception is based are without merit. Requires a law enforcement agency on whose behalf the state police department undertakes an interception to reimburse the state police department in certain circumstances. Establishes a procedure to permit a warrant for the interception of electronic communication to be issued without a written affidavit if certain conditions are met. Provides that a warrant issued without a written affidavit expires not more than 24 hours after it is issued. Repeals a provision requiring automatic appellate review of warrants issued for an intercept. Makes other changes.

Senate Bill 472 (Public Law 107-2007)

Authors: Wyss, Rogers

Sponsor: Reske

Citations Affected: IC 10; 22; 36-8

Effective: July 1, 2007

Public safety fund management. Allows a township or an individual who has incurred loss because of a disaster to apply for a grant from the state disaster relief fund. Requires the department of homeland security (department) to provide staff support to the Indiana homeland security foundation. Transfers public safety fees imposed on the retail sale of fireworks from the state general fund to the regional public safety training fund and the state disaster relief fund. Removes administration of the foundation from the duties of the division of preparedness and training of the department. Creates the regional public safety training fund. Authorizes the division of fire and building safety of the department to receive money from the statewide arson investigation financial assistance fund (arson fund) for purposes of fire investigation. Removes the authority of the state fire marshal to distribute money from the arson fund. Authorizes the state fire marshal to accept gifts for deposit in the arson fund. Abolishes the firefighting and emergency equipment revolving loan fund. Establishes the fire training infrastructure fund. Requires payment of loans outstanding from the revolving fund to the department for deposit in the fire training infrastructure fund.

Senate Bill 520 (Public Law 186-2007)

Authors: M. Young, Bray, Skinner

Sponsor: L. Lawson

Citations Affected: IC 5-2; 10-11; 32-21; 35-48

Effective: July 1, 2007

Registry of methamphetamine manufacturing sites and precursor sales information. Requires law enforcement agencies that seize a methamphetamine laboratory to notify the criminal justice institute of the laboratory's location. Requires the criminal justice institute to operate a web site containing a list of properties that have been the site of a methamphetamine laboratory. Requires the criminal justice institute to remove a listed property from the web site when the property has been remediated or two years after seizure of the property, and provides that records of listed properties that have been removed are confidential. Establishes a procedure for determining when to list certain rental properties in the process of remediation on the web site. Requires the criminal justice institute to seek federal funds to establish and operate a methamphetamine precursor data base pilot project. Specifies that the pilot project must connect persons who: (1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine; and (2) record drug sales information in an electronic log under current law; to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Limits the pilot project to six counties. Allows only certain law enforcement officers to have access to information in the central data base. Requires persons who must collect and record sales information concerning drugs that contain ephedrine or pseudoephedrine in a paper or an electronic log to collect and record the information until June 30, 2012, instead of June 30, 2008. Permits, when necessary to avoid imminent danger to life or property, criminal intelligence assessments to be released to a government official or to: (1) another individual whose life or property is in imminent danger;

(2) another individual who is responsible for protecting the life or property of another person; or
(3) another individual who may be in a position to reduce or mitigate the imminent danger to life or property.

House Bill 1033 (Public Law 31-2007)
Author: Hoy
Sponsor: Becker
Citations Affected: IC 16-41; 25-23.7; 34-30
Effective: July 1, 2007
Weather radios in manufactured homes. Requires that a manufactured home that is installed in a mobile home community be equipped with a weather radio. Provides that a mobile home operator is encouraged to provide a written reminder to the manufactured home owners in the mobile home community to replace batteries in a weather radio or smoke detector contained in the manufactured home. Provides certain immunity from civil liability concerning the functionality of weather radios supplied by manufactured home installers.

House Bill 1306 (Public Law 92-2007)
Author: Cheatham
Sponsors: M. Young, Sipes
Citations Affected: IC 5-2; 12-10; 31-36; 34-30; 35-44; 36-2
Effective: July 1, 2007
Missing persons. Requires a law enforcement agency that receives a report of a missing person to take certain steps to locate the missing person and requires a coroner having custody of unidentified human remains to take certain steps to attempt to identify the remains.

STATE OFFICES & ADMINISTRATION

See also:
SB 286: Environmental crimes and infractions.
[Environment]
SB 390: Mortgage rescue protection fraud.
[Trade Regulation]
SB 403: Freezing of consumer reports.
[Trade Regulation]
SB 503: Disproportionate share hospitals and health.
[Health & Human Services]
SB 520: Registry of methamphetamine manufacturing sites and precursor sales information.
[Public Safety]
SB 551: Indiana health informatics corporation.
[Health & Human Services]

HB 1067: Pension issues.
[Pensions]
HB 1312: Accountants.
[Professions & Occupations]
HB 1654: Sex crime victims and polygraph examinations.
[Criminal Law & Procedure]
HB 1717: Regulation of loan brokers, franchises, and collection agencies.
[Financial Institutions]

Senate Bill 267 (Public Law 136-2007)
Author: Bray
Sponsor: Van Haaften
Citations Affected: IC 4-6
Effective: July 1, 2007
Attorney General's office issues. Provides that if: (1) the attorney general issues an investigative demand in a civil action concerning a statute enforced by the attorney general; (2) a person objects to or otherwise fails to obey the written demand; and (3) the person does not reside or maintain a principal place of business in Indiana; the attorney general may file an application for an order to enforce the demand in the Marion County circuit or superior court. Provides that certain consumer information is confidential for the purposes of registering for or maintaining the no telephone sales solicitation listing.

Senate Bill 401 (Public Law 43-2007)
Authors: Dillon, Rogers, Long
Sponsor: Kuzman
Citations Affected: IC 2; 4-2; 5-10
Effective: July 1, 2007; January 1, 2009
Compensation of state officers and legislators. Provides that beginning in 2009, the annual salary of the members of the general assembly is an amount equal to 18% of the annual salary of a trial court judge. Beginning in 2009: (1) establishes the state's annual contribution for a participant in the legislators' defined contribution plan as a percentage of the participant's salary; (2) requires the board of trustees of the public employees' retirement fund (PERF) to determine the percentage annually; (3) requires the budget agency to confirm the percentage determined by the PERF board; and (4) requires that the percentage be determined using the state's employer contribution rate to fund the pension portion of the retirement benefit for state employees who are members of PERF and the rate at which the state makes contributions to annuity savings accounts on behalf of state employees who are members of PERF. Provides that the percentage may not exceed the state's total contribution rate for state employees who are members of PERF. Effective January 1, 2009, repeals a provision establishing the state's annual contribution for a participant in the legislators' defined contribution plan as 20% of the participant's annual salary. Effective January 1, 2009, defines salary for purposes of the contributions. Removes the statutory authority of the president pro tempore of the senate and the speaker of the house of representatives to elect to pay any part of the health insurance premium of a former member of the general assembly or the spouse of a former member of the general assembly whose last day

of service is after July 31, 2007. Requires the public officers compensation advisory commission (commission) to make recommendations regarding all elements of compensation paid or provided to a public officer. (Under current law, the commission is limited to making recommendations regarding the salaries of public officers.) Requires the commission to recommend a compensation plan that enables an individual who is a public officer to select compensation elements to meet the individual's own circumstances while ensuring that individuals who hold the same public office receive compensation of equal value. Provides for salary adjustments for certain state elected officials for periods during which the general assembly does not enact an increase. Appropriates from the state general fund amounts sufficient to fund any salary increases.

Senate Bill 412 (Public Law 160-2007)

Authors: Hershman, Dillon

Sponsor: Micon

Citations Affected: IC 4-1; 36-2

Effective: Upon Passage (May 4, 2007); July 1, 2007

Social Security number disclosures. Specifies the circumstances under which a state educational institution may disclose a Social Security number to a contractor or other person. Specifies that the statement on a recorded instrument regarding redaction of Social Security numbers must be located at the conclusion of the instrument and immediately preceding or following the name of the person who prepared the instrument.

Senate Bill 461 (Public Law 198-2007)

Author: Ford

Sponsor: Reske

Citations Affected: Various Indiana Code citations in Titles 4; 5; 9

Effective: July 1, 2007

GIS data standards. Repeals the law establishing the intelenet commission. Requires the office of technology to assume the functions of the intelenet commission. Creates the position of state Geographic Information Systems (GIS) officer to be appointed by the governor. Requires the state GIS officer to adopt or veto the GIS data standards and the statewide data integration plan recommended by IGIC. Provides that the state data center of the state library shall be the state's depository for GIS data. Assigns duties to the state GIS officer and the state data center in implementing and enforcing the state GIS data standards. Provides that a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state. Provides that the state GIS officer may require, as a condition of a data exchange agreement, that a political subdivision follow the GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data provided by the state. Prohibits the IGIC, the state GIS officer, or the state data center from recommending or restricting standards for GIS hardware or software that a proprietary vendor provides to a political subdivision. Provides that the "Buy Indiana Presumption" shall be observed in all procurement decisions related to the state GIS data standards.

Senate Bill 501 (Public Law 44-2007)

Authors: Kenley, Mrvan, Long

Sponsor: C. Brown

Citations Affected: Various Indiana Code citations in Title 5

Effective: August 1, 2007

State retirement medical benefits account. Establishes a retirement medical benefits account for elected officers, appointed officers, and employees of the executive, legislative, and judicial branches of state government to pay participants' medical expenses after retirement. Designates the budget agency as the account administrator. Requires the state to make annual contributions to the account based on the age of the participant. Provides for a supplemental contribution to the account for a participant who retires with at least: (1) 15 years of service with the state, for an employee; or (2) ten years of service as an elected or appointed officer. Provides that: (1) employees who qualify and have applied for a normal unreduced or disability retirement benefit at separation from service; and (2) elected or appointed officers with at least ten years of service; are entitled to a benefit from the account. Allows the surviving spouse or dependent of a retired participant to receive a benefit. Provides that unused amounts credited to a retired participant are forfeited if the retired participant dies without a surviving spouse or dependent. Requires the budget committee to review the financial status of the account annually. Provides that, if allowed by the Internal Revenue Service, the retirement medical benefits account established by the public employees' retirement fund must: (1) require a state employee to convert certain unused vacation leave to a monetary contribution to the account at retirement; and (2) allow the state to contribute to the account on the employee's behalf an amount not to exceed two times the amount of the employee's contribution. Specifies that the budget agency may not establish the retirement medical benefit account or implement the health reimbursement arrangement unless the general assembly makes a specific appropriation to implement the health reimbursement arrangement.

Senate Bill 524 (Public Law 162-2007)

Authors: Hershman, Heinold

Sponsor: Mays

Citations Affected: IC 4; 5; 6-3.1; 8; 14-14; 15-7; 16; 20-12; 28-5; 34-30

Effective: July 1, 2007

IFA and IEDC programs. Provides that the definitions in the law establishing the Indiana finance authority (IFA) apply throughout all the other laws administered by the IFA. Abolishes the Indiana health and educational facility financing authority and transfers its powers and duties to the IFA. Replaces references to the "secretary" or "secretary-treasurer" of the IFA with "public finance director". Transfers the following programs from the Indiana finance authority to the Indiana economic development corporation (IEDC): (1) shovel ready site development center; (2) capital access program; (3) industrial development loan guaranty program; (4) agricultural loan and rural development project fund; and (5) business development loan fund. Makes conforming changes. Repeals: (1) provisions in the law governing the health and educational facility financing authority that are also included in the law governing the IFA; and (2) provisions that are relocated from the statutes governing the IFA to the statutes governing the IEDC. Makes other conforming and transitional changes.

Senate Bill 553 (Public Law 60-2007)
Author: Drozda
Sponsor: V. Smith
Citations Affected: Various Indiana Code citations in Title 23
Effective: Upon Passage (May 2, 2007)
Secretary of state fees. Decreases certain filing fees charged by the secretary of state if a document is filed electronically.

House Bill 1210 (Public Law 64-2007)
Author: Van Haaften
Sponsors: Bray, Lanane
Citations Affected: IC 4-6; 32-34
Effective: Upon Passage (April 25, 2007); July 1, 2007
Homeowner protection unit account and unclaimed property. Provides that money in the homeowner protection unit account administered by the attorney general does not revert at the end of a state fiscal year. Allows the attorney general to publish a notice of unclaimed property electronically on the attorney general's web site instead of in a newspaper if the address of the apparent owner of the property: (1) is not reported to the attorney general by the previous holder of the property; or (2) is outside Indiana. Provides that an electronic notice of unclaimed property must remain on the attorney general's web site for at least two weeks. Provides that if the attorney general's examination of a person's records reveals that the person holds property that is reportable under the law governing abandoned property, the attorney general may assess the cost of the examination against the person at a reasonable rate established by the attorney general. (Current law provides that the attorney general may recover the cost of the examination at a rate of $200 a day for each examiner.)

House Bill 1278 (Public Law 117-2007)
Author: Austin
Sponsors: Ford, Lanane, Drozda
Citations Affected: IC 5-13
Effective: July 1, 2007
Local government investment pool. Establishes the local government investment pool (investment pool) within the office of the treasurer of state. Allows local units of government to pay money into the investment pool for the purpose of deposit, investment, and reinvestment of the money by the treasurer of state on behalf of the units. Requires the treasurer of state to invest the funds in the investment pool in the same manner, in the same type of instruments, and subject to the same limitations provided for the deposit and investment of state funds. Authorizes the treasurer of state to contract with accountants, legal counsel, regulated investment advisors, money managers, and other finance and investment professionals to make investments and provide for the public accounting and legal compliance necessary to ensure and maintain the safety, liquidity, and yield of the investment pool. Requires the treasurer of state to establish and make public the policies that the treasurer of state will follow in the administration of and accounting for the investment pool. Requires the policies to provide the following: (1) There is not a minimum time for which funds must be retained by the investment pool. (2) The

administrative expenses of the investment pool shall be paid from the earnings of the investment pool. (3) The earnings of the investment pool in excess of administrative expenses shall be credited to the state and each unit of government participating in the investment pool in a manner that equitably reflects the different amounts and terms of the state's investment and each unit's investment. (4) There is not a limit on the number of accounts that the state or a unit of government participating in the investment pool may establish within the investment pool. (5) The state and each unit of government participating in the investment pool shall receive certain daily and monthly reports. (6) The investment pool shall be audited annually by an independent auditing firm. (7) At least 50% of the funds available for investment must be deposited in banks qualified to hold deposits of local government entities.

House Bill 1566 (Public Law 228-2007)
Author: Crawford
Sponsors: Ford, Simpson
Citations Affected: IC 4-13
Effective: July 1, 2007

Minority and women's business enterprises. Expands the definition of "minority business enterprise" to include nonprofit qualified minority nonprofit corporations. Expands the definition of "women's business enterprise" to include certain nonprofit corporations. Requires that the statistical analysis required of the governor's commission on minority and women's business enterprises must: (1) use criteria for participation of minority business enterprises established in Richmond v. Croson; (2) include information on both contracts and subcontracts; and (3) use data based on the combined capacity of minority businesses in Indiana and not just regional data. Requires the commission to conduct an analysis during the 2007-2008 fiscal year. Requires the commission to evaluate the competitive differences between qualified minority or women's nonprofit corporations and other than qualified minority or women's nonprofit corporations that offer similar services. Specifies that the goals and objectives concerning the awarding of contracts to minority and women's business enterprises applies to contracts of state educational institutions. Specifies that the statistical analysis used to establish the goals applies to contracts and subcontracts of state educational institutions. Requires a contractor whose offer designated minority or women's business enterprises to furnish any supplies or perform any work under the contract awarded by a state agency to the contractor to: (1) notify in writing each minority and women's owned business enterprise designated in the contractor's offer that the contractor has been awarded the contract; and (2) give copies of each notification to the state agency that awarded the contract. Provides for remedies if the contractor fails to satisfy these requirements. Requires the department of administration to adopt rules to resolve grievances arising under the minority and women's owned business enterprise statute.

House Bill 1753 (Public Law 176-2007)
Author: Summers
Sponsors: Lubbers, Broden
Citations Affected: IC 5-20
Effective: Upon Passage (May 4, 2007)

Mortgage foreclosure counseling. Authorizes the Indiana housing and community development authority (authority) to establish a program to provide free mortgage foreclosure counseling and

education to homeowners who have defaulted on or are in danger of defaulting on the mortgages on their homes. Provides that the program may include a central toll free telephone number that homeowners may call to receive mortgage foreclosure counseling and education. Authorizes the authority to award grants for the training of counselors who will provide mortgage foreclosure counseling and education. Provides that the authority may establish standards for the certification of counselors. Provides that the authority may solicit contributions and grants from the private sector, nonprofit entities, and the federal government to assist in carrying out the program. Requires the authority to submit a report to the legislative council annually.

House Bill 1818 (Public Law 29-2007)
Author: V. Smith
Sponsors: Merritt, Rogers
Citations Affected: IC 4-20.5
Effective: July 1, 2007

State House displays. Requires the department of administration (department) to commission a permanent display for placement in the state capitol to commemorate the contributions of black citizens of Indiana. Requires the approval of the legislative council before the display is placed in the state capitol. Requires the department to commission a bust of President Benjamin Harrison for display in the state capitol. Requires the department to consult with the historical bureau and the arts commission on the design of the bust. Requires the approval of the legislative council before the bust is placed in the state capitol.

STATE & LOCAL ADMINISTRATION

Senate Bill 38 (Public Law 46-2007)
Authors: R. Meeks, Riegsecker
Sponsor: Herrell
Citations Affected: IC 5-22; 16-32
Effective: July 1, 2007

Purchases from persons with disabilities. Provides that before the purchasing agent of a governmental body that is not a political subdivision issues a solicitation for supplies or services, the purchasing agent shall: (1) obtain a written determination from the committee for the purchase of products and services or a person designated by the committee; or (2) certify that the supplies or services cannot be obtained from a nonprofit agency that meets the specifications at a fair market price. Provides that before the purchasing agent of a governmental body that is not a political subdivision issues a solicitation for a consolidated purchase of supplies or services, the purchasing agent shall: (1) require the vendor to purchase products or services from a catalog of; or (2) establish standards to ensure participation of solicitation by; a nonprofit agency that meets specifications. Establishes requirements concerning a fair market price. Adds employment data to the information included in a quarterly report provided by a participating qualified nonprofit agency for persons with severe disabilities to the committee for purchase of products and services. Specifies that the quarterly report must be made available to the department of administration. Requires that the: (1) state use catalog be updated by the committee for the

purchase of products and services not less than every 90 days in a calendar year; and (2) web based electronic version of the state use catalog be considered the catalog of record.

Senate Bill 96 (Public Law 6-2007)
Authors: R. Meeks, Heinold
Sponsor: Niezgodski
Citations Affected: IC 5-16
Effective: July 1, 2007
Preference for domestic foundry products. Requires that foundry products produced in the United States must be used in state and local public works projects unless certain conditions apply.

Senate Bill 103 (Public Law 179-2007)
Author: Gard
Sponsor: Stilwell
Citations Affected: IC 5-14; 8-1; 21; 25-1
Effective: July 1, 2007
Serial meetings and public access issues. Provides that, absent express statutory authorization, a member of the governing body of a public agency who is not physically present at a meeting but communicates with other members of the governing body during the meeting by an electronic means of communication may not participate in a final action taken at the meeting or be considered to be present at the meeting. Specifies the contents of the memoranda of a meeting that a member participates in by using an electronic means of communication. Allows the board of trustees (and a committee of the board) of a state educational institution, the Ivy Tech board of trustees (and a committee of the board), the board of trustees of Vincennes University (and a committee of the board), the governing body of a joint agency of a municipal utility program, and a board, committee, or commission administered by the Indiana professional licensing agency to conduct meetings by electronic means. Provides, with certain exceptions, that members of the governing body who participate in a series of gatherings either in person or by electronic means (excluding electronic mail) violate the open door law if: (1) one of the gatherings is attended by at least three members but less than a quorum of the members of the governing body and the other gatherings include at least two members of the governing body (for the city-county council of a consolidated city, one of the gatherings must be attended by at least five members and the other gatherings must include at least three members); (2) the total sum of different members attending all gatherings at least equals a quorum of the governing body; (3) all the gatherings concern the same subject matter and are held within a period of not more than seven consecutive days; and (4) the gatherings are held for the purpose of taking official action on public business. Excludes certain gatherings from the definition of "meeting" under the open door law. Provides that negotiations (in addition to "interviews" as provided in the current law) may be held in executive session between industrial or commercial prospects and the following: (1) The Indiana economic development corporation. (2) The Indiana finance authority. (3) An economic development commission. (4) A local economic development organization. (5) A governing body of a political subdivision. Exempts, at the discretion of the public agency, records from public access relating to negotiations between industrial, research, or commercial prospects and a local economic development organization or a governing body of a political

subdivision. Requires the terms of a final offer of public financial resources communicated by a governing body of a political subdivision to be available for inspection and copying after negotiations have terminated. Exempts from the open door law and the access to public records law an entity that: (1) receives public funds through an agreement with the state, county, or municipality to provide services, goods, or other benefits in exchange for fees; and (2) is not required by statute, rule, or regulation to submit to an audit by the state board of accounts.

Senate Bill 106 (Public Law 127-2007)
Authors: Lanane, Skinner, Hershman
Sponsor: Reske
Citations Affected: IC 5-28
Effective: July 1, 2007
Grants and loans for alternative fuel technology. Provides that grants and loans for the development of alternative fuel technologies, and the development and production of fuel efficient vehicles, may be made from the twenty-first century research and technology fund.

Senate Bill 211 (Public Law 133-2007)
Author: Ford
Sponsor: Crawford
Citations Affected: Various Indiana Code citations in Titles 4; 5; 8; 36
Effective: July 1, 2007
Bonds for public works projects. Requires the department of administration to offer instruction at least annually to small businesses, minority business enterprises, and women's business enterprises with regard to bonding requirements and securing bonding for public works projects. Increases the threshold to $200,000 for which bid, performance, and payment bonds are required for public works for state and local projects. Specifies a minimum percentage of retainage that must be withheld by a state agency under a public works contract.

House Bill 1012 (Public Law 30-2007)
Author: Koch
Sponsors: Delph, Simpson
Citations Affected: IC 9-21
Effective: July 1, 2007
Tourist attraction signage. Requires criteria established jointly by the Indiana department of transportation and the office of tourism development for tourist attraction signage to include a category for a tourist attraction that: (1) is a trademarked destination brand; and (2) encompasses sites listed on the National Register of Historic Places or the register of Indiana historic sites and historic structures; regardless of the distance of the tourist attraction from the highway on which the signage is placed. Establishes the tourism signage study commission.

House Bill 1034 (Public Law 23-2007)
Author: Grubb
Sponsors: Merritt, Lewis
Citations Affected: IC 8-14
Effective: July 1, 2007
Covered bridge funding. Increases the annual appropriation to a county for covered bridge maintenance to $1,850 (rather than $1,250) per covered bridge.

House Bill 1075 (Public Law 150-2007)
Author: Day
Sponsors: Kenley, Simpson
Citations Affected: IC 4-4
Effective: July 1, 2007
Individual development accounts. Provides that money withdrawn from an individual development account (IDA) may be used to pay for the rehabilitation of the individual's primary residence. Raises from $300 to $400 the amount deposited in an IDA in a year that the housing and community development authority (authority) must match with state funds. Provides that the authority may match any portion of an individual's deposit into an IDA each year that is over $400. Raises the limit on the amount the authority may annually match from $900 to $2,400 per account. Raises the number of IDAs that may be established annually from 800 to 1,000 beginning July 1, 2009. Provides that if the amount appropriated by the general assembly for IDAs is insufficient to make the required matching deposits, the authority shall proportionately reduce the amounts deposited into each account.

House Bill 1078 (Public Law 199-2007)
Author: Tincher
Sponsors: R. Meeks, Lewis
Citations Affected: IC 4-23
Effective: July 1, 2007; January 1, 2009
State and local administration. Reduces the number of members of the Dr. Martin Luther King Jr. Indiana Holiday Commission (commission) from fourteen to thirteen. Reduces the number of members of the commission appointed by the governor from ten to nine. Provides that seven members of the commission constitute a quorum. Provides that the members of the commission shall make all policy decisions relating to the commission.

House Bill 1281 (Public Law 19-2007)
Author: Koch
Sponsors: Heinold, Ford
Citations Affected: IC 5-22
Effective: July 1, 2007
Bioproducts initiative. Requires governmental bodies and state educational institutions to purchase biobased products under certain circumstances. Establishes the Indiana biobased products advisory commission.

House Bill 1427 (Public Law 172-2007)
Author: Austin
Sponsors: Wyss, Lanane
Citations Affected: IC 5-14
Effective: July 1, 2007
Protecting undercover officer information. Allows a state or local government agency to withhold records from public disclosure that contain certain information about a law enforcement officer operating in an undercover capacity.

House Bill 1434 (Public Law 26-2007)
Author: Candelaria Reardon
Sponsors: Landske, Rogers
Citations Affected: IC 5-2
Effective: July 1, 2007
Drug free communities fund. Requires a county fiscal body to allocate 25% of the money in the county drug free community fund to persons, organizations, agencies, and political subdivisions to provide services and activities based on the comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission for a drug free Indiana.

House Bill 1731 (Public Law 195-2007)
Author: GiaQuinta
Sponsor: Lanane
Citations Affected: IC 5-22; 36
Effective: July 1, 2007
State and local administration. Increases the thresholds for small purchases for Indiana state and local government agencies. Increases the threshold for small public works projects for political subdivisions. Provides that all purchasing agencies may award a contract under the request for proposal provisions of the law without making certain written determinations. Removes a provision that requires that when conducting discussions with an offeror, information derived from a proposal submitted by a competing offeror may not be disclosed. Extends to all purchasing agents, and not just executive branch agencies, the ability to discuss competing offers. Provides that governmental entities may make purchases from other governmental entities, or under another governmental entity's written contract and, in certain circumstances, with a nonprofit entity if the requirements of the public purchasing statutes are met. Allows any county to adopt an ordinance creating a public safety communications systems and computer facilities district. Prohibits a county from imposing an ad valorem property tax levy to fund the operation or implementation of a public safety district.

TAXATION

See also:
SB 250: Grain buyers and corn marketing.
[Agriculture & Animals]
SB 270: Flexible fuel vehicle incentives.
[Motor Vehicles]
SB 480: Military and veterans' benefits.
[Military]
SB 500: Various economic matters.
[Economic Matters]
HB 1678: Health matters (Cigarette Tax).
[Health & Human Services]
HB 1722: Utility matters.
[Utilities]
HB 1774: Regional development authorities.
[Local Government]

Senate Bill 287 (Public Law 219-2007)
Authors: Kenley, Dillon
Sponsor: Kuzman
Citations Affected: Various IN Code citations in Titles 3; 4; 5; 6; 8; 12; 14; 20; 32; 33; 36
Effective: Upon Passage (May 11, 2007); July 1, 2007; January 1, 2008

Various property tax matters. Adjusts the procedures for administrative and judicial appeal of a property tax assessment or exemption. Exempts the Indiana board of tax review from the administrative orders and procedures act with respect to appeals to the Indiana tax court. Revises the procedure for filing and review of sales disclosure forms. Directs the legislative council to assign sales disclosure topics to a study committee. Delays the property tax due dates if notices of assessment for the immediately preceding year are not issued at least 45 days before May 10 of the year the tax is due. Requires a person to be a certified level two assessor-appraiser to qualify to take office as county assessor or elected township assessor, or to qualify to perform assessment functions as a township trustee-assessor. Allows assessment duties to be transferred from a particular township if for a general election after June 30, 2008, the person elected to the office has not attained the certification of a level two assessor-appraiser. Provides that a township trustee-assessor whose assessment duties are transferred to the county assessor retains other trustee duties. Provides that salary increases for assessors, deputies, and employees who obtain certification as a level two assessor-appraiser apply if the certification was obtained before assuming office or becoming employed by the assessor. Provides that the additional amount a township assessor or employee receives on becoming a certified level two assessor-appraiser is in addition to and not part of the person's annual compensation. Repeals an obsolete provision in the commercial vehicle excise tax concerning the filing of information returns in May 2000. Provides that the county assessor shall review and may audit personal property tax returns that are currently reviewed by the department of local government finance (DLGF). Provides that an appeal of an assessment of the real property of an industrial facility made by the

DLGF is subject to appeal to the Indiana board of tax review, and establishes requirements for the findings of the board. Creates a level three Indiana assessor-appraiser certification to be administered by the DLGF. Provides that a person who attains a level three certification is eligible for positions and for pay increases for which a level two is eligible. Provides for annual adjustment of maximum property tax rates to account for the change in assessed value of real property that results from an annual adjustment of the assessed value of real property. Requires most political subdivisions to adopt a budget by September 30. Requires the county assessor instead of the DLGF to order the reassessment of property destroyed in a disaster. Sets May 15 as the deadline to apply for a property tax exemption. Requires political subdivisions to submit financing data to the DLGF by December 31. Makes related changes. For the various types of property tax abatement, provides a procedure to correct an understatement of an assessed value deduction that results from an error by the taxpayer by the application of a separate deduction after the regular abatement schedule expires. Provides that an appropriation from the property reassessment fund must be approved by the fiscal body of the county after the review and recommendation of the county assessor. Provides under certain circumstances that the 5% delinquency penalty applies to delinquent property taxes if the taxes are paid within 30 days after the due date and the taxpayer is not liable for delinquent property taxes due in a previous installment (rather than due in a previous year, under current law), and provides that the 5% penalty applies to both real and personal property. Provides that, in the case of a civil taxing unit that has a levy excess for a particular year, experienced a shortfall in property tax collections in the preceding year, and did not receive permission to increase its property tax levy to make up the shortfall, the amount the civil taxing unit must transfer to its levy excess fund is reduced by the amount of the civil taxing unit's shortfall in the preceding calendar year. Retroactively amends the definitions of property eligible for certain property tax abatement. Allows registered voters and owners of real property to participate when a political subdivision conducts a petition and remonstrance process to approve a bond issue or a lease rental. (Current law allows only the owners of real property to sign a petition or a remonstrance.) Requires the petitions to be filed with the county voter registration office, rather than the county auditor. Specifies the dates by which an individual must be a registered voter in order to participate in the petition and remonstrance process. Specifies that whenever the name of an individual who signs a petition or remonstrance as a registered voter contains a minor variation from the name of the individual as set forth in the records of the county voter registration office, the signature is presumed to be valid and there is a presumption that the individual is entitled to sign the petition or remonstrance. Specifies that in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under the election law, but provides that an individual is not required to comply with the provisions concerning providing proof of identification. Provides that if a petition is presented to a county voter registration office within 35 days of an election, the county voter registration office may defer acting on the petition until after the election. Extends the assessment appeal deadline for a taxpayer that receives a tax statement based on the 2006 assessment. Increases the assessed valuation eligibility limits for certain property tax deductions.

Senate Bill 416 (Public Law 183-2007)
Authors: R. Young, Kenley
Sponsor: Dembowski
Citations Affected: IC 6-1.1
Effective: Retroactive (January 1, 2007); Upon Passage (May 8, 2007); July 1, 2007
Property taxes. Provides for the following filing deadlines for property tax deductions: (1) June 11 for real property; and (2) March 31 for mobile homes or manufactured homes that are not assessed as real property. Changes the filing deadline for the homestead credit with respect to mobile homes or manufactured homes that are not assessed as real property from March 2 to March 31.

Senate Bill 502 (Public Law 145-2007)
Authors: Kenley, Dillon
Sponsor: Kuzman
Citations Affected: IC 6-2.5
Effective: January 1, 2008
Taxation. Provides various sales and use tax definitions, changes, and additions to conform with the Streamlined Sales and Use Tax Agreement. Repeals an obsolete provision concerning software that may be used concurrently in more than one jurisdiction. Requires the governor and the commissioner of the department of state revenue to take the steps necessary for Indiana to become an associate member of the multistate tax commission.

House Bill 1037 (Public Law 32-2007)
Author: Micon
Sponsors: Alting, Lanane
Citations Affected: IC 6-2.5
Effective: June 30, 2007
Home energy assistance sales tax exemption. Extends the sales tax exemption for the low income home energy assistance program until July 1, 2009.

House Bill 1051 (Public Law 24-2007)
Author: Crooks
Sponsors: Wyss, Hume
Citations Affected: IC 6-6
Effective: July 1, 2007; January 1, 2008
Motor fuel tax exemption. Provides a motor fuel tax exemption for a pickup truck that: (1) has been modified to include a third free rotating axle; (2) is not greater than 26,000 pounds; and (3) is used solely for personal use and not for commercial use. Expands tax exemption from the aircraft registration requirements for nonresidents who leave their planes with a dealer for repair, remodeling, or refurbishing to include those owning repair shops certified by the Federal Aviation Administration.

House Bill 1065 (Public Law 33-2007)
Author: Micon
Sponsors: Kenley, Steele
Citations Affected: IC 6-6
Effective: July 1, 2007
Special fuel tax exemption for certain biofuels. Provides a special fuel tax exemption for certain biofuels produced for personal, noncommercial use.

House Bill 1193 (Public Law 88-2007)
Author: Crawford
Sponsors: Miller, Breaux
Citations Affected: IC 6-2.5
Effective: July 1, 2007
Sales tax exemption for wastewater utility. Defines "public utility", "collection plant and expenses", "system pumping plant and expenses", and "treatment and disposal plant and expenses" in the statute that exempts certain expenditures by a wastewater utility from sales tax.

House Bill 1211 (Public Law 89-2007)
Author: Van Haaften
Sponsors: Boots, Broden
Citations Affected: IC 6-1.1
Effective: Upon Passage (April 26, 2007); July 1, 2007
Tax sales. Limits the circumstances under which a tax sale purchaser may terminate the purchase before conclusion and receive a refund of a part of the purchase price. Reduces the amount of the refund. Requires reinstatement and collection of any remaining delinquencies after the terminated purchase. Provides a procedure for searching the records for an alternative mailing address when service of notice of an order for the sale of property for delinquent property taxes is initially unsuccessful. Eliminates an obsolete reference to the dates when a tax sale must be held. Reduces the period before a tax sale may be conducted when property has been offered at sales without success. Prohibits a tax sale purchaser who fails to make payment and complete the sale from participating in the next succeeding tax sale in the county. Permits a tax sale to be conducted by electronic means. Provides that any civil penalty collected because a purchaser fails to pay the bid must be deposited in the county general fund and not the common school fund. Requires a purchaser of property at a tax sale to certify certain additional costs that must be paid by a redeeming property owner not earlier than 30 days after the tax sale. Requires pleadings and motions related to a defense to a judgment and order of sale to be served on the county auditor and county treasurer. Permits a county before August 1, 2007, to use the expedited sale procedures repealed by HEA 1102-2006 for property that failed to sell at a tax sale conducted before 2007.

House Bill 1388

Author: Denbo

Sponsors: Drozda, Simpson

Citations Affected: IC 6-2.5; 6-3.1; Noncode

Effective: July 1, 2007

Film industry production incentives. Provides a refundable tax credit to taxpayers that make qualified media production expenditure in Indiana. Provides that the tax credit may not be awarded for a taxable year ending after December 31, 2011. Provides that the tax credit may be granted only if qualified production expenditures are at least $100,000 in the case of a film or television production or at least $50,000 in the case of other qualified media productions. Provides that in the case of a taxpayer that claims the tax credit for qualified production expenditures of less than $6,000,000, the amount of the credit equals 15% of the taxpayer's qualified production expenditures. Provides that in the case of a taxpayer that claims the tax credit for qualified production expenditures of at least $6,000,000: (1) the amount of the credit equals the taxpayer's qualified production expenditures multiplied by a percentage (not more than 15%) determined by the Indiana economic development corporation (IEDC); and (2) the taxpayer must, before incurring or making the qualified production expenditures, apply to the IEDC for approval of the tax credit. Provides that the IEDC may not approve more than $5,000,000 in media production tax credits in a taxable year for taxpayers with qualified production expenditures of at least $6,000,000. Provides that a taxpayer that is a corporation or a nonresident person and that claims the tax credit (or any successor in interest of the corporation or nonresident person) must file an Indiana income tax return for at least the first five years that the taxpayer has income from the qualified media production for which the tax credit was granted. Provides that, notwithstanding the income apportionment statutes, the portion of the income from the qualified media production that for purposes of income taxation is considered to be derived from sources within Indiana is equal to: (1) the amount of qualified production expenditures for which the tax credit was granted for the qualified media production; divided by (2) the total production expenditures for the qualified media production. Provides that a taxpayer may not receive the tax credit unless the taxpayer consents that: (1) the taxpayer (and any successor in interest of the taxpayer) will be subject to the jurisdiction of Indiana courts; and (2) any civil action related to the tax credit and in which the taxpayer (or any successor in interest of the taxpayer) is a party will be heard in an Indiana court. Prohibits taxpayers from selling or otherwise transfer the tax credit. Expands the sales tax exemption for property acquired for use in a motion picture production to property acquired for use in qualified media productions. Provides that a qualified applicant may not claim a tax credit and a sales tax exemption for the purchase of the same tangible personal property.

VETOED

House Bill 1456 (Public Law 16-2007)

Author: Klinker

Sponsors: Becker, Hume

Citations Affected: IC 6-2.3

Effective: Upon Passage (March 30, 2007)

Utility receipts tax. Exempts gross receipts derived from the sale of utility services between members of a controlled group of corporations or an affiliated group from the utility receipts tax if: (1) the seller is the producer of the utility service and the purchaser is the end user; and (2) the seller and the purchaser exist at the same location or adjacent locations.

House Bill 1461 (Public Law 223-2007)

Author: Bosma

Sponsors: Ford, Broden

Citations Affected: IC 6-3; 6-3.1; 6-9

Effective: Retroactive (January 1, 2007); July 1, 2007; January 1, 2008

Tax exemptions and credits. Exempts from taxation certain income derived from qualified patents and earned by a taxpayer. Defines qualified patent to include only utility patents and plant patents. Provides that the total amount of exemptions claimed by a taxpayer in a taxable year may not exceed $5,000,000. Provides that a taxpayer may not claim an exemption for income derived from a particular patent for more than ten taxable years. Provides that the exemption percentage begins at 50% of income derived from a qualified patent for each of the first five taxable years and decreases over the next five taxable years to 10% in the tenth taxable year. Specifies that a taxpayer is eligible to claim the credit only if the taxpayer is domiciled in Indiana and is: (1) either an individual or corporation with not more 500 employees; or (2) is a nonprofit organization or corporation. Requires the department of state revenue to file an annual report concerning the exemption. Establishes the Hoosier alternative fuel vehicle manufacturer tax credit. Provides that the Indiana economic development corporation (IEDC) may award such a tax credit to businesses that make certain qualified investments in Indiana for the manufacture or assembly of alternative fuel vehicles. Provides that the IEDC determines the percentage of the tax credit, which may not exceed 15%. Makes changes to membership qualifications for members of the Lake county convention and visitors bureau (bureau). Specifies that the bureau is a political subdivision for purposes of tort claims against the bureau or its employees.

House Bill 1478 (Public Law 224-2007)

Author: Kuzman

Sponsors: Kenley, Hershman, Mrvan

Citations Affected: Various IN Code citations in Titles 3; 6; 8; 12; 13; 14; 20; 21; 33; 36

Effective: Retroactive (January 1, 2006); Upon Passage (May 11, 2007); May 15, 2007; July 1, 2007; January 1, 2008

Taxation. Provides that in 2008, the standard deduction available for real property that qualifies for the homestead credit may not exceed $45,000. Provides that beginning in 2009, the maximum deduction decreases $1,000 each year until it reaches $40,000. Authorizes a county to adopt an additional county adjusted gross income tax (CAGIT) rate or an additional county option income tax (COIT) rate. Provides that the tax rate shall be set by the department of local government finance (DLGF) at an amount sufficient to raise tax revenue to replace the estimated increase in the following year of certain property tax levies in the county. Specifies that the tax rate may not exceed 1%. Provides that in the first year the tax rate is imposed, the tax rate shall be set for each of the following two years. Provides that the tax rate set for the first year must be increased a specified amount above the amount needed to replace the tax levy growth, and that the excess tax revenue raised in the first year must be deposited in the county stabilization fund. Establishes a county stabilization fund in each county that imposes the additional tax rate. Provides that if the certified distributions exceed the estimated replacement amount used to determine the tax rate, the excess shall be deposited in the county stabilization fund. Specifies when money shall be distributed from the county stabilization fund. Provides that the tax rate may not be reduced or rescinded, but that the tax rate may be increased each year to replace the

property tax levy growth that would otherwise occur in the following year. Authorizes a county to impose an additional CAGIT or COIT tax rate for public safety. Specifies the conditions under which a county may impose the additional tax rate for public safety and specifies the maximum additional tax rate. Requires this tax revenue to be distributed to the county and municipalities in the county and to be used for public safety purposes. Provides that a county may impose a CAGIT or COIT tax rate of not more than 1% for: (1) property tax replacement credits; (2) an increase in the homestead credit percentage; or (3) property tax replacement credits for qualified residential property. Provides that the assessed value growth quotient for a particular year for civil taxing units in Lake County is zero unless this tax rate for property tax relief will be in effect at a rate of 1% in Lake County for that calendar year. Provides that ordinances imposing, increasing, decreasing, or rescinding CAGIT, COIT, and the county economic development income tax must be adopted after March 31 and before August 1 of a year. Provides that the ordinances take effect October 1 of a year. Abolishes county boards of tax adjustment on December 31, 2008. Establishes a county board of tax and capital projects review (review board) in each county on January 1, 2009. Provides that in counties other than Marion County, a review board consists of members appointed from various fiscal bodies within the county and two individuals elected on a nonpartisan basis. Specifies the membership of the review board in Marion County. Provides that in those counties that have a county board of tax adjustment, the review board has the powers and duties held by a county board of tax adjustment before the county board of tax adjustment is abolished. Requires the fiscal body of each political subdivision in a county to do the following every two years: (1) Hold a public hearing on a proposed capital projects plan. (2) Adopt a capital projects plan. Requires a capital projects plan to apply to at least the five years immediately following the year the capital projects plan is adopted. Requires a review board to review and provide a written report concerning each capital projects plan. Provides that a political subdivision may not: (1) begin construction of a capital project; (2) enter into contracts for the construction of a capital project; (3) issue bonds for a capital project; or (4) take certain other actions concerning a capital project; unless the review board approves the capital project. Provides that the approval of the DLGF is not required for an issuance of bonds that has been approved by the review board. Provides that a capital project must be reviewed by a review board only if the capital project: (1) is a controlled project for purposes of the petition and remonstrance procedures; and (2) will cost the political subdivision more than $7,000,000. Provides that review board approval is not required for water projects, wastewater projects, highway or road projects, or bridge projects. Provides that the local government tax control board is abolished December 31, 2008. Beginning in 2009, eliminates certain levy appeals for civil taxing units. Provides that after May 15, 2007, the DLGF may not approve a school corporation's proposed bond issue that does not provide for payments toward the principal of the bonds on at least an annual basis, lease rental agreement that does not provide for repayments toward the present asset value of the lease at its inception on at least an annual basis, or debt service fund loan to purchase school buses that does not provide for payments toward the principal of the loan on at least an annual basis. Specifies that in 2008 and 2009, the circuit breaker credit for taxes greater than 2% applies to homestead property (rather than qualified residential property). Specifies that after 2009, the circuit breaker credit for taxes greater than 2% applies to homestead property and that a circuit breaker credit for taxes greater than 3% applies to property other than homestead property. Provides that a school corporation's tuition support property tax levy may not be reduced because of a circuit breaker credit. Provides that a redevelopment commission or the governing body of certain other TIF districts may file

with the county auditor a certified statement providing that for purposes of computing and applying the circuit breaker credit, a taxpayer's property tax liability does not include the liability for a tax increment replacement tax. Establishes a circuit breaker relief appeal board. Provides that beginning in 2008, a county or two or more political subdivisions that will have their property tax collections reduced by at least 2% in a year as a result of the application of the circuit breaker credit may petition the board for relief from the application of the circuit breaker credit. Requires a petitioning political subdivision to submit a proposed financial plan to the board. Provides that the board may: (1) increase the threshold at which the circuit breaker credit applies to a person's property tax liability; or (2) provide for a uniform percentage reduction to circuit breaker credits otherwise provided in the county; if the governing boards of all political subdivisions in the county agree to that plan. Allows Parke County to impose an additional CAGIT rate of not more than 0.25% to: (1) fund the costs (including pre-trial costs) of a capital trial that has been moved to another county for trial; and (2) to repay money borrowed for that purpose. Increases the Allen County innkeeper's tax rate to 7%. Authorizes Monroe County to adopt an additional COIT tax rate of not more than 0.25% to fund a juvenile detention center. Raises the cap on the Vanderburgh County innkeepers' tax from 6% to 8%. Provides that the additional county option income tax rate permitted in Howard County must be adopted in increments of one hundredth percent. Provides that the portion of the judicial salaries fee retained by a city or town shall be prioritized to fund city or town court operations. Provides that, notwithstanding the December 31, 2006, statutory deadline for a political subdivision to adopt an ordinance or resolution to provide local homestead credits in 2007, a political subdivision may adopt such an ordinance or resolution after December 31, 2006, and before June 1, 2007, to provide for a local homestead credit in 2007. Makes certain changes concerning personal property abatement. Creates the annexation study committee. Makes other changes.

House Bill 1767 (Public Law 196-2007)
Author: V. Smith
Sponsors: Kenley, Kruse
Citations Affected: IC 6-1.1
Effective: Upon Passage (May 8, 2007); July 1, 2007

Property taxes. Extends the period during which certain property tax exemptions apply to a tract of land pending construction of a building to be used for exempt purposes. Provides for repayment of property taxes if certain exempt property is sold within four years after purchase. Provides that for purposes of determining eligibility for the levy appeal for excessive assessed valuation growth, the first year of the annual adjustment of the assessed valuation of real property is excluded. Provides a property tax exemption for certain property in Vermillion County. Validates amended personal property tax returns filed by certain taxpayers. Allows an educational, literary, scientific, religious, or charitable entity that meets certain requirements and that failed to timely file an application for property tax exemption for assessment dates after 2000 to retroactively file for and be granted the property tax exemption.

TECHNOLOGY

See also:
SB 106: Grants and loans for alternative fuel technology.
[State & Local Administration]
SB 212: Electronic documents as estate property.
[Probate & Trusts]
SB 461: GIS data standards
[State Offices & Administration]
SB 551: Indiana health informatics corporation.
[Health & Human Services]
HB 1274: Accident report fees.
[Motor Vehicles]

TRADE REGULATION

Senate Bill 390 (Public Law 209-2007)
Authors: Broden, Drozda
Sponsor: Bardon
Citations Affected: IC 24; 25-1
Effective: July 1, 2007

Mortgage rescue protection fraud. Provides that a homeowner may rescind a contract with a foreclosure consultant at any time before midnight of the seventh business day after the date the contract is signed. Provides that a homeowner may rescind a foreclosure reconveyance agreement at any time before midnight of the seventh business day after the homeowner's transfer of the interest in the real property that is the subject of the agreement. Requires a homeowner who rescinds: (1) a contract with a foreclosure consultant; or (2) a foreclosure conveyance agreement; to repay certain amounts advanced in connection with the contract or the agreement not later than 30 days after the date of rescission. Prohibits foreclosure consultants and foreclosure purchasers from certain actions. Requires foreclosure purchasers to: (1) ensure that title to real property is reconveyed to the homeowner in a timely manner if reconveyance is required under a foreclosure reconveyance agreement; or (2) pay the homeowner an amount equal to 66% of the net proceeds from any resale of the property, if the property is sold within 18 months of entering into the agreement. Requires a foreclosure purchaser to make a detailed accounting of the basis for the amount of payment made to the homeowner if the real property is resold within 18 months. Provides that a violation of the statute concerning mortgage rescue protection fraud is a deceptive act that is actionable by the attorney general. Allows a homeowner to bring an action for damages for a violation of the mortgage rescue protection fraud laws. Allows a court to award treble damages for a willful or knowing violation of the mortgage rescue protection fraud laws. Requires the Indiana housing and community

development authority to maintain a list of nonprofit organizations that offer counseling or advice to homeowners in foreclosure or loan defaults. Excludes certain banks, trust companies, governmental entities, attorneys, and other persons from the law.

Senate Bill 403 (Public Law 104-2007)
Authors: Dillon, Boots, Hershman
Sponsor: Micon
Citations Affected: IC 24-5
Effective: September 1, 2007

Freezing of consumer reports. Provides that a consumer may prevent access to the consumer's consumer report by requesting that a consumer reporting agency place a security freeze on the consumer report. Requires a consumer reporting agency to develop and make available to consumers, not later than January 1, 2009, a secure electronic mail connection by which a consumer can request: (1) the placement of a security freeze; or (2) the same or a new personal identification number or password for use in releasing a report subject to a freeze to a third party, or in temporarily lifting a security freeze. Prohibits a consumer reporting agency from releasing any information from a consumer report that is subject to a security freeze unless the consumer requests: (1) the release of the report to a specified third party; or (2) the temporary lifting of the freeze for a specified period. For a consumer report subject to a security freeze, sets forth procedures for a consumer to request the: (1) release of the report to a third party; (2) temporary lifting of the freeze for specified period; or (3) removal of the freeze. Requires a consumer reporting agency to develop and make available to consumers, not later than January 1, 2009, secure procedures to process, within 15 minutes of receiving a request, a telephonic or an electronic authorization from a consumer to: (1) release a consumer report subject to a security freeze; (2) temporarily lift a security freeze; or (3) remove a security freeze. Provides that specified persons may receive information from a consumer report that is subject to a security freeze, including licensed insurers. Provides that specified persons are not required to place a security freeze on a consumer's consumer report, including consumer reporting agencies that furnish specialized credit reporting tools to energy utilities. Requires a consumer reporting agency to provide a consumer written notice, in connection with certain required disclosures, that the consumer may place a security freeze on the consumer's consumer report. Prohibits a consumer reporting agency from imposing a charge on a consumer for a request from the consumer to do any of the following: (1) Place a security freeze on the consumer's consumer report. (2) Release the consumer's consumer report to a specified person, if the report is subject to a security freeze. (3) Temporarily lift a security freeze. (4) Remove a security freeze. (5) Issue a personal identification number or password for use by the consumer in releasing information from a frozen consumer report, lifting a security freeze, or removing a security freeze. Prohibits a consumer reporting agency from imposing a charge on a third party to whom a consumer's consumer report is released at the request of the consumer. Provides a cause of action to a consumer aggrieved by a consumer reporting agency's knowing or intentional violation of the provisions concerning security freezes. Allows the attorney general to bring an action to recover a civil penalty from a person who knowingly or intentionally violates the provisions concerning security freezes.

TRANSPORTATION

See also:
HB 1034: Covered bridge funding.
[State & Local Administration]
HB 1623: Highway work zone safety.
[Motor Vehicles]
HB 1693: Motor carriers.
[Motor Vehicles]
HB 1742: Northwest Indiana regional bus authority.
[Local Government]

Senate Bill 105 (Public Law 203-2007)
Authors: Lanane, Kenley
Sponsor: Austin
Citations Affected: IC 2-5; 8
Effective: Upon Passage (May 10, 2007); July 1, 2007

Transportation. Requires the Indiana department of transportation (INDOT) to conduct a feasibility study regarding implementation of a commuter rail system with service from Muncie to Indianapolis. Authorizes INDOT to apply for any federal grants available for conducting the study. Establishes the joint study committee on mass transit and transportation alternatives (committee). Provides that the committee consists of the members of: (1) the senate standing committee on homeland security, transportation, and veterans affairs; and (2) the house of representatives standing committee on roads and transportation. Provides that the committee shall operate under the policies governing study committees adopted by the legislative council. Provides that INDOT shall commission six studies on mass transit in Indiana by region by December 1, 2007, and that the studies must be completed by January 1, 2009. Adds passenger and freight railroad systems to the definition of "project" for purposes of public-private agreements by INDOT. Provides that "project", for purposes of public-private agreements by INDOT, does not include a passenger railroad system that is operated by the Northern Indiana Commuter Transportation District. Specifies that INDOT may enter into a public-private agreement for a project consisting of a passenger or freight railroad system, subject to review and appropriation by the general assembly. Specifies that INDOT is not prohibited from conducting preliminary studies or issuing a request for qualifications or a request for proposals for such a project. Provides that passenger and freight railroad systems projects may not receive funds from the major moves construction fund. Establishes the alternative transportation construction fund for funding passenger and freight railroad system projects under public-private agreements by INDOT. Requires INDOT to submit an annual report to the legislative council on efforts concerning the development, financing, or operation of freight railroad systems through public-private agreements. Creates a legislative review committee for proposals concerning the Illiana Expressway and requires INDOT to perform an independent study concerning the Illiana Expressway.

Senate Bill 220 (Public Law 134-2007)

Authors: Kruse, Mishler
Sponsor: GiaQuinta
Citations Affected: Various Indiana Code citations in Title 9
Effective: July 1, 2007

Various transportation matters. Provides that beginning July 1, 2007, sections of State Roads 3 and 9 and U.S. 20 are extra heavy duty highways. Specifies that the total gross weight, with load, of a vehicle or combination of vehicles operated with a special weight permit on these highways may not exceed 90,000 pounds. Provides that the department of transportation or local authorities may issue an annual permit for a heavy vehicle transporting an ocean going container under certain circumstances, and provides for an annual fee for a permit.

Senate Bill 254 (Public Law 97-2007)

Authors: Becker, Riegsecker, Deig
Sponsor: Van Haaften
Citations Affected: IC 8-22
Effective: Upon Passage (April 27, 2007); July 1, 2007

Airport authorities. Provides that the Evansville-Vanderburgh County airport authority and any county contiguous to Vanderburgh County may enter into a cooperative agreement involving any functions of the authority. Allows certain excess property tax proceeds to be allocated by the board of an airport authority to pay: (1) principal and interest payments on a loan contract; and (2) expenses incurred for a qualified airport development project in the airport development zone.

Senate Bill 315 (Public Law 53-2007)

Author: Ford
Sponsor: Austin
Citations Affected: Noncode
Effective: July 1, 2007

Study of intelligent transportation systems for highways. Requires the Indiana department of transportation to study the feasibility of integrating intelligent transportation systems into Indiana's highway systems. Requires the department to report the results of its study to the public and to the general assembly in an intermediate report due before January 1, 2008, and in a final report due before January 1, 2009.

Senate Bill 371 (Public Law 83-2007)

Authors: Simpson, Landske, Drozda
Sponsor: Tyler
Citations Affected: IC 8-9; 16
Effective: July 1, 2007

Mobile camps for railroad employees. Requires a railroad company to provide drinking water at assembly points where at least two maintenance of way employees meet (current law applies to assembly points where at least six employees meet). Requires the executive board of the state

department of health to adopt rules to protect the health, safety, and welfare of persons living in mobile camps. Specifies certain provisions that must be included in the rules. Makes conforming amendments.

House Bill 1373 (Public Law 66-2007)
Author: Stevenson
Sponsors: Steele, Rogers
Citations Affected: IC 8-23; 10-13; 34-30
Effective: Upon Passage (April 25, 2007)

Changeable message signs. Allows the department of transportation to adopt rules to provide for the issuance of permits for changeable message signs. Allows a person to erect and operate a changeable message sign in the absence of rules adopted by the department. Allows the operator of an electronic billboard to enter into a contract with the clearinghouse for information on missing children to display Amber alerts.

UTILITIES

HB 1037: Home energy assistance sales tax exemption.
[Taxation]
HB 1193: Sales tax exemption for wastewater utility.
[Taxation]
HB 1456: Utility receipts tax.
[Taxation]

Senate Bill 312 (Public Law 78-2007)
Authors: Hershman, Mishler
Sponsor: Klinker
Citations Affected: IC 8-1; 14-33
Effective: July 1, 2007

Conservancy districts. Provides that the statute allowing local water corporations to withdraw from the jurisdiction of the utility regulatory commission (IURC) for certain purposes applies to a conservancy district that: (1) has as a purpose of the district the provision of water service; and (2) provides water service to less than 2,000 customers. (Currently the statute applies only to a water or sewer utility that: (1) is privately owned and serves less than 300 customers; (2) is a not-for-profit utility; or (3) is a cooperative corporation exempt from state and federal income taxes.) Sets the maximum per diem compensation for conservancy district board members at $100 for up to two meetings per month and $50 for up to five additional work days per month.

Senate Bill 529 (Public Law 110-2007)
Authors: Jackman, C. Lawson
Sponsor: Bischoff
Citations Affected: IC 8-1; 32-24
Effective: Upon Passage (May 2, 2007)

Pipeline construction standards. Requires the pipeline safety division (division) of the utility regulatory commission (IURC) to adopt guidelines governing the construction of interstate pipelines in Indiana. Requires the guidelines to be adopted not later than September 1, 2007. Requires notice of the guidelines to be sent to affected landowners. Requires the director of the division to designate one or more employees as project coordinators for each pipeline project. Requires the division to make certain information available on the IURC's web site. Provides that a public utility or a pipeline company that seeks to acquire land by eminent domain may not enter on the land for survey purposes unless the public utility or pipeline company: (1) sends notice by certified mail to the landowner of the public utility's or pipeline company's intention to enter the land for survey purposes; or (2) receives the landowner's signed consent to enter the land to perform the proposed survey.

House Bill 1722 (Public Law 175-2007)
Author: Stilwell
Sponsor: Hershman
Citations Affected: IC 6-3.1; 8-1
Effective: Upon Passage (May 4, 2007); July 1, 2007; January 1, 2008

Utility matters. Provides that a taxpayer may not sell, assign, convey, or otherwise transfer an ethanol production tax credit. Provides that the total amount of ethanol production tax credits for taxpayers that produce at least 20,000,000 gallons of cellulosic ethanol in a year may not exceed $20,000,000 for all taxpayers for all taxable years, and the credits may be applied only to state tax liability attributable to business activity taking place at the Indiana facility at which the cellulosic ethanol was produced. Provides that a facility that produces synthesis gas as a substitute for natural gas is eligible for a coal gasification technology investment tax credit. Creates a tax credit, beginning in taxable year 2009, for the purchase of energy star heating and cooling equipment manufactured in the United States. Allows a taxpayer to assign part or all of a coal gasification technology investment tax credit to an electric utility that has entered a contract to purchase electricity or substitute natural gas from the taxpayer. Specifically lists certain items included in the definition of organic waste biomass for purposes of the law concerning a utility's purchase of energy from alternative sources. Requires the utility regulatory commission (IURC) to allow a utility that purchases substitute natural gas (SNG) to recover any costs arising under the purchase contract through rate adjustments. Provides that certain municipalities have jurisdiction over certain territorial disputes between water utilities. Amends the definition of clean coal and energy projects to include a project using coal to produce substitute natural gas. Defines an SNG property interest as a right, title, and interest that: (1) is held by an energy utility; (2) is created by a qualified order of the IURC; and (3) entitles the energy utility to recover certain costs incurred in purchasing substitute natural gas under a qualified contract. Sets forth provisions governing: (1) the assignment of an SNG property interest; (2) the rights of assignees, financing entities, and SNG sellers; (3) the perfection of a lien and security interest in an SNG property interest; and (4) the obligations of an energy utility after the assignment of an SNG property interest.

ADDENDUM

JOINT RESOLUTIONS PASSED AMENDING THE INDIANA CONSTITUTION

There were no joint resolutions passed during the 2007 Regular Session of the Indiana General Assembly.

VETOED BILLS: Brief Description

Senate Enrolled Act 490: Registration of interior designers.

House Enrolled Act 1274: Accident report fees.

House Enrolled Act 1388: Film industry production incentives.

House Enrolled Act 1429: Attorney's fees in Medicaid lien collection cases.

VETO OVERRIDES

There were no bills vetoed by the Governor during the 2006 Regular Session of the Indiana General Assembly.

2007
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115th General Assembly

BILL NUMBER TO PUBLIC LAW NUMBER

SB 5 . . . . . P.L.3-2007
SB 9 . . . . . P.L.177-2007
SB 10 . . . . . P.L.4-2007
SB 29 . . . . . P.L.201-2007
SB 30 . . . . . P.L.45-2007
SB 38 . . . . . P.L.46-2007
SB 41 . . . . . P.L.5-2007
SB 43 . . . . . P.L.109-2007
SB 44 . . . . . P.L.125-2007
SB 45 . . . . . P.L.178-2007
SB 49 . . . . . P.L.202-2007
SB 68 . . . . . P.L.71-2007
SB 88 . . . . . P.L.72-2007
SB 93 . . . . . P.L.73-2007
SB 94 . . . . . P.L.99-2007
SB 96 . . . . . P.L.6-2007
SB 103 . . . . . P.L.179-2007
SB 104 . . . . . P.L.126-2007
SB 105 . . . . . P.L.203-2007
SB 106 . . . . . P.L.127-2007
SB 108 . . . . . P.L.7-2007
SB 113 . . . . . P.L.128-2007
SB 114 . . . . . P.L.74-2007
SB 123 . . . . . P.L.47-2007
SB 125 . . . . . P.L.156-2007
SB 128 . . . . . P.L.180-2007
SB 129 . . . . . P.L.48-2007
SB 134 . . . . . P.L.129-2007
SB 150 . . . . . P.L.8-2007
SB 154 . . . . . P.L.204-2007
SB 155 . . . . . P.L.75-2007
SB 157 . . . . . P.L.130-2007
SB 163 . . . . . P.L.9-2007
SB 166 . . . . . P.L.10-2007
SB 171 . . . . . P.L.131-2007
SB 180 . . . . . P.L.76-2007
SB 181 . . . . . P.L.49-2007
SB 185 . . . . . P.L.11-2007
SB 190 . . . . . P.L.100-2007
SB 191 . . . . . P.L.157-2007
SB 192 . . . . . P.L.132-2007
SB 193 . . . . . P.L.158-2007
SB 205 . . . . . P.L.205-2007
SB 207 . . . . . P.L.101-2007
SB 208 . . . . . P.L.50-2007
SB 211 . . . . . P.L.133-2007
SB 212 . . . . . P.L.12-2007
SB 220 . . . . . P.L.134-2007
SB 229 . . . . . P.L.77-2007
SB 232 . . . . . P.L.135-2007
SB 247 . . . . . P.L.206-2007
SB 250 . . . . . P.L.207-2007
SB 254 . . . . . P.L.97-2007
SB 261 . . . . . P.L.181-2007
SB 267 . . . . . P.L.136-2007
SB 270 . . . . . P.L.182-2007
SB 271 . . . . . P.L.102-2007
SB 276 . . . . . P.L.51-2007
SB 286 . . . . . P.L.137-2007
SB 287 . . . . . P.L.219-2007
SB 310 . . . . . P.L.208-2007
SB 311 . . . . . P.L.52-2007
SB 312 . . . . . P.L.78-2007
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