1994 Noncode Acts

1992-133-80

SECTION 80. (a) Notwithstanding IC 33-5-25-1, as amended by P.L.133-1992, SECTION 24, the initial election of a judge for the Hendricks superior court No. 3, established by P.L.133-1992, SECTION 24, is the general election to be held November 8, 1994. The person elected takes office January 1, 1995.

(b) Candidates for nomination for the office of the Hendricks superior court No. 3, established by P.L.133-1992, SECTION 24, shall file a declaration of candidacy in accordance with IC 3-8-2-4 not later than noon, March 4, 1994.

(c) The Hendricks County election board shall place the candidates for nomination for the office of Hendricks superior court No. 3 on the ballot for the primary election to be held May 3, 1994.

(d) This SECTION expires January 2, 1995.

1992-133-90

SECTION 90. Because an emergency exists, this act takes effect as follows:

SECTION 1	July 1, 1992
SECTION 2	July 1, 1993
SECTIONS 3 through 4	July 1, 1992
SECTION 5	July 1, 1993
SECTIONS 6 through 23	July 1, 1992
SECTIONS 24 through 30	January 1, 1995
SECTION 31	July 1, 1992
SECTION 32	July 1, 1993
SECTIONS 33 through 34	July 1, 1992
SECTIONS 35 through 37	July 1, 1993
SECTION 38	July 1, 1992
SECTIONS 39 through 56	July 1, 1993
SECTIONS 57 through 58	July 1, 1992
SECTION 59	July 1, 1994
SECTION 60	July 1, 1992
SECTION 61	July 1, 1993
SECTION 62	July 1, 1992
SECTION 63	July 1, 1993
SECTIONS 64 through 79	July 1, 1992
SECTION 80	January 1, 1994
SECTION 81	July 1, 1992
SECTION 82	July 1, 1993
SECTIONS 83 through 84	July 1, 1992
SECTION 85	July 1, 1993
SECTIONS 86 through 89	July 1, 1992

1993-277-133

SECTION 133. (a) This SECTION applies only to:

(1) a county contiguous to the Ohio River;

(2) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000); and

(3) a county contiguous to Patoka Lake.

Notwithstanding IC 4-33-6-19(c), if the county or a town or city located in the county adopts an ordinance under IC 4-33-6-18, or if five percent (5%) of the registered voters of the county have signed a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on a ballot, the county election board shall place the following question on the ballot in the county during a 1993, 1994, or 1995 special election that meets the conditions set forth in subsection (b):

"Shall licenses be issued to permit riverboat gambling in the _____ County?".

(b) A special election may be held:

(1) in 1993 and in May of 1994 if an applicant for a riverboat license under IC 4-33-6 pays in advance of the election the cost of the expenses to hold the special election, as determined by the election board;

(2) in November of 1994 if an applicant for a riverboat license under IC 4-33-6 pays in advance of the election the amount that is the difference between the cost to hold a special election and the cost to hold a general election, as determined by the election board; or

(3) in 1995 if an applicant for a riverboat license under IC 4-33-6 pays in advance of the election the amount that is the difference between the cost to hold a special election and the cost to hold a municipal election (if applicable), as determined by the election board.

(c) A public question under this SECTION shall be placed on the ballot in accordance with IC 3-10-9.

(d) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(e) If a public question is placed on the ballot under subsection (a) in a county and the voters of the county do not vote in favor of permitting riverboat gambling under IC 4-33, another public question under subsection (a) may not be held for at least two (2) years.

(f) In a special election held under this SECTION:

(1) IC 3 applies except as otherwise provided in this SECTION;

(2) at least as many precinct polling places that were utilized during the most recent general election must be utilized for the special election; and

(3) the special election must be held:

(A) on the first Tuesday after the first Monday of November of 1993, 1994, or 1995; or

(B) on primary election day in 1994.

(g) This SECTION expires January 1, 1996.

1994-1-185

SECTION 185. (a) Notwithstanding IC 25-23.6, the social worker and marriage and family therapist certification board shall exempt an individual seeking certification as a clinical social worker from the examination required for certification under IC 25-23.6 if the

individual:

(1) has a master's or doctor's degree from an accredited university in psychology, sociology, marriage and family therapy, counseling, pastoral counseling, or family and child development;

(2) has at least five (5) years experience in social work in the ten (10) years preceding the date of application for certification;

(3) furnishes satisfactory evidence to the board that the individual satisfies all other requirements for certification as a clinical social worker under IC 25-23.6-5-2; and

(4) has met all the criteria in this section by December 31, 1992.

(b) Notwithstanding IC 25-23.6, the social worker and marriage and family therapist certification board may exempt an individual seeking certification as a clinical social worker from the examination required for certification under IC 25-23.6 if the individual:

(1) has a master's or doctor's degree from an accredited university;

(2) the board determines that the individual's degree includes a minimum number of hours of course work in such areas as the board may determine are appropriate;

(3) furnishes satisfactory evidence to the board that the individual satisfies all other requirements for certification as a clinical social worker under IC 25-23.6-5-2;

(4) makes application to the board to be exempted from the requirement of a certification examination; and

(5) has met all the criteria in this section by December 31, 1992.

(c) This SECTION expires December 31, 1994.

1994-1-186

SECTION 186. (a) This act is intended to resolve technical conflicts among acts enacted by the general assembly and to correct other technical errors. This act is not intended to change the effective date of any statute or otherwise result in any substantive change in the law.

(b) This act does not affect any:

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) violations committed; or

(4) proceedings begun;

before the effective date of this act. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if this act had not been enacted.

(c) Any reference in any statute or rule to a statute that is repealed and replaced in the same or a different form in this act shall be treated after the effective date of the new provision as a reference to the new provision.

1994-6-7

SECTION 7. (a) This SECTION applies to townships in a county having a population of more than seven hundred thousand (700,000).

(b) Notwithstanding IC 36-6-6-2(d) or any other law, the term of office of a township board member who is elected at the general election in November 1994 is two (2) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(c) Notwithstanding any other law:

(1) seven (7) members of a township board shall be elected at the general election to be held in November 1996 from legislative body districts established under IC 36-6-6-2.5, as added by this act; and

(2) the term of office of a township board member who is elected at the general election in November 1996 is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(d) This SECTION expires January 2, 1997.

1994-6-8

SECTION 8. (a) This SECTION applies to townships in a county having a population of more than seven hundred thousand (700,000).

(b) A member of a township board who was elected before the division of the township into legislative body districts under IC 36-6-6-2.5, as added by this act, continues to hold office until the end of the term for which the member was elected.

(c) This SECTION expires January 1, 1998.

1994-6-9

SECTION 9. (a) This SECTION applies to the most populous township in a county having a population of more than seven hundred thousand (700,000).

(b) Notwithstanding any other law, the compensation for services that a member of the township legislative body may receive is:

(1) an annual salary of not more than four thousand dollars ($4,000); and

(2) a sum of not more than one hundred dollars ($100) for each official meeting of the legislative body in excess of four (4) meetings per year.

(c) This SECTION expires December 31, 2000.

1994-8-3

SECTION 3. (a) As used in this SECTION, "zone business" refers to a business that accesses at least one (1) tax credit or exemption incentive under IC 4-4-6.1.

(b) Notwithstanding IC 4-4-6.1-2.5, as amended by this act, a zone business, that after August 2, 1993, and on or before December 31, 1993, tendered to the enterprise zone board created under IC 4-4-6.1-1:

(1) a verified summary of the amount of tax credits and exemptions claimed by the business in the preceding year, as required under IC 4-4-6.1-2.5(a)(1); and

(2) payment of registration fees, as required under IC 4-4-6.1-2.5(a)(2);

is deemed to have complied with IC 4-4-6.1-2.5(a) and may not be denied any of the incentives granted to a zone business if the zone business resubmits the verified summary and the zone business' registration fee and pays an additional civil penalty equal to the greater of twenty-five dollars ($25) or fifteen percent (15%) of its registration

fees to the enterprise zone board on or before May 1, 1994.

1994-11-19

SECTION 19. (a) Before January 1, 1995, the Indiana criminal justice institute, in conjunction with the office of the secretary of family and social services and the department of education, shall compile data necessary to establish the sex offender registry under IC 5-2-12, as added by this act. The registry must include the names of all offenders (as defined in IC 5-2-12-4). The following sources of conviction information may be used:

(1) Indiana prosecuting attorney council files.
(2) Indiana state police department files.
(3) Department of correction files.
(4) Division of state court administration files.
(5) Other reliable sources of conviction information.

(b) The Indiana criminal justice institute may use not more than forty-eight thousand dollars ($48,000) from the victim and witness assistance fund established by IC 5-2-6-14 to establish the sex offender registry under IC 5-2-12, as added by this act.

(c) This SECTION expires January 2, 1995.

1994-11-20

SECTION 20. (a) IC 22-5-5, as added by this act, applies only to contracts entered into or renewed after March 31, 1994.

(b) IC 35-50-2-2 and IC 35-50-6-1, both as amended by this act, apply only to an offender (as defined in IC 5-2-12-4, as added by this act) convicted after June 30, 1994.

1994-12-17

SECTION 17. (a) This SECTION applies to a child care center or child care home that is operating on June 30, 1994.

(b) Not later than August 1, 1994, a child care center or child care home shall do the following:

(1) Request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date on the reports required under IC 12-17.2-2-1.5.

(2) Submit to the division of family and children a report containing the names and birth dates of all children who are enrolled in the child care center and child care home only upon obtaining the written consent of the child's parent, guardian, or custodian in a form similar to that described under IC 12-17.2-2-1.5.

(c) Not later than December 31, 1994, the division of family and children shall submit to the Indiana clearinghouse on missing children the information received under this SECTION.

(d) This SECTION expires January 1, 1995.

1994-13-11

SECTION 11. (a) The executive director of the fire and building services department has law enforcement authority at all times while discharging the duties of the executive director under IC 22-14-2-8.

(b) This SECTION expires December 31, 1997.

1994-14-10

SECTION 10. 910 IAC 1-13-1 is void and may be deleted from the Indiana Administrative Code.

1994-14-11

SECTION 11. (a) IC 22-9-1-6, as amended by this act, does not affect:

(1) rights or liabilities accrued; or

(2) proceedings begun;

before July 1, 1994. Those rights and liabilities accrued and proceedings begun shall be imposed and enforced under prior law as if this act had not been enacted.

(b) IC 22-9-8 and IC 22-9.5-11, as added by this act, affect final appealable orders issued by the commission on or after July 1, 1994.

1994-15-11

SECTION 11. (a) IC 4-22-2-37.1 applies to a rulemaking action resulting in an emergency rule adopted by the alcoholic beverage commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(b) This SECTION expires July 1, 1994.

1994-16-10

SECTION 10. (a) A person who submits an application to the department of environmental management for a permit or other determination related to a permit described in IC 13-7-10.1-4, as added by this act, before July 1, 1995, that has been pending for a period of time that exceeds a time period established in IC 13-7-10.1-4, as added by this act, may proceed under this subsection. After reaching an agreement with the commissioner or after consulting with the commissioner for thirty (30) days and failing to reach an agreement the applicant may choose to proceed under one (1) of the following options:

(1) The:

(A) applicant may submit to the department a draft permit and any required supporting technical justification for the permit; and

(B) commissioner shall review the draft permit and approve or deny the draft permit as described under subsection (c).

(2) The:

(A) applicant may submit the permit application fee specified under the rules of the air pollution control board, solid waste management board, or water pollution control board;

(B) department shall use the permit application fee to hire a consultant to prepare a draft permit and any required supporting technical justification for the permit; and

(C) commissioner shall review the draft permit and approve or deny the draft permit as described under subsection (c).

The applicant may not proceed under any of the options described in this subsection if construction or operation of the equipment or a

facility described in the permit application has already begun, unless construction or operation before obtaining the permit is authorized by a board rule or state statute.

(b) If an applicant chooses to proceed under subsection (a)(2), the department shall:

(1) select a consultant that has the appropriate background to review the applicant's application; and

(2) authorize the consultant to begin work;

within fifteen (15) working days after the department receives notice that the applicant has selected the option described under subsection (a)(2). The commissioner may consult with the applicant regarding the advisability of proceeding under this subsection and may document such communications. The applicant may not proceed under subsection (a)(2) if the commissioner determines that a qualified consultant is not available. The commissioner's determination under this subsection is subject to appeal and review under IC 4-21.5.

(c) If an applicant chooses to proceed under subsection (a)(1) or (a)(2), the applicant or a consultant shall prepare and submit to the commissioner the draft permit and supporting technical justification for the permit within thirty-five (35) working days after the applicant has notified the commissioner that the applicant has chosen to proceed under subsection (a)(1) or the department has authorized a consultant to begin work under subsection (a)(2). The commissioner shall do the following:

(1) Approve, with or without revision, or deny the draft permit within twenty-five (25) working days after receiving the draft permit. If notice of opportunity for public comment or public hearing is required under applicable law before a permit decision can be issued, the commissioner shall comply with all public participation requirements and approve, with or without revision, or deny the draft permit within fifty-five (55) working days after receipt of the draft permit.

(2) If the commissioner denies the draft permit, specify the reasons for the denial.

(d) If an applicant has elected to have a draft permit prepared under subsection (a)(2) and:

(1) the consultant fails to submit a draft permit and supporting technical justification to the commissioner; or

(2) the commissioner fails to approve or deny the draft permit;

within the applicable time specified by subsection (c), the department shall refund the applicant's permit application fee within twenty-five (25) working days after the expiration of the time specified under subsection (c) for the action to be completed.

(e) In any proceedings conducted under IC 4-21.5 to review a decision of the commissioner to approve or deny a permit that occurs after the time period established under IC 13-7-10.1-4, as added by this act, the following must occur:

(1) If the permit decision under review is a denial of a permit application, the commissioner may not present issues for hearing other than those issues specified in the commissioner's decision as the basis for the denial.

(2) The department shall pay the costs incurred by the department.

(f) The remedies provided in this SECTION are not the exclusive remedies available to a permit applicant. A permit applicant's election of a remedy under this SECTION does not preclude the permit applicant from seeking other remedies available at law or in equity.

(g) This SECTION expires July 1, 1999.

1994-16-11

SECTION 11. (a) Before July 1, 1995, the air pollution control board and the water pollution control board shall adopt rules to determine the changes to an existing permit that are:

(1) major modifications; and

(2) minor modifications;

to implement IC 13-7-10.1-4, as added by this act.

(b) This SECTION expires July 1, 1995.

1994-16-12

SECTION 12. (a) A report must:

(1) be made by the commissioner of the department of environmental management under IC 13-7-10.1-12, as added by this act, before December 31, 1995; and

(2) demonstrate that the department of environmental management has:

(A) established a permit tracking program;

(B) achieved a twenty-five percent (25%) reduction in excess processing time for water, solid waste, and hazardous waste permitting activities between 1994 and 1995; and

(C) eliminated twenty-five percent (25%) of the backlog of solid waste permits, hazardous waste permits, water permits, and air permits between 1994 and 1995.

(b) This SECTION expires January 1, 1996.

1994-16-13

SECTION 13. (a) The environmental rulemaking study committee is established.

(b) The committee consists of thirteen (13) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) Five (5) individuals who are not members of the general assembly as follows:

(A) One (1) individual representing the department of environmental management appointed by the president pro tempore of the senate.

(B) One (1) individual representing business and industry

appointed by the president pro tempore of the senate.

(C) One (1) individual representing local government appointed by the speaker of the house of representatives.

(D) One (1) individual representing environmental organizations appointed by the speaker of the house of representatives.

(E) One (1) individual representing agricultural organizations appointed by the chairman of the legislative council.

(c) A vacancy among the members of the committee shall be filled by the appointing authority of the member whose position is vacant.

(d) The chairman of the legislative council shall designate a member of the committee to be the chairman of the committee.

(e) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, serving on interim study committees established by the legislative council.

(f) The committee shall study issues concerning:

(1) the organization and rulemaking procedures of:

(A) the air pollution control board;

(B) the solid waste management board; and

(C) the water pollution control board; and

(2) the feasibility of replacing the air pollution control board, the solid waste management board, and the water pollution control board with two (2) independent boards that concern:

(A) rulemaking and development of environmental policy; and

(B) adjudicatory matters related to environmental law.

(g) The committee shall:

(1) operate under procedures; and

(2) issue reports and recommendations;

as directed by the legislative council.

(h) The legislative services agency shall provide staff support to the committee.

(i) This SECTION expires December 31, 1994.

1994-16-14

SECTION 14. (a) As used in this SECTION, "council" refers to the environmental quality service council established by subsection (c).

(b) As used in this SECTION, "department" refers to the department of environmental management.

(c) The environmental quality service council is established.

(d) The council consists of twenty-one (21) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The commissioner of the department or the commissioner's designee.

(4) Twelve (12) individuals who are not members of the general assembly appointed by the governor as follows:

(A) Four (4) individuals representing business and industry, not more than two (2) of whom may be affiliated with the same political party.

(B) Four (4) individuals representing local government, not more than two (2) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental organizations, not more than one (1) of whom may be affiliated with the same political party.

(D) Two (2) individuals representing the following interests, not more than one (1) of whom may be affiliated with the same political party:

(i) One (1) representative of semipublic permittees.

(ii) One (1) representative of agriculture.

(e) Except as provided in this subsection (f), a vacancy among the members of the council shall be filled by the appointing authority of the member whose position is vacant.

(f) Any appointment described in subsection (d)(4) that has not been filled by noon on May 1, 1994, shall be filled by the chairman of the legislative council.

(g) The chairman of the legislative council shall designate a member of the council to be the chairman of the council.

(h) The chairman of the council shall call for the council to meet at least one (1) time each month. The chairman may designate subcommittees to meet between committee meetings and report back to the full council.

(i) Each member of the council is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, serving on interim study committees established by the legislative council.

(j) The council shall do the following:

(1) Develop systems to evaluate the attainment of the following by the department:

(A) Improvement in the timeliness of the review and issuance of permits.

(B) Improvement in the consistency of issuing permits to avoid overregulation.

(C) Efficient and effective implementation of federal and state laws.

(D) Effective technical assistance capability and implementation of the voluntary compliance program.

(E) Development of permittee assistance programs.

(2) Advise the commissioner of the department on issues decided upon by the council.

(3) Evaluate program requirements and resource requirements for the department.

(4) Submit a final report to the governor, the general assembly, the budget committee, and the administrative rules oversight committee established by IC 2-5-18 before November 1, 1995,

that contains the following:

(A) A description of the systems used to evaluate department operations under subdivision (1).

(B) An estimate of funding levels required by the department.

(C) The status of department development of permittee assistance programs.

(D) Specific recommendations concerning the council's determination of the need to continue the existence of the council beyond November 1, 1995.

(k) The commissioner of the department shall report to the council each month concerning the following:

(1) Permitting programs.

(2) Proposed rules and rulemaking in progress.

(3) The financial status of the department.

(4) Any additional matter requested by the council.

(l) The council shall:

(1) operate under procedures; and

(2) issue reports and recommendations;

as directed by the legislative council.

(m) The legislative services agency shall provide staff support to the council.

(n) This SECTION expires December 31, 1995.

1994-16-15

SECTION 15. Notwithstanding the appropriations made in P.L.277-1993(ss), SECTION 5, the following appropriations are made instead of the appropriations made in P.L.277-1993(ss), SECTION 5.

	Year 1993-94	Year 1994-95
SOLID WASTE MANAGEMENT		
Personal Services	3,172,910	3,428,820
Other Operating Expense	1,398,850	1,142,940

Of the foregoing appropriations, one million eight hundred thirty-five thousand nine hundred ten dollars ($1,835,910) is hereby appropriated from the general fund for each of fiscal year 1993-94 and fiscal year 1994-95, and in state fiscal year 1993-94 from one-half (1/2) of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1993-94 and in state fiscal year 1994-95 from the remainder of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1993-94 and one-half (1/2) of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1994-95.

HAZARDOUS WASTE MANAGEMENT		
Total Operating Expense	4,130,897	4,130,897

Of the foregoing appropriations, one million three hundred three

thousand forty-seven dollars ($1,303,047) is hereby appropriated from the general fund for each of fiscal year 1993-94 and fiscal year 1994-95, and in state fiscal year 1993-94 from one-half (1/2) of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1993-94 and in state fiscal year 1994-95 from the remainder of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1993-94 and one-half (1/2) of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1994-95.

OFFICE OF WATER MANAGEMENT-PERMITTING		
Total Operating Expense	6,450,000	7,200,000

Of the foregoing appropriations, two million nine hundred sixty-six thousand one hundred dollars ($2,966,100) is hereby appropriated from the general fund for fiscal year 1993-94 and three million seventy-seven thousand seven hundred ninety dollars ($3,077,790) is hereby appropriated from the general fund for fiscal year 1994-95, and in state fiscal year 1993-94 from one-half (1/2) of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1993-94 and in state fiscal year 1994-95 from the remainder of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1993-94 and one-half (1/2) of the amount deposited in the environmental management permit operation fund created by IC 13-7-16-6.5 in state fiscal year 1994-95.

The above appropriations may be used to match federal water pollution control funds if the state share of the program does not exceed sixty-seven percent (67%) of the program financed with the above appropriations. Notwithstanding the percentage limitation in the preceding sentence, if the department of environmental management finds that it is in the best interest of the citizens of Indiana, the department of environmental management shall conduct a state program to the extent that the above appropriations will allow, with the approval of the governor and the state budget agency.

OFFICE OF WATER MANAGEMENT-NON-PERMITTING		
Total Operating Expense	1,657,436	1,638,525

The foregoing appropriations for the office of water management are hereby appropriated from revenues accruing to the state general fund in an amount not to exceed one million six hundred fifty-seven thousand four hundred thirty-six dollars ($1,657,436) for fiscal year 1993-94 and one million six hundred thirty-eight thousand five hundred twenty-five dollars ($1,638,525) for fiscal year 1994-95.

The above appropriations may be used to match federal water pollution control funds if the state share of the program does not exceed sixty-seven percent (67%) of the program financed with the above appropriations. Notwithstanding the percentage limitation in the preceding sentence, if the department of environmental management

finds that it is in the best interest of the citizens of Indiana, the department of environmental management shall conduct a state program to the extent that the above appropriations will allow, with the approval of the governor and the state budget agency.

1994-17-2

SECTION 2. (a) As used in this SECTION, "commission" refers to the Dr. Martin Luther King Jr. Indiana holiday commission established by IC 4-23-24-2, as added by this act.

(b) As used in this SECTION, "member" refers only to a member of the commission appointed under IC 4-23-24-3(1), as added by this act.

(c) Before July 1, 1994, the governor shall appoint the members of the commission.

(d) The term of a member of the commission appointed under this SECTION begins on the later of the following:

(1) The date the member is appointed.

(2) July 1, 1994.

(e) Notwithstanding IC 4-23-24-4, as added by this act, the term of:

(1) two (2) members of the commission expires July 1, 1995;

(2) two (2) members of the commission expires July 1, 1996;

(3) three (3) members of the commission expires July 1, 1997; and

(4) three (3) members of the commission expires July 1, 1998.

(f) Subject to this SECTION, when appointing a member of the commission under this SECTION, the governor shall specify when the term of the member expires.

(g) This SECTION expires July 1, 1998.

1994-18-48

SECTION 48. (a) On July 1, 1994, the department of state revenue becomes the owner of all the personal property of the Indiana department of transportation concerning the administration of IC 6-6-6.5, as effective before this act.

(b) The portion of funds appropriated to the Indiana department of transportation to administer IC 6-6-6.5, as effective before this act, are transferred to the department of state revenue to administer IC 6-6-6.5, as amended by this act.

(c) A certificate or license issued by the Indiana department of transportation under IC 6-6-6.5, as effective before this act, continues to be effective after June 30, 1994, as if the certificate or license was issued by the department of state revenue.

(d) This SECTION expires July 1, 1995.

1994-18-49

SECTION 49. IC 6-3-2-2.8, as amended by this act, only applies to state taxable years beginning after December 31, 1994.

1994-19-18

SECTION 18. IC 6-1.1-18.5-20, as added by this act, applies to

property taxes first due and payable after December 31, 1994.

1994-19-19

SECTION 19. IC 6-2.5-5-37, as added by this act, applies to all proposed tax assessments or assessments that are outstanding as of January 1, 1994, or after January 1, 1994, regardless of the tax periods involved.

1994-19-20

SECTION 20. IC 6-3.1-4-6, as amended by this act, applies to taxable years after December 31, 1991.

1994-19-21

SECTION 21. IC 6-2.1-5-1.1 and IC 6-3-1-11, as amended by this act, apply to taxable years that begin after December 31, 1993.

1994-22-6

SECTION 6. (a) Notwithstanding IC 16-31-3-2, as amended by this act, an emergency medical technician who was certified under IC 16-31-3 before June 30, 1994, has until July 1, 1996, to meet the requirements of IC 16-31-3-2, as amended by this act.

(b) Notwithstanding IC 36-8-10.5-7, as amended by this act, a full-time or volunteer firefighter who completed the minimum basic training requirements under IC 36-8-10.5 before June 30, 1994, has until July 1, 1996, to meet the requirements of IC 36-8-10.5-7, as amended by this act.

(c) This SECTION expires July 2, 1996.

1994-23-19

SECTION 19. (a) Notwithstanding IC 33-14-1-7, this SECTION applies instead of IC 33-14-1-7.

(b) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney; and

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending.

(c) An agreement under subsection (b) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-19-5-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for

the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times; and

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment.

(d) An agreement under subsection (b)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(e) The prosecuting attorney shall notify the victim when prosecution is withheld under this SECTION.

(f) All money collected by the clerk as user's fees under this SECTION shall be deposited in the appropriate user fee fund under IC 33-19-8.

(g) If a court withholds prosecution under this SECTION and the terms of the agreement contain conditions described in subsection (c)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(h) This SECTION expires July 1, 1995.

1994-24-6

SECTION 6. (a) The department of education shall develop recommendations for a performance based school accreditation process in accordance with the assessment programs implemented beginning September 1, 1995. These recommendations shall include any necessary changes in state law.

(b) The department of education shall make the recommendations developed under subsection (a) to the 1995 general assembly.

(c) This SECTION expires January 1, 1996.

1994-26-29

SECTION 29. (a) A prepaid health care delivery plan and a special service health care delivery plan licensed under IC 27-8-7 may not operate in Indiana unless the licensee has submitted to the commissioner a written waiver of the licensee's rights under the federal bankruptcy laws.

(b) The commissioner shall suspend the license of any licensee that does not comply with this SECTION by September 1, 1994.

(c) This SECTION expires July 1, 1995.

1994-26-30

SECTION 30. (a) A health maintenance organization that holds a certificate of authority under IC 27-8-7 on June 30, 1994:

(1) is entitled to continue operating under IC 27-8-7 until June 30, 1995;

(2) is exempt from complying with IC 27-13 (except for IC 27-13-12-4) until July 1, 1995; and

(3) is entitled to a certificate of authority to operate a health maintenance organization under IC 27-13 without submitting an application under IC 27-13 if, before July 1, 1995, the health maintenance organization meets, as determined by the commissioner of the department of insurance, the standards established under IC 27-13.

(b) If, as determined by the commissioner of the department of insurance, a health maintenance organization does not meet the standards established under IC 27-13 before July 1, 1995, the health maintenance organization shall be treated as a health maintenance organization whose certificate of authority has been revoked under IC 27-13-24, as added by this act.

(c) After June 30, 1994, a new application for a certificate of authority to operate a prepaid health care delivery plan may not be filed under IC 27-8-7.

(d) This SECTION expires July 2, 1995.

1994-26-31

SECTION 31. (a) A special service health care plan that holds a certificate of authority under IC 27-8-7 on June 30, 1994:

(1) is entitled to continue operating under IC 27-8-7 until June 30, 1995;

(2) is exempt from complying with IC 27-13 until July 1, 1995; and

(3) is entitled to a certificate of authority to operate a limited service health maintenance organization under IC 27-13 without submitting an application under IC 27-13 if, before July 1, 1995, the special service health care plan meets, as determined by the commissioner of the department of insurance, the standards established under IC 27-13.

(b) If, as determined by the commissioner of the department of insurance, a special service health maintenance plan does not meet the standards established under IC 27-13 before July 1, 1995, the special service health maintenance plan shall be treated as a limited service health maintenance organization whose certificate of authority has been revoked under IC 27-13-34, as added by this act.

(c) After June 30, 1994, a new application for a certificate of authority to operate a special service health care delivery plan may not be filed under IC 27-8-7.

(d) This SECTION expires July 2, 1995.

1994-26-32

SECTION 32. (a) This SECTION applies to the following sections of the Indiana Code as amended by this act:

IC 5-10-8-7.2.
IC 12-7-2-120.
IC 12-7-2-143.
IC 12-10-9-3.
IC 12-10-9-6.
IC 12-10-9-7.
IC 16-18-2-163.

IC 25-14-4-1.
IC 27-1-23-1.
IC 27-1-25-1.
IC 27-8-5-21.
IC 27-8-6-4.
IC 27-8-10-1.
IC 27-8-10-2.1.
IC 27-8-10-5.1.
IC 27-8-12-4.
IC 27-8-16-1.
IC 27-8-17-4.
IC 27-8-20-5.
IC 27-8-20-7.
IC 27-8-20-8.
IC 27-9-1-1.
IC 27-12-2-14.
IC 27-12-4-1.
IC 34-4-12.6-1.
IC 36-2-13-14.

(b) Reference to a health maintenance organization under IC 27-13 shall include, until June 30, 1995, a health maintenance organization licensed under IC 27-8-7.

(c) Reference to a limited service health maintenance organization under IC 27-13 shall include, until June 30, 1995, a special service health care delivery plan licensed under IC 27-8-7.

(d) This SECTION expires July 2, 1995.

1994-32-2

SECTION 2. (a) This SECTION applies to a municipality having a population of more than four thousand (4,000) but less than nine thousand (9,000) that is located in a county having a population of more than fifty thousand (50,000) but less than sixty thousand (60,000).

(b) As used in this SECTION, "designating body" and "economic revitalization area" have the meanings set forth in IC 6-1.1-12.1-1.

(c) Notwithstanding any other law, a designating body's actions taken after September 1, 1992, and before December 31, 1993, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits after the initiation of the installation of new manufacturing equipment for which the person desires to claim a deduction under IC 6-1.1-12.1;

are legalized and validated.

1994-34-7

SECTION 7. (a) As used in this SECTION, "commission" refers to the solid waste management districts study commission established by subsection (b).

(b) The solid waste management districts study commission is established.

(c) The commission consists of eight (8) members as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, appointed

by the president pro tempore of the senate with the advice of the minority leader of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(d) The commission shall have sixteen (16) advisers as follows:

(1) Two (2) city or town officials who serve as members of a solid waste management district board of directors, not more than one (1) of whom may be affiliated with the same political party, appointed as follows:

(A) One (1) appointed by the president pro tempore of the senate.

(B) One (1) appointed by the speaker of the house of representatives.

(2) Two (2) county officials serving as members of a solid waste management district board of directors, not more than one (1) of whom may be affiliated with the same political party, appointed as follows:

(A) One (1) appointed by the president pro tempore of the senate.

(B) One (1) appointed by the speaker of the house of representatives.

(3) Two (2) representatives of the solid waste industry, not more than one (1) of whom may be affiliated with the same political party, appointed as follows:

(A) One (1) appointed by the president pro tempore of the senate.

(B) One (1) appointed by the speaker of the house of representatives.

(4) Two (2) representatives of the private business community, not more than one (1) of whom may be affiliated with the same political party, appointed as follows:

(A) One (1) appointed by the president pro tempore of the senate.

(B) One (1) appointed by the speaker of the house of representatives.

(5) Two (2) representatives of the environmental community, not more than one (1) of whom may be affiliated with the same political party, appointed as follows:

(A) One (1) appointed by the president pro tempore of the senate.

(B) One (1) appointed by the speaker of the house of representatives.

(6) Four (4) private citizens, not more than two (2) of whom may be affiliated with the same political party, appointed by the governor.

(7) Two (2) persons who serve as members of a solid waste management district board of directors, not more than one (1) of whom may be affiliated with the same political party, appointed

as follows:

(A) One (1) who is a member of a county solid waste management district board of directors, appointed by the president pro tempore of the senate.

(B) One (1) who is a member of a joint solid waste management district board of directors, appointed by the speaker of the house of representatives.

(e) If a vacancy occurs on the commission or among the advisers, the vacancy shall be filled by the person who made the original appointment.

(f) The chairman of the legislative council shall designate a member of the commission to serve as chairman of the commission. The chairman shall call the first meeting of the commission before July 1, 1994.

(g) Each adviser to the commission who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The adviser is, however, entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the adviser's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each adviser to the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the adviser's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(j) The commission shall conduct a study of matters concerning solid waste management districts that includes the following:

(1) The methods used in and quantifiable results of attempting to meet the solid waste management goals of the state set forth in IC 13-9.5.

(2) The comparative benefits and results of the private and public sectors in meeting the solid waste management goals of the state set forth in IC 13-9.5.

(3) Current and potential revenue sources and budgets.

(4) The impact of revenue collected on economic development and the solid waste management goals of the state set forth in IC 13-9.5.

(5) The role of the department of environmental management in meeting the solid waste management goals of the state set forth in IC 13-9.5.

(6) The relevance of the solid waste management goals of the state set forth in IC 13-9.5 as the goals relate to current environmental and economic needs of the state.

(7) The issues related to methane production facilities and the transportation of yard waste to final disposal facilities.

(8) Any other issue that is related to the subjects described in subdivisions (1) through (7) and that is:

(A) referred to the commission by the legislative council; or

(B) raised by a member of the commission.

(k) The commission shall operate under the direction of the legislative council as follows:

(1) Staff services shall be supplied by the legislative services agency.

(2) The office of fiscal and management analysis shall conduct a special inquiry into the financial practices of solid waste management districts under the direction of the commission.

(3) The commission shall issue a final report before December 1, 1994. Copies of the final report shall be forwarded to the governor and the legislative council.

(l) This SECTION expires January 1, 1995.

1994-36-40

SECTION 40. With regard to the transfer of responsibility for paying transfer tuition for certain students from the county to the school corporation of the student's legal settlement, as described in IC 20-8.1-6.1-5, as amended by this act, this act does not affect:

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) crimes committed; or

(4) proceedings begun;

before July 1, 1995. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if this act had not been enacted.

1994-36-41

SECTION 41. (a) The following appropriations are made in addition to those appropriations made in P.L. 277-1993(ss), SECTION 9 and are made subject to subsections (b) and (c):

	FY 1993-94
DISTRIBUTION FOR TUITION SUPPORT	783,000
COMMUNITY RELATIONS AND SPECIAL POPULATIONS SPECIAL EDUCATION PRESCHOOL	3,805,000

(b) Appropriations made in P.L. 277-1993(ss), SECTION 9, for the primetime program for the 1993-94 fiscal year in an amount not to exceed three million eight hundred five thousand dollars ($3,805,000) that are:

(1) unexpended; and

(2) otherwise subject to reversion to the state general fund;

do not revert to the state general fund, but instead shall become appropriations made to community relations and special populations special education preschool described in subsection (a).

(c) If appropriations are transferred from the primetime program to community relations and special populations special education preschool as described in subsection (b), the appropriation for community relations and special populations special education preschool described in subsection (a) shall be reduced by the amount attributable to the amount transferred under subsection (b).

1994-36-42

SECTION 42. This act applies to property taxes first due and payable after December 31, 1994.

1994-37-4

SECTION 4. SECTION 1 and SECTION 3 of this act apply to property taxes first due and payable after December 31, 1994.

1994-38-9

SECTION 9. (a) In addition to any appropriations made under P.L.277-1993(ss), P.L.278-1993(ss), or any other law, the following appropriation is made to the department of education:

TEACHERS' SOCIAL SECURITY DISTRIBUTION FOR NON-SCHOOL CORPORATION ENTITIES	JANUARY 1, 1994 through JUNE 30, 1994	FISCAL YEAR 1994-95
Total Operating Expense	$1,051,116	$2,102,231

The foregoing appropriation shall be distributed by the department of education on a monthly basis and in approximately equal payments to special education cooperatives, area vocational schools, and other governmental entities that received state teachers' Social Security distributions for certified education personnel (excluding the certified education personnel funded through federal grants) during the fiscal year beginning July 1, 1992, and ending June 30, 1993. Subject to subsection (b), each entity's distribution is equal to the amount of the entity's obligation for the employer contribution of Social Security taxes for the entity's certified education personnel (excluding the certified education personnel funded through federal grants) during the period from July 1, 1992, through June 30, 1993.

(b) If the total amount to be distributed as determined in subsection (a) is greater than the total appropriation described in subsection (a), the department of education shall reduce each entity's distribution proportionately.

(c) This SECTION expires July 1, 1995.

1994-38-10

SECTION 10. A rule adopted by the Indiana state board of education before January 1, 1994, concerning the primetime program under IC 21-1-29 (before its repeal by P.L.278-1993(ss), SECTION 16), after December 31, 1993, is valid, effective, and considered to be a rule of the Indiana state board of education concerning the primetime program under IC 21-1-30, as added by this act, until the Indiana state

board of education adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the rule adopted under IC 21-1-29; or

(2) repeals the rule adopted under IC 21-1-29.

1994-38-11

SECTION 11. (a) Notwithstanding:

(1) IC 21-1-29-3(6)(B);

(2) IC 21-1-29-3.1(6)(B);

(3) IC 21-1-29-3.2(6)(B); and

(4) IC 21-1-29-3.3(6)(B);

and beginning July 1, 1993, the amount that constitutes the teacher reimbursement rate for the primetime program under IC 21-1-29 (before its repeal by P.L.278-1993(ss), SECTION 16) is equal to twenty-five thousand dollars ($25,000) and not twenty-four thousand five hundred dollars ($24,500).

(b) This SECTION expires January 1, 1994.

1994-38-12

SECTION 12. (a) Notwithstanding the effective date of STEP ONE of IC 6-1.1-19-1.5(b), as amended by this act, STEP ONE of IC 6-1.1-19-1.5(b), as amended by this act, applies beginning with the 1995 calculation.

(b) Notwithstanding the effective date of IC 21-3-1.7-6.4(b), as amended by this act, the application of IC 21-3-1.7-6.4(b), as amended by this act, begins with the 1995 calculation.

(c) IC 21-3-1.7-6.4(e)(1)(B), as amended by this act, is retroactively effective beginning on July 1, 1993.

(d) This SECTION expires January 1, 1996.

1994-40-86

SECTION 86. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health established by this SECTION.

(b) The Indiana commission on mental health is established.

(c) The commission consists of sixteen (16) members. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the commission. The governor shall appoint twelve (12) lay members, not more than six (6) of whom may be from the same political party, to serve on the commission as follows:

(1) Four (4) at-large members, not more than two (2) of whom may be from the same political party.

(2) Two (2) consumers of mental health services.

(3) Two (2) representatives of different advocacy groups for consumers of mental health services.

(4) Two (2) members of families of consumers of mental health services.

(5) Two (2) members who represent mental health providers. One (1) of the members appointed under this subdivision must

be a physician licensed under IC 25-22.5.

(d) Except for the members appointed under subsection (c)(5), the members of the commission may not have a financial interest in the subject matter to be studied by the commission.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairman of the commission.

(f) Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

(g) The commission shall do the following:

(1) Study and evaluate the funding system for managed care providers of mental health services.

(2) Review and make specific recommendations regarding the provision of mental health services delivered by community managed care providers and state operated hospitals.

(3) Review and make recommendations regarding any unmet need for public supported mental health services in any specific geographic area or throughout Indiana. In formulating these recommendations, the commission shall consider the need, feasibility, and desirability of including additional organizations in the network of managed care providers.

(4) Review the results of the actuarial study which must be submitted by the division of mental health to the commission before January 1, 1995.

(5) Make recommendations regarding the application of the actuarial study by the division of mental health to the determination of service needs, eligibility criteria, payment, and prioritization of service.

(h) The commission shall submit recommendations under subsection (g) to the secretary of the family and social services administration and to the legislative council before January 1, 1998.

(i) This SECTION expires January 1, 1998.

1994-40-87

SECTION 87. (a) As used in this SECTION, "committee" refers to the Central State advisory committee established by subsection (b).

(b) The Central State advisory committee is established.

(c) The committee consists of the following members:

(1) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party. The members under this subdivision must be appointed so that the following are satisfied:

(A) The senator in whose district Central State Hospital is located must be a member of the committee.

(B) A senator who serves on the senate committee concerned with financial matters must be a member of the committee.

(C) A senator who serves on the senate committee concerned with health matters must be a member of the committee.

(2) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party. The members under this subdivision must be appointed so that the following are satisfied:

(A) The representative in whose district Central State Hospital is located must be a member of the committee.

(B) A representative who serves on the house committee concerned with financial matters must be a member of the committee.

(C) A representative who serves on the house committee concerned with health matters must be a member of the committee.

(d) The president pro tempore of the senate shall appoint the chair of the committee. After the chair of the committee is appointed, the speaker of the house of representatives shall appoint the vice chair of the committee. The chair and the vice chair of the committee may not be members of the same political party.

(e) The committee shall meet at the call of the chair.

(f) The affirmative vote of five (5) members of the committee is necessary for the committee to take any action other than to meet to take testimony or to adjourn.

(g) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members on interim study committees established by the legislative council.

(h) This subsection does not apply to a transaction or the renewal of a transaction if the transaction was entered into before January 1, 1994. Before the state may:

(1) sell, lease, or transfer possession of any part of the real property constituting the grounds of Central State Hospital; or

(2) enter into an agreement for any transaction described in subdivision (1);

the governor must submit to the committee a detailed report describing the proposed transaction and the reasons for the proposed transaction. Upon receiving a report under this subsection, the chair of the committee shall call a meeting of the committee to act upon the report. The committee shall act upon the report within sixty (60) days of submission by the governor. The state may not proceed with the transaction until the governor responds to the committee's recommendation.

(i) The committee shall operate under policies and procedures established by the legislative council.

(j) This SECTION expires January 1, 1999.

1994-40-88

SECTION 88. (a) Funding methodology for state funded services provided by community mental health centers and other managed care

providers shall be included in the review of the division of mental health by the legislative evaluation and oversight policy subcommittee established by IC 2-5-21-6.

(b) This SECTION expires July 1, 1997.

1994-40-89

SECTION 89. (a) As used in this SECTION, "director" means the director of the division of mental health.

(b) Notwithstanding IC 12-24-19-6, as added by this act, the director shall carry out the timely development and delivery of community services required by IC 12-24-19, as added by this act, under interim written guidelines approved by the director.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 12-24-19-6, as added by this act.

(2) January 1, 1996.

1994-40-90

SECTION 90. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health created by this act.

(b) The division of mental health shall do the following:

(1) Contract for a professionally designed actuarial study to quantify the populations to be targeted for public mental health services, with a final report to be submitted to the commission before January 1, 1995.

(2) Conduct a study of strengths and weaknesses in current mental health service systems, and the need for additional services required in a publicly supported delivery system, with a final report to be submitted to the commission before January 1, 1995.

(3) Before July 1, 1995, notwithstanding IC 12-29-2, design and implement a pilot program for a prospective funding system based on principles of capitated funding with selected mental health service providers.

(4) Before January 1, 1997, evaluate the pilot program, make appropriate changes to reflect operational experience, and adjust the mental health service provider network to accommodate unmet service needs for full implementation of a capitated funding system.

(5) Before developing study and evaluation instruments, the division of mental health and the contractor shall meet with representatives of mental health consumers, advocacy groups, employee groups, and managed care providers.

(c) Notwithstanding IC 12-29-2, before July 1, 1998, the state may fund eligible community mental health centers or managed care providers (as defined in IC 12-7-2-127(b)) on a prospective or per diem basis using generally accepted accounting principles recognizing costs incurred by efficient and economically operated programs that serve the mentally ill and substance abuse patients who are found to be eligible for state supported care.

(d) The division of mental health shall develop proposed rules

under IC 4-22-2 for managed care providers in accordance with the results of the actuarial study and pilot program conducted under this SECTION, and report the proposed rules to the commission before July 1, 1997. The division of mental health shall also submit annual status reports concerning the requirements of this SECTION to the commission.

(e) The division of mental health shall, before April 1, 1998, adopt rules under IC 4-22-2:

(1) setting forth specific criteria for managed care providers under IC 12-21 through IC 12-29; and

(2) notwithstanding IC 12-29-2, creating an operational and prospective funding system that is consistent with IC 12-21-2-7, as amended by this act.

(f) This SECTION expires January 1, 1999.

1994-40-91

SECTION 91. (a) The state personnel director shall establish the title and benchmark qualifications for transitional care case managers and transitional care specialists under IC 12-24-19-7, as added by this act, before January 1, 1995.

(b) This SECTION expires July 1, 1995.

1994-40-92

SECTION 92. (a) As appropriate living space becomes available at in-state institutions, the state shall consider renovating, converting, and otherwise modifying living space as necessary to provide appropriate in-state care for priority populations identified by the division of mental health, the state department of health, the division of disability, aging, and rehabilitative services, and the department of correction.

(b) This SECTION expires July 1, 1999.

1994-41-3

SECTION 3. A credit provided under IC 6-3.1-13, as added by this act, may be claimed only for taxes owed for taxable years that begin after December 31, 1993. However, the incremental income tax withholdings on which a credit is based may include withholdings from wages paid after December 31, 1993.

1994-41-4

SECTION 4. IC 8-22-3.5-15, as added by this act, applies to taxable years beginning after December 31, 1990.

1994-46-5

SECTION 5. (a) The department of state revenue may adopt an emergency rule under this SECTION to carry out IC 6-6-4.1, IC 6-6-4.1-13, IC 6-6-4.1-14, IC 6-6-4.1-17, and IC 6-6-4.1-19 as amended by this act. IC 4-22-2-37.1 applies to an emergency rule adopted under this SECTION. Notwithstanding IC 4-22-2-37.1, an emergency rule aopted under this SECTION expires on the earlier of the follow:

(1) The date that the department of state revenue adopts a permanent rule under IC 4-22-2 to replace the emergency rule.
(2) June 30, 1995.
(b) This SECTION expires July 1, 1995.

1994-46-6

SECTION 6. (a) The department of revenue shall adopt the initial rules required to implement this act before June 30, 1995.
(b) This SECTION expires July 1, 1995.

1994-48-4

SECTION 4. This act applies to interest that accrues after December 31, 1994.

1994-49-11

SECTION 11. (a) This SECTION applies to expenditures made before July 1, 1994.
(b) As used in this SECTION, "fund" refers to the convention and exhibition fund established under IC 6-9-1-6.
(c) Notwithstanding IC 6-9-1-6, expenditures made from the fund to promote tourism in St. Joseph County are hereby legalized and validated, regardless of whether the money was directly used by the special funds board of managers to promote a convention and exhibition center.

1994-55-5

SECTION 5. (a) Notwithstanding IC 20-12-70-2, as amended by this act, and subject to rules adopted by the state student assistance commission under IC 20-12-70-15 concerning eligibility requirements for a tuition scholarship under the twenty-first century scholars program, the additional requirements set forth in IC 20-12-70-2, as amended by this act, do not apply to eligible students who originally entered into a written agreement under IC 20-12-70-2, as amended by this act, before July 1, 1994.
(b) This SECTION expires July 1, 1999.

1994-55-6

SECTION 6. (a) The Indiana State University board of trustees may issue bonds under IC 20-12-6 for the purpose of refunding or advance refunding of bonds previously issued by the Indiana State University board of trustees under IC 20-12-7 as follows:
(1) Indiana State University Health Center First Mortgage Bonds in the original principal of two million four hundred ninety-five thousand dollars ($2,495,000) dated February 1, 1973.
(2) Indiana State University Civic Amphitheater First Mortgage Bonds in the original principal amount of six million dollars ($6,000,000) dated November 1, 1973.
(3) Indiana State University Student Union Refunding and Improvement Bonds, Series B, in the original principal amount of three million dollars ($3,000,000) dated November 1, 1976.
(b) The principal amount of bonds issued under the authority

described in subsection (a) may not exceed the amount necessary to accomplish the refunding or advance refunding, together with the additional amounts that are allowable under IC 20-12-6.

(c) The refunding bonds issued under the authority described in subsection (a) are not eligible for fee replacement appropriations.

1994-55-7

SECTION 7. The board of trustees for the following state educational institutions may issue and sell bonds under IC 20-12-6, subject to the approvals required under IC 20-12-5.5, for the following projects, as long as the cost of acquiring, constructing, remodeling, renovating, furnishing, or equipping the project financed by any series of bonds issued does not exceed the total authority listed below for the project:

PURDUE UNIVERSITY	
West Lafayette Campus	
Telephone/Computer Network	40,000,000
UNIVERSITY OF SOUTHERN INDIANA	
University Center Addition	4,100,000

The projects described in this subsection are not eligible for fee replacement and are not eligible for state plant expansion funding.

1994-56-3

SECTION 3. (a) The governor shall make the appointments to the board of directors of a waterway management district required under IC 8-10-9-6, as added by this act, not later than July 1, 1994. Notwithstanding IC 8-10-9-6(b), as added by this act, the terms of the governor's initial appointments are as follows:

(1) The term of one (1) member designated by the governor expires June 30, 1995.

(2) The term of one (1) member designated by the governor expires June 30, 1997.

(b) The executive of a city in which a waterway management district is established by IC 8-10-9, as added by this act, shall make appointments to the board of directors of the district, as required by IC 8-10-9-6, as added by this act, not later than July 1, 1994. Notwithstanding IC 8-10-9-6(b), as added by this act, the terms of the executive's initial appointments are as follows:

(1) The terms of two (2) members designated by the executive expire June 30, 1996.

(2) The terms of two (2) members designated by the executive expire June 30, 1997.

(c) The board of directors of a waterway management district established by IC 8-10-9, as added by this act, shall meet and organize not later than August 1, 1994.

(d) This SECTION expires July 1, 1997.

1994-70-4

&BTN.Delete "Sec. 1." and insert in bold "SECTION 4."&ETN.

Sec. 1. (a) There is created the civil war flags commission.

(b) The powers and duties of the civil war flags commission are as

follows:

(1) Solicit donations from school children and businesses for the purpose of restoring and preserving civil war flags.

(2) Accept donations from organizations and individuals for the purpose of restoring and preserving civil war flags.

(3) Coordinate fund raising activities for the purpose of restoring and preserving the civil war flags.

(4) Deposit receipts from donations and other sources in the civil war flags fund (IC 10-7-2-6.5).

(5) Advise the Indiana War Memorials Commission on the use of money in the civil war flags fund (IC 10-7-2-6.5).

(c) The civil war flag commission consists of the following persons and shall be appointed as follows:

(1) Two (2) members of the house of representatives, not more than one (1) of whom may be from the same political party, appointed by the speaker of the house of representatives. The members appointed under this subdivision are nonvoting members of the commission.

(2) Two (2) members of the senate, not more than one (1) of whom may be from the same political party, appointed by the president pro tempore of the senate. The members appointed under this subdivision are nonvoting members of the commission.

(3) Two (2) members of a Civil War Round Table organization appointed by the governor.

(4) One (1) member of the Indiana war memorials commission (IC 10-7-2-1) appointed by the governor.

(5) Two (2) members of the Save the Colors Coalition appointed by the governor.

(6) One (1) member of the Sons of Union Veterans appointed by the governor.

(7) One (1) member of the veterans affairs commission (IC 10-5-1-5) appointed by the governor.

(8) Two (2) members of the general public appointed by the governor.

(9) Two (2) students from ten (10) to nineteen (19) years of age appointed by the governor upon the recommendation of the civil war flags commission. The commission shall base its recommendations to the governor upon the results of an essay contest that the commission shall establish and judge. The members appointed under this subdivision are nonvoting members of the commission.

(d) The respective appointing authorities shall make the appointments described in subsection (c)(1) through (c)(8) before July 1, 1994. The first meeting of the civil war flags commission shall occur before July 16, 1994. The speaker of the house of representatives and the president pro tempore of the senate shall each designate one (1) of their respective appointees as co-chair for purposes of calling and conducting the initial meeting of the commission. At the initial meeting, the commission shall organize itself and elect those officers that it considers necessary to accomplish the purposes of the

commission. A nonvoting member of the commission may serve as an officer of the commission.

(e) The civil war flags commission shall be organized as a nonprofit organization and may not spend more than two percent (2%) of the funds collected on administrative costs, including soliciting for additional funds. There is continuously appropriated from the civil war flags fund established under IC 10-7-2-6.5 to the civil war flags commission an amount sufficient to pay for those administrative costs of the civil war flags commission that does not exceed two percent (2%) of the funds collected by the civil war flags commission and deposited in the civil war flags fund.

(f) The civil war flags commission shall report to the legislative council on the commission's activities by November 1 of each year.

(g) Any state funds appropriated to the Indiana war memorials commission (IC 10-7-2-1) that are subject to reversion at the end of the state fiscal year, not to exceed fifty thousand dollars ($50,000) in fiscal year 1994 and fifty thousand dollars ($50,000) in fiscal year 1995, do not revert to the state general fund but are appropriated to the civil war flags fund established under IC 10-7-2-6.5. The funds shall be deposited in the civil war flags fund within sixty (60) days of the end of the 1994 and 1995 state fiscal years.

(h) This SECTION expires July 1, 1996.

1994-74-5

SECTION 5. (a) The interagency child fatality review task force is established to develop a state plan for identifying and reviewing deaths of children less than eighteen (18) years of age for the purpose of determining and reducing the number of preventable child deaths.

(b) The task force shall meet at least four (4) times and shall:

(1) develop a plan to systematically review certain deaths of children less than eighteen (18) years of age by using multidisciplinary case consultation;

(2) study the feasibility and appropriateness of using state, regional, or local level case consultation;

(3) define the cases to be reviewed using nonidentifying case information;

(4) develop methods for multidisciplinary case consultation that have the privacy of the family as a primary consideration;

(5) develop methods of multidisciplinary education and training for orientation and training of those persons doing case consultation in the future and for those professionals and providers that may be affected by the recommendations of the child fatality review task force;

(6) specify the system of data collection necessary to permit identification of demographic trends and policy issues in respect to deaths of children less than eighteen (18) years of age;

(7) specify the types of deaths of children to be reviewed; and

(8) submit a report including any legislative or administrative recommendations to the legislative council by September 1, 1994.

(c) The task force consists of the following persons:

(1) The director of the division of family and children or the director's designee and one (1) member of the division chosen by the director.

(2) The commissioner of the state department of health or the director's designee and the chairperson of the executive board of the state department of health or the chairperson's designee.

(3) The executive director of the Indiana criminal justice institute or the executive director's designee and one (1) member of the board of trustees of the Indiana criminal justice institute chosen by the board of trustees.

(4) Not more than five (5) members not mentioned in subdivisions (1) through (4) of this subsection, as determined necessary by the director of the division of family and children, the commissioner of the state department of health, and the executive director of the Indiana criminal justice institute.

(d) The division of family and children, the state department of health, and the Indiana criminal justice institute shall provide staff support necessary for the task force. The division of family and children shall serve as the lead agency in providing staff support for the task force.

(e) Each task force member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) This section expires December 31, 1994.

1994-77-2

SECTION 2. (a) As used in this SECTION, "waiver" means a home and community based services waiver described in 42 U.S.C. 1396n(c) as it:

(1) applies to persons with autism; and

(2) is in effect on July 1, 1994.

(b) The office of Medicaid policy and planning shall seek approval under 42 U.S.C. 1396 et seq. from the United States Department of Health and Human Services to amend the waiver as follows:

(1) Raise from fifty (50) to eighty-two (82) over the course of the waiver renewal period the number of persons who:

(A) may be served at one (1) time under the waiver; and

(B) in the absence of home and community based services would require a level of care provided in an intermediate care facility for the mentally retarded (as defined in 42 U.S.C. 1396d(d)).

(2) Exclude parental resources and allow a maximum gross annual parental income of forty-five thousand dollars ($45,000) when determining eligibility for individuals less than eighteen (18) years of age who:

(A) are otherwise eligible to use the waiver; and

(B) in the absence of home and community based services would require a level of care provided in an intermediate care facility for the mentally retarded (as defined in 42

U.S.C. 1396d(d)).

(3) Include in the waiver habilitation services (as defined in 42 U.S.C. 1396n(c)(5)) for persons with autism who:

(A) are otherwise eligible to use the waiver; and

(B) in the absence of home and community based services would require a level of care provided in an intermediate care facility for the mentally retarded (as defined in 42 U.S.C. 1396d(d)).

(4) Eliminate the respite care limitation of six hundred (600) hours per year that a person with autism who is served by the waiver may receive.

(c) The office of Medicaid policy and planning shall apply for approval from the federal Health Care Financing Administration to amend the waiver to implement this SECTION before January 1, 1995.

(d) The office of Medicaid policy and planning may not implement:

(1) an increase in the number of persons from fifty (50) to eighty-two (82) who may be served at one (1) time under the waiver;

(2) the exclusion of parental resources and allowance of a maximum gross annual parental income as described in subsection (b)(2) when determining eligibility for individuals less than eighteen (18) years of age;

(3) habilitation services for persons with autism; and

(4) unlimited respite care for persons with autism;

until the office of Medicaid policy and planning files an affidavit with the governor that attests that the federal Health Care Financing Administration approves the changes in the waiver requested by the office of Medicaid policy and planning under this SECTION.

(e) The office of Medicaid policy and planning shall adopt rules under IC 4-22-2 necessary to implement this SECTION.

(f) This SECTION expires July 1, 1999.

1994-78-5

SECTION 5. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental retardation and developmental disabilities established by this SECTION.

(b) The Indiana commission on mental retardation and developmental disabilities is established.

(c) The commission consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) Three (3) members at large appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(4) One (1) member appointed by the governor who is a

consumer of mental retardation/developmental disability services.

(5) One (1) member appointed by the governor who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(6) Two (2) members appointed by the governor who are representatives of families of consumers of mental retardation and developmental disability services.

(7) One (1) member appointed by the governor who is a representative of organizations providing services to individuals with mental retardation and developmental disabilities.

The governor shall make appointments required by subdivisions (3) through (7) before May 16, 1994.

(d) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairman of the commission.

(e) Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

(f) The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet need for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for adult mentally retarded and developmentally disabled children.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(g) The commission shall submit its findings and initial recommendations to the governor and the general assembly before December 1 of each year.

(h) This SECTION expires January 1, 1998.

1994-82-31

SECTION 31. (a) This SECTION applies only to a department enforcement action that has as the enforcement action's basis an event or the last of a series of events that the department discovers before July 1, 1994.

(b) The definition in IC 13-7-5.5, as added by this act, applies throughout this SECTION.

(c) Notwithstanding IC 13-7-5.5, as added by this act, a department enforcement action must be commenced by issuing a notice of violation under IC 13-7-11-2(b) before July 1, 1997.

(d) A department enforcement action begun after July 1, 1997, is void.

(e) This SECTION expires July 1, 1999.

1994-87-14

SECTION 14. (a) This SECTION applies to a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600).

(b) A health ordinance adopted by a city legislative body before January 1, 1994, that is enforceable by a city health department is void on the earlier of:

(1) July 1, 1994; or

(2) the effective date of a health ordinance that:

(A) is adopted by the county executive after December 31, 1993; and

(B) specifically supersedes the health ordinance adopted by the city legislative body.

(c) This SECTION expires December 31, 1995.

1994-87-15

SECTION 15. A health ordinance adopted by the county executive of a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600) that:

(1) was adopted after December 31, 1993, and before the effective date of this SECTION; and

(2) applies to the entire county;

is legalized.

1994-94-18

SECTION 18. (a) The first report required under IC 16-21-9-7, as added by this act, shall be filed not later than one hundred twenty (120) days after the end of the hospital's fiscal year ending during 1995.

(b) This SECTION expires July 1, 1997.

1994-95-4

SECTION 4. (a) This SECTION applies to a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600).

(b) A health ordinance adopted by a city legislative body before January 1, 1994, that is enforceable by a city health department is void

on the earlier of:

(1) July 1, 1994; or

(2) the effective date of a health ordinance that:

(A) is adopted by the county executive after December 31, 1993; and

(B) specifically supersedes the health ordinance adopted by the city legislative body.

(c) This SECTION expires December 31, 1995.

1994-95-5

SECTION 5. A health ordinance adopted by the county executive of a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600) that:

(1) was adopted after December 31, 1993, and before the effective date of this SECTION; and

(2) applies to the entire county;

is legalized.

1994-99-4

SECTION 4. This act does not apply to a living will declaration executed before July 1, 1994.

1994-100-17

SECTION 17. (a) This SECTION applies to the period:

(1) beginning July 1, 1994; and

(2) ending June 30, 1997.

(b) The state department of health shall advertise quarterly in the legal section of a newspaper of general circulation in each county in Indiana regarding the purpose and operation of the putative father registry established under IC 31-3-1.5, as added by this act.

(c) Revenue generated by the putative father registry under IC 31-3-1-2(c), as amended by this act, must be used to defray the cost of advertising under subsection (b).

(d) This SECTION expires July 1, 1997.

1994-100-18

SECTION 18. (a) The state registrar of public statistics of the state department of health shall revise the paternity affidavit form described under IC 31-6-6.1-9 to include a detachable putative father registration form with clear and conspicuous instructions regarding:

(1) the location where putative father registration forms are to be filed; and

(2) the required period under IC 31-3-1.5-12 for filing the registration forms.

(b) This SECTION expires July 2, 1994.

1994-102-11

SECTION 11. (a) IC 16-39-9, as added by this act, may not be considered in any litigation relating to appropriate fees for providing copies of health records if the fees were charged before July 1, 1994.

(b) This SECTION expires July 1, 2000.

1994-102-12

SECTION 12. (a) Notwithstanding IC 16-39-9-4, as added by this act, the department of insurance may not adjust the fees that may be charged for medical records under IC 16-39-9, as added by this act, before July 1, 1996. However, the department may adopt other rules under IC 4-22-2 relating to the department's authority to adjust fees under IC 16-39-9, as added by this act, before July 1, 1996.

(b) This SECTION expires January 1, 1997.

1994-105-7

SECTION 7. (a) This SECTION applies notwithstanding any other law.

(b) As used in this SECTION, "department" refers to the department of work force development established under IC 22-4.1, as added by this act.

(c) Beginning July 1, 1994, the following entities comprise the department:

(1) The department of employment and training services established under IC 22-4.

(2) The office of work force literacy established under IC 20-11-6-6.

(3) The Indiana commission on vocational and technical education established under IC 20-1-18.3.

(4) The work force proficiency panel established under IC 20-1-20-2.

(d) Beginning July 1, 1994, employees of the department of work force development who were employees on June 30, 1994, of an entity comprising the department become employees of the department.

(e) Employees described in subsection (d) are considered employees having permanent status for the purposes of IC 4-15-2.

(f) Beginning July 1, 1994, employees of an entity listed in subsection (c)(2) and (c)(3) shall have their services under the department included for the purpose of computing retention points under IC 4-15-2-32 in the event of a layoff.

(g) On July 1, 1994, all records, property (including state and federal money), rights, and liabilities of an entity comprising the department shall be transferred to the department.

(h) Except as provided in subsection (i), a rule adopted by any entity comprising the department before the department is established under this act is valid and effective until the department adopts a rule under IC 4-22-2 that:

(1) supersedes the rule in whole or in part; or

(2) repeals the rule.

(i) If a rule adopted by any of the entities listed in subsection (c) before July 1, 1994:

(1) has not been superseded or repealed as provided in subsection (h); and

(2) provides authority to any of the entities and the authority has been transferred to the department;

the rule shall be interpreted to constitute an authorization to the department and not to the particular entity.

(j) This act does not affect:

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) crimes committed; or

(4) proceedings begun;

before July 1, 1994. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if this act had not been enacted.

(k) After June 30, 1994, any reference to any of the entities comprising the department before the department is established under this act shall be treated as a reference to the department.

(l) After June 30, 1994, any reference to the chief executive officer of any of the entities comprising the department before the department is established under this act shall be treated as a reference to the commissioner of the department or the commissioner's designee.

(m) This SECTION expires July 1, 1998.

1994-105-8

SECTION 8. (a) The legislative council, with the assistance of the code revision commission, shall provide for the introduction of legislation in the 1995 regular session of the general assembly to make changes in statutes that are appropriate to:

(1) carry out the reorganization of work force development agencies authorized by this act; and

(2) unify the definitions of vocational education and technical education throughout Indiana law.

(b) This SECTION expires June 30, 1995.

1994-105-9

SECTION 9. (a) On July 1, 1994, all funds in excess of one million five hundred thousand dollars ($1,500,000):

(1) deposited after September 18, 1991, in the special employment and training services fund established under IC 22-4-25; and

(2) attributable to an increase in an employer's contribution rate under IC 22-4-11-2(c);

shall be transferred to the unemployment insurance benefit fund established under IC 22-4-26.

(b) This SECTION expires July 1, 1995.

1994-109-2

SECTION 2. (a) As used in this SECTION, "committee" refers to the interim committee on education reform in Marion County established under this SECTION.

(b) The interim committee on education reform in Marion County is established to study the laws, regulations, and practices that impede:

(1) quality innovations;

(2) decentralized decision making;

(3) parental choice; and

(4) cost efficiency;

with regard to the public schools in Marion County.

(c) The committee consists of eleven (11) members who are appointed as follows:

(1) Three (3) members, not more than two (2) of whom may be from the same political party, shall be appointed by the president pro tempore of the senate from the membership of the senate.

(2) Three (3) members, not more than two (2) of whom may be from the same political party, shall be appointed by the speaker of the house of representatives from the membership of the house of representatives.

(3) One (1) member shall be appointed by the chairman of the legislative council, upon the recommendation of the mayor of a consolidated city.

(4) One (1) member shall be appointed by the chairman of the legislative council, upon the recommendation of a consensus of the superintendents from all of the school corporations (except the largest school corporation as determined by the number of students who are enrolled in the school corporation) located within Marion County. The consensus described under this subdivision shall be determined by a majority vote of the superintendents.

(5) One (1) member shall be appointed by the chairman of the legislative council, upon the recommendation of the superintendent of the largest school corporation (as determined by the number of students who are enrolled in the school corporation) located within Marion County.

(6) One (1) member shall be appointed by the chairman of the legislative council and must be a teacher from the largest school corporation (as determined by the number of students who are enrolled in the school corporation) located within Marion County.

(7) One (1) member shall be appointed by the chairman of the legislative council and must be a member of a school board (except the school board of the largest school corporation as determined by the number of students who are enrolled in the school corporation) located within Marion County.

(d) In addition to the committee members appointed under subsection (c), the chairman of the legislative council, at the request of the chairman of the committee, may appoint, as needed, additional members to the committee to serve as nonvoting members.

(e) A vacancy among the membership of the committee shall be filled by the appointing authority of the member whose position becomes vacant as described in subsection (c).

(f) The chairman of the legislative council shall designate the chairman of the committee from the committee's membership.

(g) The committee shall do the following:

(1) Make specific findings and policy recommendations concerning the legislative and administrative action necessary to further:

(A) quality innovations;

(B) decentralized decision making;
(C) parental choice; and
(D) cost efficiency.

(2) Prepare a comprehensive report that includes the committee's findings and policy recommendations described in subdivision (1).

(3) Submit the comprehensive report described in subdivision (2) to the general assembly and the state superintendent of public instruction:

(A) upon the completion of the committee's study; or
(B) not later than December 1, 1994;

whichever occurs first.

(h) In making the policy recommendations described in subsection (g)(1), the committee must consider the following:

(1) Strategies designed to maximize parental choice and school based decision making.

(2) Impediments regarding the implementation of a charter schools program.

(3) Impediments to the creation of collaborative relationships among existing school corporations.

(4) Strategies designed to increase cost efficiencies in public schools.

(i) In making the policy recommendations described in subsection (g)(1), the committee may not consider the consolidation of existing school corporations.

(j) This SECTION expires December 31, 1995.

1994-113-2

Effective 7-1-2001.

SECTION 2. (a) The initial school year in which a school corporation may receive an additional pupil count distribution for students with chronic attention deficit disorder as permitted under IC 21-3-1.6-3(e), as amended by this act, is the 2002-03 school year.

(b) To be eligible to receive an additional pupil count distribution described in subsection (a) for the 2002-03 school year, the initial school year in which a school corporation must report to the department of education the number of students who would qualify for the additional pupil count as described in IC 21-3-1.6-3(d)(1), as added by this act, is the 2001-02 school year.

(c) This SECTION expires July 1, 2003.

1994-113-3

SECTION 3. (a) The department of education shall conduct a study of the funding and delivery of services to students with chronic attention deficit disorder.

(b) The department of education shall report the results of the study required under subsection (a) and make recommendations to the general assembly concerning the funding and delivery of services to students with chronic attention deficit disorder before January 1, 1999.

(c) This SECTION expires July 1, 1999.

1994-116-72

SECTION 72. (a) During calendar year 1994, the department shall retroactively collect the internal audit fee required by IC 27-1-3-15(d), as added by this act, from all insurers doing business in Indiana on March 1, 1994.

(b) This SECTION expires March 1, 1995.

1994-116-73

SECTION 73. (a) Controlled insurers and controlling producers have until September 1, 1994, to come into compliance with IC 27-1-35-9 through IC 27-1-35-14, as added by this act. Controlled insurers and controlling producers shall comply with IC 27-1-35-15, as added by this act, beginning with all policies written or renewed on or after September 1, 1994.

(b) This SECTION expires September 1, 1996.

1994-116-74

SECTION 74. (a) Notwithstanding IC 27-4-5-2, as amended by this act, an insurer that provided life insurance, health insurance, or annuities to certain institutions under IC 27-4-5-2(8) on June 30, 1994, may continue to provide such insurance or annuities to those institutions without a certificate of exemption from the commissioner until December 31, 1994. However, the insurer must comply with all other provisions of IC 27.

(b) This SECTION expires January 1, 1995.

1994-116-75

SECTION 75. (a) IC 27-6-10, as added by this act, shall apply to all cessions made after June 30, 1994, under reinsurance agreements that have an inception, anniversary, or renewal later than December 31, 1994.

(b) This SECTION expires January 1, 1995.

1994-116-76

SECTION 76. (a) IC 27-8-5-25, as added by this act, applies only to policies issued or renewed after December 31, 1994.

(b) This SECTION expires January 1, 1995.

1994-116-77

SECTION 77. (a) Before August 1, 1994, the state board of accounts created by IC 5-11-1 shall conduct an audit of all:

(1) public entity risk pools organized under IC 36-1-7; and

(2) mutual insurance associations formed under IC 22-3-6-2 or IC 22-3-7-34;

over which the state board of accounts has jurisdiction under IC 5-11-1-9.

(b) Each audit required by subsection (a) shall be conducted:

(1) in consultation with the department of insurance created by IC 27-1-1-1; and

(2) in accordance with:

(A) the most current edition of the National Association of

Insurance Commissioners Examiners Handbook; and

(B) for comparison purposes, Statement Number 10 of the Governmental Accounting Standards Board.

(c) The state board of accounts shall reimburse or cause the reimbursement of the fees and expenses incurred by examiners of the department of insurance in the course of conducting audits required by subsection (a).

(d) Not later than August 1, 1994, each audit required by subsection (a) shall be presented to an interim study committee that is created by the legislative council.

(e) The insurance commissioner appointed under IC 27-1-1-2 shall survey the statutes, rules, and guidelines of other states governing public entity risk pools. Based on:

(1) this survey; and

(2) the audit reports required by subsection (a);

the insurance commissioner shall recommend to the interim study committee referred to in subsection (d) the most appropriate level of regulatory oversight for public entity risk pools and mutual insurance associations.

(f) The findings of the interim study committee referred to in subsection (d) shall be presented to the legislative council not later than November 1, 1994.

(g) This SECTION expires November 1, 1995.

1994-118-4

SECTION 4. Not later than December 31, 1994, the fire prevention and building safety commission shall adopt building rules to carry out IC 22-13-4-1.5, as added by this act.

1994-123-4

SECTION 4. (a) Notwithstanding 410 IAC 12-1-1.3, the incorporation of Section 2.20 of Handbook 130: Chapter B, Uniform Regulation for the Method of Sale of Commodities, through 410 IAC 12-1-1.3, which took effect September 30, 1993, is void.

(b) This SECTION expires March 30, 1994.

1994-123-5

SECTION 5. (a) As used in this SECTION, "task force" means the renewable transportation fuels task force established under this SECTION.

(b) The governor shall establish a renewable transportation fuels task force before June 1, 1994.

(c) The lieutenant governor or the lieutenant governor's designee shall serve as chairman of the task force.

(d) Except as provided in subsection (e), the governor shall appoint the members of the task force. The task force shall include the following members:

(1) A representative from each of the appropriate state agencies.

(2) A representative of the agricultural community.

(3) A representative of commodity groups.

(4) A representative of the trucking industry.

(5) A representative of the petroleum industry.

(6) A representative of the renewable transportation fuels industry.

(7) Two (2) members of the house of representatives, who may not be members of the same political party.

(8) Two (2) members of the senate, who may not be members of the same political party.

(9) A representative of Indiana oil marketers.

(10) Not more than three (3) other members that the governor considers necessary.

(e) The task force members referred to in subsection (d)(7) shall be appointed by the speaker of the house. The task force members referred to in subsection (d)(8) shall be appointed by the president pro tempore of the senate.

(f) The task force shall do the following:

(1) Report to the governor and the general assembly regarding the:

(A) status;

(B) relative strengths;

(C) relative weaknesses; and

(D) competitive position;

of Indiana in relation to other states concerning the attraction and development of industry involved with the production of ethanol and other renewable transportation fuels.

(2) Make specific policy recommendations on the legislative and administrative actions necessary to place Indiana in a strong position to develop industry involved with the production of ethanol and other renewable transportation fuels.

(3) Report to the governor and the general assembly regarding ways to promote the use of ethanol and other renewable transportation fuels in:

(A) consumer vehicles;

(B) public transportation systems; and

(C) state government, local government, and corporate fleets.

(4) Make specific recommendations regarding the implementation of a statewide oxygenated motor fuels program that uses renewable transportation fuels.

(g) The reports and the recommendations required by subsection (e) shall be presented to the governor and the general assembly upon completion of the task force's study and before December 1, 1994.

(h) This SECTION expires December 1, 1994.

1994-124-8

SECTION 8. (a) As used in this SECTION, "board" refers to the Indiana dietitians certification board established by IC 25-14.5-2-1, as added by this act.

(b) Notwithstanding IC 25-14.5, as added by this act, the board shall certify a person as a certified dietitian if the person:

(1) applies to the board for certification as a certified dietitian before July 1, 1995;

(2) proves to the board that the person has current registration as a registered dietitian with the American Dietetic Association; and

(3) pays an application fee set by the board.

(c) This SECTION expires July 2, 1995.

1994-124-9

SECTION 9. (a) The governor shall make the initial appointments to the dietitians certification board established by IC 25-14.5-2, as added by this act, before July 1, 1994.

(b) Notwithstanding IC 25-14.5-2-2, as added by this act, the initial terms of office of the seven (7) members of the dietitians certification board are as follows:

(1) One (1) dietitian for a term of one (1) year.

(2) One (1) dietitian for a term of two (2) years.

(3) Two (2) dietitians for a term of three (3) years.

(4) One (1) physician for a term of one (1) year.

(5) One (1) registered nurse for a term of two (2) years.

(6) One (1) member representing the public for a term of three (3) years.

(c) The initial terms of the members begin on July 1, 1994.

(d) Notwithstanding IC 25-14.5-2-2, as added by this act, an individual appointed to the dietitian certification board as a dietitian under this SECTION does not need to be certified as a dietitian.

(e) This SECTION expires December 31, 1997.

1994-125-2

&BTN.Insert periods after (1) through (2).&ETN.

SECTION 2. (a) Notwithstanding IC 25-10-1-1.5, as amended by this act, a member of the board of chiropractic examiners who was appointed and began the member's term before July 1, 1994 may serve the remainder of the member's term.

(b) Notwithstanding IC 25-10-1-1.5, as amended by this act, by each of the following dates at least one (1) appointment made to the board of chiropractic examiners must be from a political party that is not of the same political affiliation as a majority of the members currently appointed to the board:

(1) July 1, 1994

(2) July 1, 1995

(3) July 1, 1996.

(c) This SECTION expires July 1, 1996.

1994-126-9

SECTION 9. (a) Beginning July 1, 1994, and ending on the earlier of:

(1) July 1, 1996; or

(2) the date on which the rules adopted by the Indiana geological survey take effect;

the administrative rules set forth in 310 IAC 9-2 shall be treated as though the rules were adopted by the Indiana geological survey, and the geological survey is granted the same power to administer and enforce

the rules that the department of natural resources had before July 1, 1994.

(b) This SECTION expires July 1, 1997.

1994-130-49

SECTION 49. (a) During calendar year 1994, the department shall retroactively collect the internal audit fee required by IC 27-1-3-15(d), as added by this act, from all insurers doing business in Indiana on March 1, 1994.

(b) This SECTION expires March 1, 1995.

1994-130-50

SECTION 50. (a) Controlled insurers and controlling producers have until September 1, 1994, to come into compliance with IC 27-1-35-9 through IC 27-1-35-14, as added by this act. Controlled insurers and controlling producers shall comply with IC 27-1-35-15, as added by this act, beginning with all policies written or renewed on or after September 1, 1994.

(b) This SECTION expires September 1, 1996.

1994-130-51

SECTION 51. (a) Notwithstanding IC 27-4-5-2, as amended by this act, an insurer that provided life insurance, health insurance, or annuities to certain institutions under IC 27-4-5-2(8) on June 30, 1994, may continue to provide such insurance or annuities to those institutions without a certificate of exemption from the commissioner until December 31, 1994. However, the insurer must comply with all other provisions of IC 27.

(b) This SECTION expires January 1, 1995.

1994-130-52

SECTION 52. (a) Before August 1, 1994, the state board of accounts created by IC 5-11-1 shall conduct an audit of all:

(1) public entity risk pools organized under IC 36-1-7; and

(2) mutual insurance associations formed under IC 22-3-6-2 or IC 22-3-7-34;

over which the state board of accounts has jurisdiction under IC 5-11-1-9.

(b) Each audit required by subsection (a) shall be conducted:

(1) in consultation with the department of insurance created by IC 27-1-1-1; and

(2) in accordance with:

(A) the most current edition of the National Association of Insurance Commissioners Examiners Handbook; and

(B) for comparison purposes, Statement Number 10 of the Governmental Accounting Standards Board.

(c) The state board of accounts shall reimburse or cause the reimbursement of the fees and expenses incurred by examiners of the department of insurance in the course of conducting audits required by subsection (a).

(d) Not later than August 1, 1994, each audit required by

subsection (a) shall be presented to an interim study committee that is created by the legislative council.

(e) The insurance commissioner appointed under IC 27-1-1-2 shall survey the statutes, rules, and guidelines of other states governing public entity risk pools. Based on:

(1) this survey; and

(2) the audit reports required by subsection (a):

the insurance commissioner shall recommend to the interim study committee referred to in subsection (d) the most appropriate level of regulatory oversight for public entity risk pools and mutual insurance associations.

(f) The findings of the interim study committee referred to in subsection (d) shall be presented to the legislative council not later than November 1, 1994.

(g) This SECTION expires November 1, 1995.

1994-132-3

SECTION 3. (a) The printed statement required by IC 27-2-16-4, as added by this act, must be included on identification cards and benefit booklets that are printed after January 1, 1995.

(b) An insurer is not required, before December 31, 1997, to issue new identification cards and benefit booklets that include the printed statement required by IC 27-2-16-4, as added by this act, to enrollees for whom the insurer provides coverage on December 31, 1994.

(c) This SECTION expires January 1, 1999.

1994-134-4

SECTION 4. (a) As used in this SECTION, "committee" refers to the preferred provider plan study committee established by subsection (b).

(b) The preferred provider plan study committee is established.

(c) The committee shall study all aspects of IC 27-8-11-3.1, as added by this act, including whether the general assembly should revise or repeal IC 27-8-11-3.1.

(d) The committee is under the jurisdiction of the legislative council and shall operate under policies and procedures established by the legislative council.

(e) The committee shall issue a report stating its findings, conclusions, and recommendations before November 1, 1997. The committee shall issue other reports as directed by the legislative council.

(f) The committee consists of eight (8) members of the general assembly.

(g) The president pro tempore of the senate shall appoint four (4) senators, not more than two (2) of whom are of the same political party, as members of the committee.

(h) The speaker of the house of representatives shall appoint four (4) representatives, not more than two (2) of whom are of the same political party, as members of the committee.

(i) The chairman of the legislative council shall name one (1) of the members as chairman. The vice chairman of the legislative council

shall name one (1) of the members as vice chairman.

(j) A member of the committee serves at the pleasure of the appointing authority who appointed the member.

(k) The committee shall meet during the interim between adjournment of the 1996 regular session of the general assembly and November 1, 1997, on the call of the chairman or at other times the committee determines.

(l) Notice of the time, place, and agenda of committee meetings shall be given in the same manner as meetings of interim study committees established by the legislative council.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(n) Staff and administrative support for the committee shall be provided by the legislative services agency.

(o) The legislative council may establish a budget for the committee.

(p) Subject to prior authorization of the legislative council, the expenses incurred by the committee in performing the duties of the committee shall be paid from the funds appropriated to the legislative council.

(q) This SECTION expires December 31, 1997.

1994-140-16

SECTION 16. SECTIONS 1 through 11 of this act apply to crimes committed after June 30, 1994.

1994-143-3

SECTION 3. IC 31-7-3-15.5, as added by this act, applies to marriages performed before, on, and after the effective date of this act.

1994-143-4

SECTION 4. (a) If before the effective date of this act:

(1) an individual who solemnized a marriage failed to appropriately complete the marriage certificate or timely file the duplicate marriage certificate and marriage license with the clerk as required by IC 31-7-3-15;

(2) a party to the marriage petitioned a circuit court with jurisdiction in the county in which the marriage occurred to affirm the marriage as of the date the marriage occurred; and

(3) the court issued an order affirming the marriage as of the date the marriage occurred;

the court order is legalized and has the same legal effect as a properly attested and filed marriage certificate.

(b) If the clerk of the court receives a court order affirming the marriage described in subsection (a), the clerk of the court shall issue a duplicate license with the date the marriage occurred to the party who sought declaratory relief.

(c) The state department of health shall accept the order described in subsection (a) as it accepts other marriage records received from

county clerks.

1994-144-5

SECTION 5. To the extent applicable, a statute repealed by this act applies to a transfer made or an obligation incurred before July 1, 1994.

1994-144-6

SECTION 6. (a) IC 34-4-30-1.5, as added by this act, applies to claims arising after June 30, 1994.

(b) This SECTION expires July 2, 1994.

1994-152-3

SECTION 3. A county fiscal body action taken before July 1, 1994, to directly appropriate money from the appropriate source to a sheriff's pension trust plan is legalized and validated to the same extent as if this act had been in effect.

1994-156-2

SECTION 2. IC 35-33-8-3.1(d), as amended by this act, applies only to the retention or collection of a fee for a bond executed or deposit made after the effective date of this act.

1994-158-8

SECTION 8. (a) IC 35-36-9, as added by this act, applies to a murder committed:

(1) after June 30, 1994; or

(2) before July 1, 1994, if a person awaits trial for the murder after June 30, 1994.

(b) This SECTION expires July 2, 1994.

1994-168-2

SECTION 2. (a) The members of the expanded commission under IC 36-7-7-4, as amended by this act, shall be appointed by the appointing executive before August 1, 1994.

(b) This SECTION expires January 1, 1995.

1994-172-4

SECTION 4. (a) The local government finance study commission (originally established under P.L.32-1992, SECTION 8) is reestablished by this act.

(b) The commission consists of the same eight (8) members who were members of the study commission on October 31, 1993.

(c) The commission consists of the same twelve (12) advisers who were advisers to the study commission on October 31, 1993.

(d) If a vacancy exists on the commission or among the advisers, the vacancy shall be filled by the person who made the original appointment under P.L.32-1992, SECTION 8.

(e) The chairman of the legislative council shall name the chairman of the commission. The chairman shall call the first meeting of the reestablished commission before July 1, 1994.

(f) The reestablished commission shall continue the activities of the original commission and shall conduct a study of matters concerning local government, including the following:

(1) Ways to simplify and recodify statutory property tax controls.

(2) Revenue sources and uses of the revenue.

(3) The impact of property tax controls on economic development.

(4) Alternative sources of revenue that are not derived from property taxes.

(5) Substantive changes to the Barrett Law.

(g) The commission shall operate under the direction of the legislative council as follows:

(1) Staff services shall be supplied by the legislative services agency.

(2) The office of fiscal and management analysis shall conduct a special inquiry into the financial organization of local government under the direction of the commission.

(3) The commission shall issue a final report before November 1, 1994, or at other times determined by the legislative council. Copies of the report shall be given to the governor and legislative council.

(h) Travel and other expenses shall be paid as follows:

(1) Each adviser to the commission who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each adviser is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the adviser's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(2) Each adviser to the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the adviser's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(3) Each member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

1994-174-1

SECTION 1. (a) This SECTION applies only to the following:

(1) A county having a population of more than nineteen thousand three hundred (19,300) but less than nineteen thousand five hundred (19,500).

(2) A county having a population of more than seventeen thousand five hundred (17,500) but less than eighteen thousand (18,000).

(3) A county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000).

(4) A county having a population of more than one hundred sixty thousand (160,000) but less than two hundred thousand (200,000).

(5) A county having a population of more than fourteen thousand seventy (14,070) but less than fifteen thousand (15,000).

(6) A county having a population of more than twenty-nine thousand eight hundred (29,800) but less than thirty thousand (30,000).

(7) A county having a population of more than twenty-three thousand (23,000) but less than twenty-three thousand five hundred (23,500).

(b) As used in this SECTION, "cumulative fund tax" means:

(1) for a county described in subsection (a)(1), (a)(4), or (a)(6), a tax imposed under IC 36-9-14.5 to provide money for a cumulative capital development fund;

(2) for a county described in subsection (a)(2) or (a)(3), a tax imposed under IC 8-16-3 to provide money for a cumulative bridge fund;

(3) for a county described in subsection (a)(5), a tax imposed under IC 8-16-3 to provide money for a cumulative bridge fund or under IC 36-9-14 to provide money for a cumulative building fund for a courthouse; and

(4) for a county described in subsection (a)(6) or (a)(7), a tax imposed under IC 36-9-14 to provide money for a cumulative building fund for a courthouse.

(c) Notwithstanding any other law, the actions taken to:

(1) impose a cumulative fund tax that was due and payable in calendar year 1993 and to impose a new cumulative fund tax that would be due and payable after December 31, 1993; or

(2) create a new cumulative fund and impose a cumulative fund tax for the fund that would be due and payable after December 31, 1993;

shall be treated as sufficient to impose a cumulative fund tax that is due and payable in calendar year 1994.

(d) The cumulative fund tax legalized under subsection (c)(1) is imposed at the same rate and for the same purposes as the cumulative fund tax due and payable in 1993. The cumulative fund tax that is legalized under subsection (c)(2) is imposed at the last rate published by the affected county for calendar year 1994.

(e) The state board of tax commissioners shall adjust the tax rates and tax levies in a county described in subsection (a) to incorporate the cumulative fund tax legalized under subsection (c) as soon as possible after the enactment of this act. The state board of tax commissioners shall certify its action under this subsection under IC 6-1.1-17-16 without additional notice, hearings, or other action by any governmental entity or other person.

(f) A county shall correct the tax duplicate of each taxpayer affected under this SECTION and, if a statement of current and delinquent taxes has been mailed to an affected taxpayer, mail a corrected tax bill to the taxpayer.

(g) The money collected from the cumulative fund tax legalized

under this SECTION shall be appropriated and approved in the same manner as any other additional appropriation.

(h) This SECTION expires January 1, 1995.

1994-175-1

SECTION 1. (a) This SECTION applies to a county having a population of more than one hundred sixty thousand (160,000) but less than two hundred thousand (200,000).

(b) Notwithstanding the adoption of an ordinance imposing the county economic development income tax under IC 6-3.5-7, at a rate permitted under IC 6-3.5-7-5(g), as amended by P.L.28-1993, SECTION 8, the tax does not take effect until the later of:

(1) July 1, 1994; or

(2) the first day of July or January, whichever occurs first, that follows the date the auditor of the county certifies to the department of state revenue that the federal government has provided a written notice that the county is officially selected as a site at which individuals will be employed in a government building to be subleased to the federal government or an agency or department of the federal government under IC 36-9-13.1.

(c) This SECTION expires January 1, 1996.

1994-176-1

SECTION 1. (a) This section applies only to a county having a population of more than eighteen thousand eight hundred twenty (18,820) but less than eighteen thousand nine hundred (18,900).

(b) Notwithstanding IC 11-12-6-9, a county is entitled to receive deposits made by the department of correction under IC 11-12-6-13 if the county legislative body does both of the following:

(1) Files two (2) copies of the ordinance required by IC 11-12-6-9 with the secretary of state before April 1 of the year following the year during which IC 11-12-6-9 otherwise would require the filing of the ordinance.

(2) Otherwise complies with IC 11-12-6-9.

(c) This SECTION expires July 1, 1994.