2004

Summary of New Laws

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SECOND REGULAR SESSION OF THE
113TH
INDIANA GENERAL ASSEMBLY
2004

SUMMARY OF NEW LAWS

PREPARED BY THE SENATE MAJORITY ATTORNEY'S OFFICE

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PREFACE

This document is a comprehensive Summary of Laws passed by the 2004 General Assembly, including the 98 bills passed (18 Senate Bills and 80 House Bills) during the Legislative Session completed on March 4, 2004. These bills have been categorized by general subject matter, as listed in the Table of Contents. The Index at the back of this document lists all Senate and House bills in numerical order and notes the page number for each bill.

This session approximately half of the Senate Bills passed by the Senate were not acted upon by the House in the regular course of business. As a result, the content of many of these bills was included in conference committee reports on House Bills and thus became law as part of these House Bills. Throughout this Summary, we have identified the 38 Senate Bills that became part of House Bills in this manner.

Many of the bills passed contained changes relating to more than a single subject; therefore, at the beginning of each subject area in the Summary there are cross-references to other bills passed that might also be of interest. These other bills are noted by bill number, with the subject area under which they appear in the Summary noted in brackets below the bill number and brief description.

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

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

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AGRICULTURE

HOUSE BILL 1070 (Public Law 91-2004)
Author(s): Bischoff
Sponsor(s): Weatherwax, Lewis
Citations Affected: IC 5-10; 15-1.5
Effective: July 1, 2004

Center for agricultural science and heritage. Changes the center for agricultural science and heritage to a corporate body separate from the state. Specifies that the center's assets, appropriations, fund balances, and liabilities are not affected by the conversion. Specifies that the members of the center's board of trustees remain trustees. Establishes certain personnel policies.

HOUSE BILL 1244 (Public Law 74-2004)
Author(s): Mangus
Sponsor(s): Hershman, Lewis
Citations Affected: IC 4-4; 15-4; 15-6
Effective: July 1, 2004

Indiana dairy industry development board; Indiana tourism council; and Indiana corn market development council. Adds two new members and assigns new duties concerning agritourism to the Indiana tourism council. Permits the Indiana corn marketing council to spend up to 25% of the council's revenue for administrative expenses. (Current law restricts expenditures for administrative expenses to 10% of council revenue.) Provides that the Indiana corn market development council (council) is a public body corporate and politic. Establishes the Indiana corn market development account to be administered by the council. Continually appropriates money in the account. Provides that the Indiana dairy industry development board is a separate body corporate and politic. Provides that the definition of "milk" in the board statute is restricted to milk produced by cows. Provides that the board may make certain determinations based on year end milk marketing figures from any source the board considers reliable. Provides that the number of board members to which a producer is entitled is based on funds retained in Indiana. Makes other changes relating to the composition of the board. Provides that board members are entitled to a salary per diem determined by the board and are entitled to receive reimbursement for travel and other expenses as determined by the board. Provides that the salary per diem and travel and other expenses may not exceed limits set for expenses for employees of the executive branch of the federal government while away from home in travel status.

ALCOHOLIC BEVERAGES

See also:
HB 1245: Neglect of a dependant.
[Criminal Law and Procedure]
HB 1264: Interlock ignition devices/OWI.
[Motor Vehicles]
HB 1394: DWI causing death.
[Motor Vehicles]

HOUSE BILL 1207 (Public Law 72-2004)
Author(s): Kuzman
Sponsor(s): Server, Broden
Citations Affected: IC 4-1; 6-1.1; 7.1-3; 7.1-5
Effective: Upon Passage (March 17, 2004); July 1, 2004

Exempts the alcohol and tobacco commission (ATC) from statutes that prevent a state agency from compelling an individual to disclose a Social Security number. Prohibits the ATC from issuing a beer wholesaler's permit to a person who has not been a bona fide Indiana resident for one year. Provides that the five year residency requirement for beer wholesalers remains in effect for contracts entered into before July 1, 2004. Prohibits the ATC from issuing a beer wholesaler's permit to a limited liability company, a limited partnership, or a corporation unless at least 60% of the membership interest, partnership interest, or common stock is owned by persons who have been bona fide Indiana residents for one year. Allows the ATC to issue a beer or wine wholesaler's permit to a corporation, limited liability company, or limited partnership if no stockholder or person having an interest is a resident of the county in which the licensed premises is to be situated. Allows the holder of a retailer's permit to have an interest in a brewer's permit of a brewery that manufactures not more than 20,000 barrels in a calendar year. Allows a microbrewer to sell beer by the glass at a brewery if the microbrewer furnishes the minimum food requirements prescribed by the ATC. Provides that the holder of a beer, wine, and liquor retailer permit may allow the self-service of alcoholic beverages in a suite of a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a paved automobile racetrack more than two miles in length, or a convention center. Increases the attendance and duration of an event at which the holder of an excursion and adjacent landsite permit provides free alcoholic beverages. Provides that if an applicant for an alcoholic beverage permit for a restaurant in a municipal riverfront development project already holds a three-way permit for the premises, the applicant is not eligible for the special permit. Specifies the criteria that an applicant must demonstrate in applying for a special permit in a municipal riverfront development project. Allows a supplemental retailer to sell alcoholic beverages on Sunday from 10 a.m. to 12:30 a.m. Allows a beer, wine, or liquor wholesaler to obtain a deduction for the redevelopment or rehabilitation of real property in areas designated as economic revitalization

areas. Eliminates Indiana residency requirements of members or partners of a partnership or limited liability company that holds a brewery permit and operates a microbrewery. Exempts a licensed premises owned or operated by an educational institution of higher learning or an automobile racetrack from provisions imposing criminal or civil liability for the presence of a minor in a public place where alcoholic beverages are sold. Repeals a statute that prohibits a corporation that does business in Indiana from enabling a nonresident of Indiana to control or acquire an interest in a beer wholesaler's permit. Allows a liquor retailer or a package liquor store to provide samples of beer that do not exceed six ounces. Makes conforming amendments.

CIVIL PROCEDURE

See also:
HB 1005: State and local administration (regarding closing agent immunity from liability). [Taxation]
HB 1178: Volunteer advocates for seniors and guardians (regarding civil immunity). [Probate and Trusts]

HOUSE BILL 1051 (Public Law 33-2004)
Author(s): Foley
Sponsor(s): Zakas, Clark
Citations Affected: IC 34-45
Effective: July 1, 2004
Deadman's statute. Specifies that the "deadman's statute" does not: (1) apply in a proceeding to contest the validity of a will or trust; or (2) bar the introduction of evidence that would be admissible under a hearsay exception to the evidence rules.

HOUSE BILL 1349 (Public Law 80-2004)
Author(s): Chowning
Sponsor(s): R. Meeks, Craycraft
Citations Affected: IC 34
Effective: Upon Passage (March 17, 2004); July 1, 2004
Litigation by inmates. Provides that before filing a civil rights action or tort claim action against a public employee or government entity, an offender must submit certain documentation to the court. Requires a court to screen an offender's complaints and petitions and dismiss a claim that is frivolous, seeks monetary relief from a defendant who is immune from such relief, or is not a claim upon which relief may be granted. Prohibits an offender who has had three claims dismissed after court screening from filing an action unless a court determines that the offender is in immediate danger of serious bodily injury. Provides that a firearm owner is immune from civil liability for an act or omission relating to a firearm used by another person if the other person

directly or indirectly obtained the firearm by means of burglary, robbery, theft, conversion, or receiving stolen property.

CORRECTIONS

See also:
HB 1044: Trafficking with an inmate.
[Criminal Law and Procedure]
HB 1135: Institutional funds.
[State Offices and Administration]
HB 1300: Insanity Defense.
[Criminal Law and Procedure]
HB 1349: Litigation by inmates.
[Civil Procedure]

HOUSE BILL 1437 (Public Law 85-2004)
Author(s): Crawford
Sponsor(s): Long, Howard
Citations Affected: IC 5-2; 9-30; 11; 12-23; 20-10.1; 31-9; 33; 34-30; 35; 36-2
Effective: July 1, 2004
Bill Includes: SB 179 (Long, Broden), SB 220 (Long, Broden), SB 233 (Bray, Zakas), SB 271 (Riegsecker, C. Lawson), SB 409 (Lanane), SB 475 (Kenley, Bowser)
Corrections. Creates a forensic diversion program to provide community treatment and mental health and addiction services for offenders suffering from mental illness or addictive disorders who have not been charged or convicted of a violent crime. Requires a county having a community corrections advisory board to formulate a forensic diversion plan, and permits a county without a community corrections advisory board to establish a forensic diversion advisory board to operate a forensic diversion program. Offenders eligible for the program who have been charged with a non-violent misdemeanor or D felony that can be reduced to a misdemeanor are required to plead guilty before participating in the program. Persons already convicted of a crime that is not a violent crime or a drug dealing offense may participate in the program as a condition of probation. Specifies that offenders convicted of certain crimes may not participate in the forensic diversion plan. Establishes a forensic diversion study committee. Requires the department of correction to determine the average daily cost of incarceration and the anticipated future costs of incarceration. Requires each county sheriff to provide the department of correction with the average daily cost of incarceration in a county jail. Repeals the existing forensic diversion program. Establishes a judicial administration fee and requires court clerks to semiannually distribute to the auditor of state for deposit in the state general fund 100% of the judicial administration fee collected. Increases the amount transferred semi-annually for deposit into the public defense fund from $1,200,000 to $1,700,000 in FY05 and $2,200,000 in

following state fiscal years. Provides a range of dates under which a person is eligible for release to a community transition program, permits persons convicted of murder to participate in the program, and makes other changes. Requires training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities for law enforcement personnel, jail officers, probation officers, and correctional officers. Changes the designation of time of community restitution or service for a person convicted of operating a vehicle while intoxicated (OWI) from days to hours. Provides that a school is entitled to receive juvenile court records for a student of the school under certain circumstances. Provides immunity for improper disclosures of education records made in good faith. Allows a court to order restitution payments that are a condition of probation to be paid to a probation department that must forward the restitution payments to a victim, victim's family, or victim's estate. Provides that for purposes of the battery by bodily waste statute, an individual employed by certain courts is a "corrections officer."

COURTS AND COURT OFFICERS

See also:

SB 72: Various election law matters (regarding appointment of clerk of Supreme Court).
[Elections]

HB 1178: Volunteer advocates for seniors and guardians (regarding court appointment of volunteer).
[Probate and Trusts]

HB 1197: Admissibility of videotape of protected persons.
[Criminal Law and Procedure]

HB 1200: Domestic violence fatality review team.
[Health and Human Services]

HB 1300: Insanity defense.
[Criminal Law and Procedure]

HB 1349: Litigation by inmates.
[Civil Procedure]

HB 1437: Forensic diversion program (regarding judicial administration fees).
[Corrections]

SENATE BILL 263 (Public Law 98-2004)
Author(s): Kenley, Bowser
Sponsor(s): Kuzman
Citations Affected: Various Code Cites
Effective: July 1, 2004

Title 33 recodification. Recodifies Title 33 concerning courts and court officers to reorganize and restate the law without substantive change. Repeals current Title 33 provisions. Makes conforming amendments. (The introduced version of this bill was prepared by the code revision commission.)

HOUSE BILL 1062 (Public Law 65-2004)

Author(s): Foley

Sponsor(s): Landske, Kenley

Citations Affected: IC 33; 35

Effective: July 1, 2004

Various Title 33 provisions. Removes the terms "shorthand" and "longhand" from laws concerning court reporters to conform to modern court reporting procedures. Specifies that, with certain exceptions, the commission on judicial qualifications for the supreme court and court of appeals is also the commission on judicial qualifications for trial court judges. Specifies that, after a hearing is conducted, a township board in Marion County may determine: (1) whether a small claims court division should be established or abolished in the township, if the township has a population of less than 15,000; (2) whether a small claims court division should be full time or part time; (3) the location of the small claims court division courtroom and offices; and (4) other matters. Specifies the criminal intent necessary for a prosecuting attorney or deputy prosecuting attorney to commit a Class B misdemeanor for dividing the compensation of a deputy prosecuting attorney. Repeals conflicting provisions concerning court fees and credit card service fees. Requires a court clerk to collect a credit card service fee equal to the vendor transaction charge or discount fee from a person using a bank or credit card.

HOUSE BILL 1401 (Public Law 95-2004)

Author(s): Kuzman

Sponsor(s): Harrison, Rogers

Citations Affected: IC 2-5; 5-10.2; 33

Effective: Upon Passage (March 18, 2004); April 1, 2004; June 1, 2004; July 1, 2004

Public officer compensation. Establishes the public officers compensation advisory commission to make recommendations to the general assembly regarding the salaries to be paid to public officers. Provides that recommended increases in salaries may not exceed changes in the Indiana nonfarm income. Provides that for purposes of computing a retirement benefit for a person who is a member of the Indiana state teachers' retirement fund and who takes an unpaid leave of absence to serve in an elected position: (1) "annual compensation" includes the total amount that was not paid to the member but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position; and (2) the "average of the annual compensation" means the annual compensation for the one year of service in which the member's annual compensation was highest. Extends the health care adjustments made to executive branch employees to members of

the judicial branch. Establishes a judicial insurance adjustment fee of $1 to be collected in certain civil actions and in certain criminal, infraction, and ordinance violation actions. Provides that the costs of the health care adjustments for judicial branch members be paid from the judicial health adjustment fee.

CRIMINAL LAW AND PROCEDURE

See also:
HB 1019: Bull ride simulators and indoor pyrotechnics (regarding violations of rules concerning pyrotechnics).
[Labor and Industrial Safety]
HB 1072: Regulated explosives (regarding penalties for violation of rules).
[Labor and Industrial Safety]
HB 1082: Missing children clearinghouse.
[State Police]
HB 1136: Methamphetamine abuse task force.
[State and Local Administration]
HB 1200: Domestic violence fatality review team.
[Health and Human Services]
HB 1264: Interlock ignition devices and operating while intoxicated.
[Motor Vehicles]
HB 1394: Driving while intoxicated and causing death.
[Motor Vehicles]
HB 1437: Forensic diversion; community corrections.
[Corrections]

HOUSE BILL 1044 (Public Law 30-2004)
Author(s): V. Smith
Sponsor(s): Long
Citations Affected: IC 35-44
Effective: July 1, 2004
Trafficking tobacco products with an inmate. Imposes a mandatory five thousand dollar ($5,000) fine for trafficking with an inmate by an employee of the department of correction or a penal facility and the trafficked item is a tobacco product. (The introduced version of this bill was prepared by the interim study committee on juvenile law and corrections issues.)

HOUSE BILL 1197 (Public Law 43-2004)
Author(s): Dickinson

Sponsor(s): Bray, Broden
Citations Affected: IC 35-37
Effective: July 1, 2004

Admissibility of videotape of protected persons. Expands the class of criminal cases in which an individual's statement or videotape may be admissible to include certain crimes committed against an individual who is at least 18 years of age and considered a protected person because of the individual's incapacity to manage or direct the management of the individual's property or to provide or direct the provision of the individual's self care. Provides that a statement or videotape made by the protected person is admissible in certain criminal trials if: (1) the statement or videotape is reliable; and (2) the individual either testifies at trial or is unavailable.

HOUSE BILL 1245 (Public Law 46-2004)
Author(s): Van Haaften
Sponsor(s): Broden, Bray
Citations Affected: IC 35-46
Effective: July 1, 2004

Crime victims; neglect of dependent. Makes neglect of a dependent a Class A felony instead of a Class D felony if the neglect results in the death of a dependent who is less than 14 years of age and is committed by a person at least 18 years of age. Makes contributing to delinquency a Class C felony instead of a Class A misdemeanor if the person furnishes alcohol or a controlled substance to a minor and consumption of the alcohol or drug is the proximate cause of the death of any person.

HOUSE BILL 1300 (Public Law 77-2004)
Author(s): Bottorff
Sponsor(s): Long, Broden
Citations Affected: IC 12-26; 35-36
Effective: July 1, 2004
Bill Includes: SB 177 (C. Lawson)

Insanity defense. Requires the superintendent of certain facilities or an attending physician to file periodic reports with the court concerning a committed individual who was found not responsible for a crime by reason of insanity and is committed to a mental health facility, and to notify the court and certain individuals as soon as practicable if the committed individual escapes, and at least 10 days before the committed individual is: (1) transferred; (2) discharged; or (3) allowed outside the facility without supervision. Provides that a defendant who interposes a defense of insanity may not introduce evidence from a medical witness with whom the defendant cooperated unless: (1) after being ordered to do so by the court, the defendant cooperates with medical witnesses appointed by the court; or (2) the defendant shows by a preponderance of the evidence that the defendant's failure to cooperate with medical witnesses appointed by the court was caused by the defendant's mental illness. Provides for the provision of competency restoration services by the division of mental health and addiction or by a third party.

EDUCATION

See also:
HB 1345: Officeholders' leaves of absence for military service.
[State and Local Administration]

HOUSE BILL 1133 (Public Law 38-2004)
Author(s): Budack
Sponsor(s): Dillon, Breaux
Citations Affected: IC 20-8.1
Effective: July 1, 2004
Hepatitis B. Requires every child who enters grade 9 and grade 12 to be immunized against hepatitis B until July 1, 2008. Prohibits the prevention of a child from enrolling in, attending, or graduating high school for the sole reason that the child was not immunized against hepatitis B.

HOUSE BILL 1202 (Public Law 8-2004)
Author(s): L. Lawson
Sponsor(s): Dillon, Wyss
Citations Affected: IC 16-19; 20-8.1; 35-48
Effective: Upon Passage (March 9, 2004); July 1, 2004
Public health threats. Requires the state department of health to collect data related to symptoms and health syndromes from outbreaks of disease or other health conditions that may be a danger to public health. Requires a health provider that collects certain data to report this data to the state department of health. Requires a school corporation or an accredited school to report to the local health department the percentage of student absences above a threshold determined by the department of education. Adds Carisoprodol, a depressant, to the list of schedule IV controlled substances.

HOUSE BILL 1253 (Public Law 47-2004)
Author(s): Robertson
Sponsor(s): Server, R. Young

Citations Affected: IC 20-9.1
Effective: July 1, 2004

Special purpose school buses. Allows a school corporation to use special purpose buses to provide regular transportation of school children from one school to another school.

HOUSE BILL 1308 (Public Law 57-2004)
Author(s): Porter
Sponsor(s): Rogers, Kenley
Citations Affected: IC 20-10.2
Effective: July 1, 2004

Cultural competency in education. Defines "cultural competency" and sets forth teacher training, professional development, and school plan requirements for achieving cultural competency.

ELECTIONS

SENATE BILL 36 (Public Law 11-2004)
Author(s): Landske, Craycraft
Sponsor(s): Mahern
Citations Affected: Noncode
Effective: Upon Passage (February 26, 2004)

Ballot language for constitutional amendments. Establishes the ballot language for the submission of three amendments to the Constitution of the State of Indiana concerning: (1) the exemption of certain property from taxation; (2) uniform start dates for terms for county constitutional officers; and (3) the general assembly's election of a governor and the temporary exercise of the governor's duties and powers when the offices of the governor and lieutenant governor are vacant. (The introduced version of this bill was prepared by the code revision commission.)

SENATE BILL 72 (Public Law 14-2004)
Author(s): Landske, Sipes
Sponsor(s): Mahern
Citations Affected: IC 3; 4; 5; 6-1.1; 9; 20; 33; 36
Effective: Upon Passage (March 16, 2004); July 1, 2004; December 1, 2004
Bill Includes: SB 37 (Landske, Craycraft), SB 71 (Landske, Breaux), SB 93 (Ford), SB 398 (Landkse, Breaux), SB 422 (C. Lawson)

Various election law matters. Provides that a voter registration application having an illegible or a missing postmark is valid if received not later than 21 days before the election. Provides that a person who serves as a political committee's treasurer in violation of certain statutes is subject to a civil penalty upon the unanimous vote of the commission or county election board. Provides that a candidate for a municipal office shall file certain campaign finance reports even if a primary or municipal election is not held in the municipality. Requires a county election board to conduct municipal elections in all towns unless a town opts out. Provides that one precinct election board may serve all precincts at a single polling place. Provides that voters in a municipality's newly acquired territory may vote regardless of when the territory was acquired. Provides that a majority vote (rather than the unanimous vote) of a county election board is sufficient to appoint a precinct election officer when a county chairman has failed to make a nomination. Requires an individual who appears to vote after the individual's registration is placed on inactive status under a voter list maintenance program to affirm that the individual currently resides at the address shown on the individual's registration before the individual is permitted to vote. Specifies the requirements for a county voter registration office to conduct a voter list maintenance program. Provides that only counties that count absentee ballots at a central location may authorize the use of electronic equipment at the clerk's office for the casting of absentee ballots. Requires the voter's signature on an absentee ballot application to be compared to the voter's signature on the voter's registration record under certain circumstances. Requires a special election to be ordered in an election contest after a finding that the occurrence of deliberate acts makes it impossible to determine which candidate received the highest number of votes. Makes changes to the filing place for replacement candidates for local judicial offices of independent and minor party candidates. Establishes deadlines for: (1) the election division to certify certain information concerning candidates for president and vice president and presidential electors; and (2) printing provisional ballots in a presidential election year. Allows an absentee ballot cast by a voter required to provide additional documentation to be counted under the provisional ballot procedure if the documentation is filed before 6 p.m. on election day. Establishes a procedure for breaking a tie vote in a municipal election. Resolves a conflict in current law concerning: (1) the resumption of registration after a special election; and (2) the procedure for determining certain voter challenges. Makes available to the public election material required to be retained following an election after expiration of the period for filing a petition or cross-petition for a recount of votes or to contest the election, and requires a county voter registration office to keep confidential that part of election material necessary to protect the secrecy of a voter's ballot. Permits the election administration assistance fund to be administered in accordance with amendments to the state's HAVA plan. Provides that improvements or changes to voting systems may not be marketed, sold, leased, installed, or implemented in Indiana unless approved by the election commission, and authorizes the commission to revoke a certification of a voting system and prohibit a voting system vendor from marketing, leasing, or selling any voting system in Indiana if the vendor violates the certification requirements. Provides that, after December 31, 2005, the standards used to determine residency for voters are the same standards that must be used to determine residency for applying for a driver's license. Makes changes in election law concerning: (1) the definition of "chute"; (2) training of precinct election officers; (3) the nomination of candidates; (4) political party devices; (5) the withdrawal

of candidates; (6) criminal statutes relating to distribution of slates and electioneering; (7) election administration; (8) precinct election officers; (9) watchers; (10) certification of nominees; (11) campaign finance reports; (12) voter registration; (13) statewide voter registration file; (14) rights of voters; (15) municipal elections; (16) ballot format; (17) write-in voting; (18) absentee voting; (19) polling places; (20) provisional ballots; (21) election recounts and contests; (22) filling vacancies in local offices; (23) the meeting of presidential electors; (24) filing financial disclosure statements; and (25) appointment of deputies of local officials. Repeals: (1) statutes relating to printing of ballots; (2) a duplicate requirement for filing with the election division a certificate of the public test of an optical scan voting system; and (3) a special procedure involving a county commissioner's resignation. Between July 1, 2004, and June 30, 2006, requires that a second school corporation levy referendum not be held before the earlier of: (1) the next primary or general election that occurs at least 11 months after the date of the referendum; or (2) one year after the date of the referendum, if a majority of the persons who voted in the first referendum held at a primary or general election do not vote "yes". Legalizes certain actions taken after deadlines set in statutes enacted in 2003. Legalizes the deposit of oaths of political subdivision officers made after the statutory deadline and before March 1, 2004. Provides for the clerk of the supreme court to be appointed by the court rather than elected.

SENATE BILL 86 (Public Law 2-2004)

Author(s): Riegsecker
Sponsor(s): Fry
Citations Affected: IC 3-10; 3-11
Effective: July 1, 2004

Address notations in poll lists. Requires that, after December 31, 2005, a poll list include an "Address Unchanged" box so that a voter whose address shown on the poll list has not changed may check the box instead of writing the voter's current address on the poll list.

HOUSE BILL 1360 (Public Law 9-2004)

Author(s): Richardson
Sponsor(s): C. Lawson, Breaux
Citations Affected: IC 3; 11-10
Effective: Upon Passage (March 11, 2004); July 1, 2004

Various election law matters. Provides the following after December 31, 2004: (1) That an appointed member of a county election board or a board of elections and registration may not be a member of a candidate's committee. (2) That a circuit court clerk may not be a member of a candidate's committee other than the clerk's own candidate's committee. Provides that materials generated by a party convention or caucus to nominate candidates are the political party's property. Provides that a withdrawal of a declaration of candidacy must be filed not later than three days after the deadline for filing the declaration of candidacy. Provides that a poll clerk may make a record of individuals who have signed the poll list and make that list available to a watcher or pollbook holder. Makes changes in the standards for the eligibility of delegates to a town convention. Makes changes relating to deadlines for a committee to file its statement of

organization, the printing of candidate names on the ballot, and holding primaries when candidates are unopposed. Makes various technical changes in statutes relating to voter registration. Provides that the legislative body of a small town may adopt an ordinance to provide for town elections to be held in any year in which a general or a municipal election is held. Requires a political party that nominates all its candidates for local office by convention to nominate those candidates not later than noon on the date major party candidates are required to fill a candidate vacancy. Provides for the questioning of the validity of the nomination of the candidates and for the withdrawal of the candidates. Requires the department of correction to inform a discharged criminal offender in writing of the person's right to register to vote and to provide the criminal offender with a copy of the state voter's bill of rights.

ENVIRONMENT

HOUSE BILL 1017 (Public Law 24-2004)

Author(s): Grubb

Sponsor(s): Gard, Lanane

Citations Affected: IC 13; 16-19

Effective: Upon Passage (March 16, 2004); July 1, 2004

Bill includes: SB 22 (Jackman), SB 152 (Gard, Riegsecker), and SB 189 (Gard)

Various environmental matters. Prohibits a penalty from being assessed against the owner of an underground storage tank for any failure to pay an annual registration fee in connection with the tank due before January 1, 2004, if the owner registered the tank before January 1, 2004. Provides that obtaining a National Pollutant Discharge Elimination System (NPDES) permit for a concentrated animal feeding operation (CAFO) meets the approval requirements of IC 13-18-10-1 and 327 IAC 16. Establishes fees to be remitted to the Indiana department of environmental management (IDEM) for general and individual NPDES permits for CAFOs. Prohibits adoption of a rule by the state department of health (ISDH) if the proposed rule applies to onsite sewage systems the nitrate and nitrite numeric criteria included in groundwater quality standards adopted by the water pollution control board. Voids any rule adopted by ISDH to the extent that the rule is adopted for that purpose. Requires IDEM and the ISDH to jointly prepare a report concerning onsite sewage systems and nitrates and nitrites in groundwater. Extends to July 1, 2006, the prohibition against adoption of a new rule by an environmental rulemaking board or adoption of a new policy by IDEM if the new rule or policy would require certain industries to comply with standards of conduct that exceed federal standards. Excepts from the prohibition the adoption of a new rule by the air pollution control board that is necessary to attain or maintain certain air quality standards.

HOUSE BILL 1277 (Public Law 52-2004)

Author(s): Bottorff

Sponsor(s): Gard, Hume

Citations Affected: 13-11; 13-18; P.L. 282-2003

Effective: Upon Passage (March 16, 2004)

Wetlands. Does the following for purposes of the law concerning wetlands and certain other

environmental management laws: (1) Amends the definitions of "Class I wetland," "Class III wetland," "exempt isolated wetland," and "waters." (2) Adds the definition of "dredged material." (3) Repeals the definition of "ponds." (4) Provides that the classification of certain isolated wetlands may be improved to a higher numeric class if certain actions are taken. (5) Provides that certain wetland activities shall be authorized by a general permit rule. (6) Provides that the department of environmental management (IDEM) has authority over wetland activities in isolated wetlands that are subject to NPDES permits, decrees, or orders that became effective before January 1, 2004. (7) Delays the dates that certain reports are due and certain rules must be adopted. (8) Requires a wetlands activity permit applicant to show that the activity is without reasonable alternative and reasonably necessary or appropriate. (9) Allows IDEM to require an amended wetlands activity permit application if the initial application is deficient.

FAMILY LAW AND JUVENILE LAW

See also:
HB 1082: Missing children clearinghouse.
[State Police]
HB 1200: Domestic violence fatality review team.
[Health and Human Services]

SENATE BILL 83 (Public Law 15-2004)
Author(s): Bray
Sponsor(s): Foley
Citations Affected: IC 31-14; 31-17
Effective: Upon Passage (March 16, 2004)
In chambers interview for visitation. Permits a judge to interview a child in chambers before establishing visitation rights.

SENATE BILL 194 (Public Law 18-2004)
Author(s): Dillon, Clark
Sponsor(s): Orentlicher
Citations Affected: IC 31-34
Effective: July 1, 2004
CHINS. Provides that a child is a child in need of services (CHINS) if the child: (1) lives in the same household as another child who is the victim of certain sex offenses; (2) lives in the same household as the adult who committed the sex offense; (3) needs care, treatment, or rehabilitation that the child is not receiving and that is unlikely to be provided or accepted without the coercive intervention of the court; and (4) has been placed in or has been considered for placement in an informal adjustment program. Establishes a rebuttable presumption that a child is a CHINS if: (1) another child in the same household has been the victim of a sex offense; (2) the offense was committed by an adult living in the household; and (3) the offense resulted in the conviction of the adult or a CHINS adjudication concerning the child victim. Provides that a child presumed to be a CHINS may not be taken into custody unless a court finds cause following a hearing.

HOUSE BILL 1029 (Public Law 27-2004)

Author(s): Kuzman

Sponsor(s): Landske, Broden

Citations Affected: IC 31-9; 31-14; 31-16

Effective: July 1, 2004

Child support withholding from tax refunds. Provides that a custodial parent in a non-Title IV-D case may bring an action to recover delinquent child support by intercepting the child support obligor's state income tax refund.

HOUSE BILL 1194 (Public Law 70-2004)

Author(s): Avery

Sponsor(s): Dillon, Broden

Citations Affected: IC 10-13; 12-7; 12; 31

Effective: July 1, 2004

Child abuse reporting. Provides that a child protective services child abuse or neglect report may conclude that abuse or neglect is indicated. (Current law allows only substantiated and unsubstantiated findings.) Provides that criminal history checks are required of certain individuals. Requires the local child protection service to provide training to caseworkers concerning the statutory and constitutional rights of persons subject to investigation. Establishes the statewide child fatality review team to investigate fatalities involving children. Requires the disclosure of information relevant to establishing the facts and circumstances concerning the death of a child determined to be the result of abuse, abandonment, or neglect if this information has been redacted by a juvenile court to exclude irrelevant information, including identifying information. Specifies that information concerning caseworkers and employees of certain social service agencies is not to be redacted. Provides that the juvenile court has 30 days to redact the record. Permits a court to place a child in the home of a person having a substantiated report of abuse or neglect, or in the home of a person who has committed certain crimes or delinquent acts, only if the court makes a written finding that the placement is in the best interest of the child, and that the conviction, adjudication, or substantiated report is not relevant to the person's present ability to care for a child, and specifies certain factors that the court must consider in its order. Prohibits a court from placing a child in a home with a person who has committed certain other specified felonies or juvenile offenses.

HOUSE BILL 1330 (Public Law 58-2004)

Author(s): Ayres

Sponsor(s): C. Lawson, Rogers

Citations Affected: IC 31-37

Effective: July 1, 2004

Detention period of runaway juveniles. Increases the time a runaway child may be held in a juvenile detention facility to 24 hours before and 24 hours immediately after the child's initial court appearance.

HOUSE BILL 1449 (Public Law 87-2004)
Author(s): Pelath
Sponsor(s): Ford, Lanane
Citations Affected: IC 31-37
Effective: Upon Passage (March 17, 2004)
Curfew violations. Provides that a law enforcement officer may not detain a child or take a child into custody for a curfew violation unless the law enforcement officer reasonably believes: (1) the child has violated the curfew law; and (2) there is not a defense to the curfew violation.

FINANCIAL INSTITUTIONS

HOUSE BILL 1229 (Public Law 73-2004)
Author(s): Bardon
Sponsor(s): Bray, Lanane
Citations Affected: IC 4; 23; 24; 28; 32; 34; 36
Effective: Upon Passage (March 17, 2004); July 1, 2004; January 1, 2004; January 1, 2005
Bill includes: SB 222 (Long), SB 405 (Paul), SB 406 (Paul), and SB 469 (Clark, Paul)
Restricts certain lending acts and practices. Establishes the homeowner protection unit in the office of the attorney general. Provides enforcement procedures for deceptive mortgage acts. Establishes a $3 mortgage recording fee. Requires the department of commerce to provide home ownership education programs. Provides that certain provisions do not apply to certain financial institutions. Prohibits certain lending practices. Updates references in financial institutions law to conform with federal law. Permits a state chartered financial institution to engage in activities related to a product, a service, or an investment that is available to or offered by national banks domiciled in Indiana. Removes limitations on the amount of public funds that may be deposited in a credit union. (Currently, deposits of public funds are limited to 10% of total credit union assets.) Increases the minimum amount of the bond required for a money transmitter from $100,000 to $200,000 and the maximum amount from $200,000 to $300,000. Increases the insurance coverage required for a money transmitter for criminal or dishonest acts from 50% to 100% of the amount of the money transmitter's security bond or deposit. Provides that state law applies to a state chartered bank, trust company, savings association, savings bank, credit union, corporate fiduciary, or industrial loan and investment company to the same extent it applies to a federally chartered institution of the same type. Establishes administrative procedures governing requests for an exemption from state law due to the preemption of state law as it is applied to federally chartered institutions. Makes various changes in the small loan provisions of the Uniform Consumer Credit Code, including: (1) defines a small loan as a loan with a principal amount that is more than $50 and not more than $500; (2) prohibits the renewal of a small loan; (3) removes limitations on finance charges; (4) increases delinquency charges; (5) allows a small

loan to be secured by a borrower's authorization to debit an account instead of a borrower's check; (6) increases civil penalties and statutory damages from $1,000 to $2,000; and (7) prohibits a small loan if the total payable amount of the small loan exceeds 15% of the borrower's monthly gross income. (Current law provides that a small loan is prohibited if it exceeds 20% of the borrower's monthly net income.) Repeals provisions that relate to the renewal of a small loan. Permits the secretary of state to administratively dissolve a business entity whose name contains the term "banc" or "banco" in violation of financial institutions law. (Current law allows the secretary of state to take this action in the case of an entity whose name contains the term "bank".) Permits the use of the word "bank", "banc", or "banco" in the name of a subsidiary of : (1) a bank or trust company; (2) a bank holding company; (3) a savings bank; and (4) a savings association. Prohibits a lender from requiring a borrower to obtain hazard insurance in an amount exceeding the replacement value of the improvements on mortgaged property as a condition of receiving or maintaining the mortgage. Voids provisions in an agreement to purchase a security that would waive compliance with securities law or a rule or order made under securities law. Provides a procedure for an issuer of securities to respond to comments regarding an application for registration made by the securities division. Permits the appointment of a securities division attorney to serve as a special deputy prosecutor in actions arising under securities law. Prohibits the issuance of interpretive opinion by the securities commissioner concerning an activity that occurred before or is occurring on the date that the opinion is requested. Requires that notice and opportunity to be heard must be provided to a person accused of violating securities law, rather than requiring that a hearing occur as provided by current law. Prohibits various deceptive practices by a person that supplies information concerning securities. Provides that an administrative action under securities law survives the death of a person who might have been a respondent. Makes changes to definitions used in the loan broker statutes. Exempts persons engaged in certain federally regulated transactions from the requirements of the loan broker law.

GAMING

See also:
HB 1365: State and local administration (regarding prizes for pull tab, punchboard, or tipboard games).
[Local Government; Taxation]
HB 1436: Woman and minority businesses (regarding information required to be filed by riverboat owners).
[State Offices and Administration]

HOUSE BILL 1042 (Public Law 29-2004)
Author(s): Buell
Sponsor(s): Clark, Lanane
Citations Affected: IC 4-32

Effective: July 1, 2004

Charity gaming proceeds. Provides that certain additional entities are eligible to receive mandated donations of charity gaming proceeds from a donor organization that derives more than 90% of its gross receipts from charity gaming. Allows certain veterans' homes to receive mandated donations from a bona fide veterans' organization.

HOUSE BILL 1117 (Public Law 37-2004)

Author(s): Whetstone

Sponsor(s): Riegsecker, Lewis

Citations Affected: IC 4-33

Effective: July 1, 2004

Voluntary exclusion program. Provides that the personal information of a participant in a voluntary exclusion program may be disseminated to the owner or operator of a facility under the jurisdiction of the gaming commission and to other entities upon request by the participant.

GENERAL ASSEMBLY

See also:

HB 1345: Officeholders' leaves of absence for military service.
[State and Local Administration]

HOUSE BILL 1032 (Public Law 28-2004)

Author(s): Frenz

Sponsor(s): Kenley, Bowser

Citations Affected: IC 2; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15; 16; 20; 21; 22; 23; 24; 26; 27; 33; 34; 35; 36; P.L. 238-1986; 109-1997; 149-1999; 24-2003; 291-2001; 28-2000; 220-2001; 248-2001; 137-2002; 167-2002; 167-2002; 11-2003; 31-2003; 59-2003; 82-2003; 140-2003; 193-2003; 198-2003; 211-2003; 240-2003

Effective: Upon Passage (March 16, 2004); July 1, 2004

Bill includes: SB 420 (Gard)

Electronic reports. Makes amendments throughout the Indiana Code requiring agencies to submit reports to the general assembly, the legislative council, and the executive director of the legislative services agency in an electronic format. Repeals obsolete statutes. Permits an agency to electronically submit certain material that is incorporated by reference in a proposed administrative rule. Permits material that is incorporated by reference to accompany the copy of the final rule when it is distributed to the state library.

HOUSE BILL 1401 (Public Law 95-2004)

Author(s): Kuzman

Sponsor(s): Harrison, Rogers

Citations Affected: IC 2-5; 5-10.2; 33

Effective: Upon Passage (March 11, 2004); April 1, 2004; June 1, 2004; July 1, 2004

Public officer compensation. Establishes the public officers compensation advisory commission to make recommendations to the general assembly regarding the salaries to be paid to public officers. Provides that recommended increases in salaries may not exceed changes in the Indiana nonfarm income. Provides that for purposes of computing a retirement benefit for a person who is a member of the Indiana state teachers' retirement fund and who takes an unpaid leave of absence to serve in an elected position: (1) "annual compensation" includes the total amount that was not paid to the member but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position; and (2) the "average of the annual compensation" means the annual compensation for the one year of service in which the member's annual compensation was highest. Extends the health care adjustments made to executive branch employees to members of the judicial branch. Establishes a judicial insurance adjustment fee of $1 to be collected in certain civil actions and in certain criminal, infraction, and ordinance violation actions. Provides that the costs of the health care adjustments for judicial branch members be paid from the judicial health adjustment fee.

HOUSE BILL 1448 (Public Law 86-2004)
Author(s): Stilwell
Sponsor(s): Zakas, Hume
Citations Affected: IC 2-7
Effective: July 1, 2004

Lobbyist reports. Requires the lobby registration commission to provide each legislator not later than January 7 an annual compilation of the purchases and gifts given to the legislator by lobbyists.

HEALTH AND HUMAN SERVICES

See also:
HB 1133: Hepatitis B.
[Education]
HB 1135: Institutional funds.
[State Offices and Administration]
HB 1194: Child abuse reporting.
[Family and Juvenile Law]
HB 1344: Telephone 211 dialing code services.
[Utilities and Transportation]

SENATE BILL 41 (Public Law 12-2004)
Author(s): Miller, Howard

Sponsor(s): C. Brown
Citations Affected: IC 16-18; 16-25; 16-27
Effective: July 1, 2004

Home health care and hospice services council. Creates the home health care services and hospice services council. Provides that the state department of health shall pay the council's expenses. Allows the council to propose rules and act as an advisory body.

SENATE BILL 42 (Public Law 13-2004)
Author(s): Miller, Antich
Sponsor(s): C. Brown
Citations Affected: IC 12-15; 16-38
Effective: July 1, 2004

Chronic disease management and registry. Removes exemption of the risk-based managed care program from the disease management program. Allows the state department of health to add chronic diseases to the chronic disease registry by administrative rule. Adds public and private third party payers as: (1) persons to be used by the office of Medicaid policy and planning in implementing a disease management program; and (2) persons that may report chronic disease cases for the chronic disease registry. (The introduced version of this bill was prepared by the select joint commission on Medicaid oversight.)

SENATE BILL 133 (Public Law 16-2004)
Author(s): C. Lawson
Sponsor(s): C. Brown
Citations Affected: IC 16-18; 16-36; 34-30
Effective: July 1, 2004

Psychiatric advance directives. Allows certain individuals to execute a psychiatric advance directive. Sets forth requirements for a psychiatric advance directive. Provides immunity for a person who violates a psychiatric advance directive for certain reasons. Specifies that a physician is not precluded from treating the patient in a manner that is in the best interest of the patient or another individual. Provides that a health care representative may act in accordance with a psychiatric advance directive. (The introduced version of this bill was prepared by the commission on mental health.)

SENATE BILL 188 (Public Law 17-2004)
Author(s): Gard
Sponsor(s): Crawford
Citations Affected: IC 16-18; 16-38
Effective: July 1, 2004

Birth problems registry and cancer registry. Allows the state department of health to record certain nonmalignant tumors and diseases in the cancer registry. Requires ambulatory outpatient

surgical centers and health facilities to report to the cancer registry. Changes the date by which the state department must publish an annual report to December 31. Includes pervasive developmental disorders and fetal alcohol spectrum disorders as birth problems and requires these disorders to be recorded in the birth problems registry if recognized in a child before the child is five years of age. Changes the age at which a birth problem may be recognized and recorded in the birth problems registry for other disorders until the child is three years of age.

SENATE BILL 363 (Public Law 21-2004)
Author(s): Jackman
Sponsor(s): Bardon
Citations Affected: IC 4-23
Effective: July 1, 2004

Council for people with disabilities. Creates the governor's council for people with disabilities and the board of directors of the council to implement the federal Developmental Disabilities Assistance and Bill of Rights act. (The council and board of directors are currently created by executive order.)

SENATE BILL 449 (Public Law 22-2004)
Author(s): Server, Simpson
Sponsor(s): C. Brown
Citations Affected: IC 2-5
Effective: July 1, 2004

CHOICE program. Allows the health finance commission to study the implementation of long term care services. Requires the office of family and social services to present a report to the health finance commission.

HOUSE BILL 1018 (Public Law 3-2004)
Author(s): Grubb
Sponsor(s): Harrison, Breaux
Citations Affected: IC 16-19
Effective: Upon Passage (March 9, 2004)

Anatomical gift promotion fund. Requires quarterly distribution of the money in the anatomical gift promotion fund to the Indiana Donation Alliance Foundation (IDAF) for the purpose of implementing an organ, tissue and marrow registry and to promote organ, tissue and marrow donation. Requires the IDAF to submit an annual report, including a list of expenditures, to the legislative council, the senate health committee, and the house public health committee. Requires the IDAF to notify the chairs of the legislative standing committees dealing with health issues if the IDAF loses its nonprofit status or ceases its affiliation with certain organizations. Requires the chairs of the legislative standing committees dealing with health issues to recommend to the state department of health whether to continue distributions from the anatomical gift promotion fund to the IDAF. Extends the expiration date of the fund from June 30, 2004, to July 1, 2007.

HOUSE BILL 1132 (Public Law 6-2004)

Author(s): Budack

Sponsor(s): C. Lawson, Antich

Citations Affected: IC 12-17.2

Effective: July 1, 2004

Expenses of meeting child care requirements. Amends certain child care statutes to specify that expenses of criminal history and drug testing requirements are not paid by the state. (The introduced version of this bill was prepared by the board for coordination of child care regulation.)

HOUSE BILL 1171 (Public Law 69-2004)

Author(s): C. Brown

Sponsor(s): Miller, Rogers

Citations Affected: IC 16-18; 16-41

Effective: July 1, 2004

Stroke prevention task force. Establishes the stroke prevention task force to develop stroke prevention initiatives. Requires the task force to submit an annual report. (The introduced version of this bill was prepared by the commission on excellence in health care.)

HOUSE BILL 1200 (Public Law 44-2004)

Author(s): L. Lawson

Sponsor(s): Clark, Simpson

Citations Affected: IC 12-18

Effective: July 1, 2004

Domestic violence fatality review team. Permits a coroner or deputy coroner to serve on a local domestic violence fatality review team. Requires a team to review a death resulting from domestic violence if the person who caused the death is deceased or is charged with a crime that results in certain types of final judgment. (Current law requires a team review only when the person is charged with a crime resulting in a final judgment of conviction.) Makes the testimony of a local domestic violence fatality review team member or a report, record, or recommendation of a team inadmissible in a criminal or civil proceeding or a disciplinary action by a state agency or municipal corporation if the testimony or the report, record, or recommendation concerns the investigation of a death that the team has reviewed.

HOUSE BILL 1202 (Public Law 8-2004)

Author(s): L. Lawson

Sponsor(s): Dillon, Wyss

Citations Affected: IC 16-19; 20-8.1; 35-48

Effective: Upon Passage (March 9, 2004); July 1, 2004

Public health threats. Requires the state department of health to collect data related to symptoms and health syndromes from outbreaks of disease or other health conditions that may be

a danger to public health. Requires a health provider that collects certain data to report this data to the state department of health. Requires a school corporation or an accredited school to report to the local health department the percentage of student absences above a threshold determined by the department of education. Adds Carisoprodol, a depressant, to the list of schedule IV controlled substances.

HOUSE BILL 1251 (Public Law 75-2004)

Author(s): Becker

Sponsor(s): Server, C. Lawson

Citations Affected: IC 16-28; 25-26; 34-30; P.L. 106-2002; 107-2002; 224-2003

Effective: July 1, 2004

Bill Includes: SB 70 (R. Meeks), SB 111 (Dillon), SB 113 (Dillon)

Medications. Allows a pharmacy or pharmacist to donate medication to certain health clinics. Establishes the regional drug repository program to distribute donated drugs. Requires a health facility to return certain unused medication to the pharmacy that dispensed the medication. Allows a pharmacy or pharmacist to accept returned medication from a hospice program. Requires the office of Medicaid policy and planning (office) to review the process of returning unused medication. Expands protocols concerning the adjustment of a patient's drug regimen to nursing homes. Sets forth requirements for protocols used in nursing homes and requires quarterly review of protocols. Requires the prescription drug advisory committee to make recommendations concerning changes to the Indiana prescription drug program's drug benefit. Removes a provision prohibiting the committee from recommending the use of funds from the prescription drug account for a state prescription drug benefit if a federal program provides a similar benefit. Extends the existence of the prescription drug advisory committee until December 31, 2006. Makes a technical correction by repealing two different versions of a noncode provision and makes changes to the provisions. Repeals a provision requiring a provider to report to the office any rebates, discounts, and other price concessions that the provider receives.

HOUSE BILL 1265 (Public Law 50-2004)

Author(s): Kersey

Sponsor(s): Gard, Simpson

Citations Affected: IC 4-15; 16-18; 16-47

Effective: July 1, 2004

Aggregate purchasing of prescription drugs. Requires the state personnel department to establish an aggregate prescription drug purchasing program to negotiate terms related to the purchase of prescription drugs. Requires participation by certain entities and allows participation by other certain entities. Authorizes the state to enter into multi-state prescription drug aggregate purchasing agreements. Requires the budget agency to report to the budget committee on participation in a regional or multi-state prescription drug aggregate purchasing program.

HOUSE BILL 1320 (Public Law 78-2004)

Author(s): Hasler

Sponsor(s): Miller, Simpson

Citations Affected: IC 6-1.1; 12-15; 12-29; 16-21; 16-39; P.L. 224-2003

Effective: July 1, 2003 (retroactive); December 12, 2003 (retroactive); January 1, 2004 (retroactive); July 1, 2004

Bill Includes: SB 161 (Miller) and SB 428 (Miller)

Human services. Provides that the maximum appropriation and tax levy for community mental health centers must be annually recalculated based on the increase in the assessed value growth quotient. Authorizes the office of Medicaid policy and planning to implement alternative payment methodologies for payable claim payments to a hospital under certain circumstances. Separates the laws governing the funding of community mental health centers from the laws governing the funding of community mental retardation and other developmental disabilities centers. Repeals a provision that duplicates other provisions added to the same chapter. Allows the state department of health to disclose inpatient and outpatient discharge information to hospitals that have submitted the information. Allows a hospital trade association to disclose health record information received under certain circumstances. Changes a retrieval charge to a labor charge for providing copies of medical records. Eliminates a provision under which a hospital was allowed 180 days to respond to a notice that the hospital was overpaid by the Medicaid program. Makes hospitals subject to the general provision allowing 60 days for a response. Provides alternative options to the nursing facility assessment state plan amendment and waiver request and amends the expiration of the nursing facility quality assessment. Requires the select joint commission on Medicaid oversight to study certain effects resulting from the repeal of continuous eligibility under the Indiana Medicaid program and the children's health insurance program. Requires the state budget committee to review disproportionate share payments for community mental health centers and make recommendations to the general assembly. Makes a technical correction.

HOUSE BILL 1350 (Public Law 61-2004)

Author(s): Aguilera

Sponsor(s): C. Lawson, Simpson

Citations Affected: IC 16-18; 16-46

Effective: July 1, 2004

Commission on health care interpreters and translators. Creates the commission on health care interpreters and translators, to be staffed by the state department of health. Requires the commission to report specified findings and recommendations to the health finance commission not later than November 1, 2004.

INSURANCE

See also:
HB 1005: State and local administration (regarding commercial brokers or salespersons licensed in another state).
[State and Local Administration]

HOUSE BILL 1150 (Public Law 40-2004)
Author(s): Fry
Sponsor(s): Paul, Lanane
Citations Affected: IC 27-1
Effective: July 1, 2004
Insurance company investments. Allows a property and casualty insurance company to invest up to 10% of the company's admitted assets in certain securities in which a life insurance company may invest. Makes technical changes.

HOUSE BILL 1273 (Public Law 51-2004)
Author(s): Fry
Sponsor(s): Miller, Lanane
Citations Affected: IC 27-8
Effective: January 1, 2004 (retroactive); March 15, 2004 (retroactive); Upon Passage (March 16, 2004); July 1, 2004; January 1, 2005
ICHIA amendments. Amends the Indiana comprehensive health insurance association (ICHIA) law concerning: (1) premium rates; (2) assessments; (3) tax credits; (4) reporting requirements; (5) member and health care provider grievances; (6) provider reimbursement; (7) provider contracting; and (8) balance billing. Makes technical corrections and conforming amendments, including correcting a conflict with SEA 106-2004. Repeals sections concerning Medicaid payment programs. Makes an appropriation.

HOUSE BILL 1341 (Public Law 59-2004)
Author(s): Ripley
Sponsor(s): Paul, Lewis
Citations Affected: IC 27-1
Effective: July 1, 2004
Nonforfeiture provisions of annuity contracts. Amends the law concerning certain annuity contracts, including paid up annuity benefits, lump sum settlements, and indexed minimum nonforfeiture rates.

LABOR AND INDUSTRIAL SAFETY

See also:
HB 1190: Hours of work for public utility workers during emergencies.
[Utilities and Transportation]
HB 1257: Employment absence for volunteer firefighting.
[Local Government]

HOUSE BILL 1019 (Public Law 25-2004)
Author(s): Ayres
Sponsor(s): Landske, Dembowski
Citations Affected: IC 22-11; 22-12; 35-47.5
Effective: Upon Passage (March 16, 2004); July 1, 2004

Bull ride simulators and indoor pyrotechnics. Defines a "bull ride simulator" as a regulated amusement device. Requires the adoption of rules regulating safety standards for bull ride simulators. Requires the fire prevention and building safety commission to adopt rules: (1) for the issuance of permits for supervised public displays of fireworks; and (2) to implement a statewide code for the display of indoor pyrotechnics. Requires at least $500,000 of personal injury and $500,000 of property damage insurance coverage for a display of indoor pyrotechnics under certain circumstances. Provides the following for violations of the rules concerning display of indoor pyrotechnics: (1) A violation of the rules is a Class C infraction. (2) A reckless violation of the rules that results in serious bodily injury to a person is a Class A misdemeanor. (3) A knowing or an intentional violation of the rules that results in serious bodily injury to a person or a reckless violation of the rules that results in the death of a person is a Class D felony. (4) A knowing or an intentional violation of the rules that results in death is a Class C felony. Makes conforming changes.

HOUSE BILL 1072 (Public Law 35-2004)
Author(s): Bischoff
Sponsor(s): Wyss, Simpson
Citations Affected: IC 22-12; 35-47.5
Effective: July 1, 2004

Regulated explosives. Provides that a person may not use a regulated explosive (other than commercially manufactured black powder or consumer fireworks) unless the person has been issued a license by the state fire marshal. Provides that the fire prevention and building safety commission shall adopt rules to govern the use of regulated explosives. Makes it a crime to violate those rules. Exempts entities that engage in surface coal mining operations from the regulated explosive license requirement.

LOCAL GOVERNMENT

See also:
SB 1: Property taxes.
[Taxation]
SB 72: Various election law matters.
[Elections]
HB 1005: State and local administration.
[Taxation]
HB 1054: Watercraft docking and marina launch fees.
[Utilities and Transportation]
HB 1087: Conservancy districts.
[Natural Resources]
HB 1200: Domestic violence fatality review team.
[Health and Human Services]
HB 1320: Human services (regarding tax levy for community mental health centers).
[Health and Human Services]
HB 1345: Officeholders' leaves of absence for military service.
[State and Local Administration]

HOUSE BILL 1046 (Public Law 31-2004)
Author(s): Herrell
Sponsor(s): Craycraft, Bray
Citations Affected: IC 36-9
Effective: July 1, 2004
Barrett Law funding for county lighting. Allows a county to use Barrett Law financing to improve lighting in unincorporated areas.

HOUSE BILL 1050 (Public Law 32-2004)
Author(s): Hinkle
Sponsor(s): Clark
Citations Affected: IC 36-7
Effective: July 1, 2004
Local planning and zoning. Eliminates two members of the Indianapolis metropolitan development commission, including a member appointed by the mayor and a member who represents township legislative bodies. Provides that certain members of certain county plan commissions, advisory metropolitan plan commissions, and area plan commissions, either: (1) reside in an unincorporated area; or (2) reside in the county and own real property located in an

unincorporated area. (Current law requires that certain members reside in an unincorporated area.) Provides that not more than two citizen members who are members of a county plan commission may reside in the county and own property in the unincorporated area of the county. Repeals a provision allowing a township in Marion County to require that a plan commission hold a public hearing within the township before an amendment to a zoning map may be made.

HOUSE BILL 1055 (Public Law 90-2004)
Author(s): Mays
Sponsor(s): Borst, Simpson
Citations Affected: IC 6-3.1; 6-3.5; 36-7
Effective: July 1, 2004

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

Expands provisions for Community Revitalization Enhancement Districts (CREDs) as follows:
[From SB180 (Long, Broden)]

1. Clarifies that a Community Revitalization Enhancement Tax Credit may be claimed by an eligible business whether or not the CRED has yet collected any incremental revenues.

2. Modifies conditions that would disqualify a business from eligibility for CRED benefits appeal.

3. Allows existing CREDs to petition the Budget Agency to modify existing CRED boundaries.

4. Redefines when the "clock" starts on the fifteen (15) year life of a CRED to begin when incremental revenues are first collected (currently clock starts when the CRED is designated).

5. Reduces the abandoned industrial facility minimum sq. ft. to qualify for CRED designation to 386,000 sq. ft. (currently min 440,000 sq. ft.). This change allows an area in Muncie to qualify.

6. Provides that the Randolph County council may impose a county economic development income tax (CEDIT) at a rate of 0.25% to finance the construction, acquisition, renovation and equipping of the county courthouse.

7. Grants a youth baseball and softball organization (Southport Little League) an additional period in which to file for a property tax exemption for taxes payable in 2001, 2002 and 2003. Provides for payment of a refund if it determined the claim is correct.

8. Permits a certain church in Evansville to file for a property tax exemption before May 11, 2004 (and receive a refund) for property taxes payable in 2001 and 2002. Directs the county

auditor to pay a refund claim (without interest) from the county general fund if the auditor determines the claim is correct.
9. Permits the Deeper Life Church in Indianapolis to file for a property tax exemption before August 11, 2004 (and receive a refund) for property taxes payable in 2001, 2002, 2003 and 2004. Directs the county auditor to pay a refund claim (without interest) from the county general fund if the auditor determines the claim is correct.

10. Provides that a Marion County taxpayer (National Starch) that filed a personal property tax return for the March 1, 2001 assessment and subsequently filed an amended return is entitled to certain property tax exemptions and may file for the deductions for the 2001 assessment with the county auditor. Directs the auditor to calculate credits payable to the taxpayer and apply the credits to the taxpayer's tax liability first payable in 2004.

HOUSE BILL 1204 (Public Law 89-2004)
Author(s): Lytle
Sponsor(s): R. Meeks, Lewis
Citations Affected: IC 36-7
Effective: July 1, 2004
State institution reuse authority. Authorizes a municipality to establish a reuse authority to develop, manage, and plan for the use of real property of a state mental health institution that is conveyed to the municipality.

HOUSE BILL 1218 (Public Law 45-2004)
Author(s): Summers
Sponsor(s): Gard, Breaux
Citations Affected: IC 36-9
Effective: July 1, 2004
Barrett Law assessment collection deferment. Adds sanitary sewers as an improvement that may be financed by a municipality by use of the Barrett Law. For purposes of the Barrett Law applicable to municipalities, allows a municipal fiscal officer and municipal works board to establish procedures allowing the municipality to defer collection of a special assessment that is in default by preserving the assessment as a lien upon the property subject to the assessment. Requires the collection of the preserved lien: (1) when ownership of the property is transferred; and (2) before the final bond maturity date. Provides that deferred assessments are treated similarly to delinquent property taxes. (Under current law, an assessment in default must be collected through: (1) payment in full; (2) foreclosure on the property; or (3) a conveyance in satisfaction of the assessment.) Makes a technical correction.

HOUSE BILL 1257 (Public Law 49-2004)
Author(s): Robertson

Sponsor(s): Landske, Lewis
Citations Affected: IC 36-8
Effective: July 1, 2004

Employment absence for volunteer firefighting. Prohibits a political subdivision employer from disciplining an employee who is a volunteer firefighter for being absent from employment when the employee is responding to a fire or emergency call. Allows the employee to initiate a civil action against the employer that disciplines the employee for this reason. Authorizes the employer to request proof that the employee was engaged in fire or emergency activity when absent.

HOUSE BILL 1304 (Public Law 55-2004)
Author(s): Stevenson
Sponsor(s): Riegsecker, Merritt
Citations Affected: IC 36-8
Effective: Upon Passage (March 16, 2004)

911 fees. Requires a county with a municipal public safety answering point (PSAP) to submit to the municipality an annual report of expenditures of enhanced emergency telephone system fees. Assigns: (1) the contents of HB 1304 as introduced; and (2) the relationship between state and local wireless systems to the regulatory flexibility committee for study during the 2004 interim. (HB 1304 as introduced requires: (1) telephone service suppliers to provide quarterly reports to the county treasurer and the municipal fiscal officer detailing collections of enhanced emergency telephone system fees from customers within the municipality; and (2) the county treasurer to remit quarterly 75% of the fees collected from customers within the municipality to the fiscal officer of the municipality.)

HOUSE BILL 1365 (Public Law 81-2004)
Author(s): Cochran
Sponsor(s): Borst, Simpson
Citations Affected: IC 4; 6; 9; 32; 34; 36
Effective: January 1, 2004 (retroactive); Upon Passage (March 17, 2004); April 1, 2004; July 1, 2004; January 1, 2005

Bill Includes:

SB 3 (Miller, Merritt)	**SB 47 (Ford)**
SB 149 (Kenley)	**SB 151 (Gard, Kenley)**
SB 180 (Long, Broden)	**SB 201 (Zakas)**
SB 211 (Ford)	**SB 215 (Wyss, Mrvan)**
SB 252 (C. Lawson)	**SB 272 (Weatherwax, Ford)**
SB 274 (Skillman, Hume)	**SB 281 (Ford)**
SB 286 (Ford)	**SB 425 (Nugent)**

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

Economic Development Provisions

Makes the research expense credit permanent (credit would have expired after 2013).
[From SB 286 (Ford)]

Extends the expiration date for the Hoosier Business Investment Tax Credit (HBITC) to Dec 31, 2007.

Authorizes the 21st Century Research & Technology Fund Board to establish a 21st Century Fund Grant Office to help local government, universities and private sector entities in applying for research and development funding. **[From SB 211 (Ford)**]

Establishes the Emerging Technology Grant Fund within the 21st Century Research & Technology Fund to help commercialize new technology. **[From SB 47 (Ford)]**
Allows property tax abatement for logistical and information technology equipment along the I-69 corridor from Anderson to Ft. Wayne (Includes Madison, Delaware, Grant, Huntington, Wells and Allen Counties). **[From SB 281(Ford)]**

Extends eligibility for Economic Development for a Growing Economy (EDGE) Tax Credits to Limited Liability Companies (LLCs) and Limited Liability Partnerships (LLPs) owned by an electric cooperative.

Broadens provisions relating to reuse of Military Bases as follows:
[From SB 272 (Weatherwax, Ford)]

- ? Establishes Military Base Investment Cost Credit (up to 30%) for companies that make a qualified investment within a designated military base reuse location.
- ? Provides a 5 year sales tax exemption for utility costs for a business that locates in a designated military base reuse location, if the business does not reduce operations elsewhere in the state.
- ? Temporarily (5 years) lowers the Corporate Adjusted Gross Income (AGI) Tax rate for businesses located in a designated military base reuse location to 5% (Tax rate is normally 8.5%).
- ? Allows a military R&D or testing facility to be a partner in a Certified Technology Park.

Expands provisions for Community Revitalization Enhancement Districts (CREDs) as follows:
[From SB180 (Long, Broden)]

- ? Clarifies that a Community Revitalization Enhancement Tax Credit may be claimed by an eligible business whether or not the CRED has yet collected any incremental revenues.
- ? Modifies conditions that would disqualify a business from eligibility for CRED benefits appeal.
- ? Allows existing CREDs to petition the Budget Agency to modify existing CRED boundaries.

- ? Redefines when the "clock" starts on the fifteen (15) year life of a CRED to begin when incremental revenues are first collected (currently clock starts when the CRED is designated).
- ? Reduces the abandoned industrial facility minimum sq. ft. to qualify for CRED designation to 386,000 sq. ft. (currently min 440,000 sq. ft.). This change allows an area in Muncie to qualify.

Local Government Provisions

Clarifies the statute authorizing Local Government Rainy Day Funds.
[From SB 151(Gard, Kenley)]

Allows civil units to borrow from banks for capital projects valued at less than $2M.
[From SB 149 (Kenley)]

Allows a city or county to impose a Tax Abatement Fee (with taxpayer consent) to help fund local economic development. Fee is capped at the lesser of 15% of the abatement or $100,000.
[From SB 274 (Skillman, Hume)]

Excludes Federal Housing & Urban Development (HUD) low income housing subsidies from income when assessing rental properties using the income capitalization method of assessment.

State Tax Policy Provisions

Sales Tax Provisions:

Repeals the sales tax on complimentary hotel rooms. **[From SB 3 (Miller, Merritt)]**

Repeals the sales tax credit for motor vehicles, trailers, watercraft and aircraft purchased in Indiana that are going to be immediately titled and registered in another state (Purchasers can receive a tax credit in the other state).

- ? Grants a credit for sales tax paid in another state against the Indiana use tax for vehicles, watercraft, or aircraft.
- ? Clarifies existing practice which holds that satellite TV and satellite radio is subject to the sales tax in the same manner that cable television is subject to the sales tax.
- ? Provides that for purposes of the bad debt deduction for sales tax, the deduction is assignable only if the retail merchant that paid the sales tax assigned the right to the deduction in writing.
- ? Requires certain out of state entities to collect the sales tax if the entity is closely related to another entity that maintains a place of business in Indiana.
- ? Provides that installation charges that are separately stated on an invoice, bill of sale or similar document given to the purchaser are exempt from the sales tax.

3. Redefines and simplifies the calculation of "net operating loss" for purposes of calculating business income.

4. Repeals the license fee for a converter dolly used in combination to convert a semi-trailer to a full trailer.

5. Authorizes the Department of Revenue (DOR) to post a listing of taxpayers on the Internet that have tax warrants outstanding that are more than two years old and that exceed $1,000. Sunsets after June 30, 2006 and includes immunity for the DOR.
[From SB 247 (Server, Craycraft)]

6. Prohibit the recognition of adult adoptions for purposes of the inheritance tax if the person is totally emancipated.

7. Establishes a Legislative Study Committee to examine the use of passive investment companies for corporate tax shelters.

Miscellaneous Provisions

Increases the cap on total prizes that can be awarded for charity gaming from $2,000 to $5,000 and increases single prize cap from $300 to $599. **[From SB 215 (Wyss, Mrvan)]**

Simplifies eminent domain proceedings by providing that filing a lis pendens notice constitutes notice to all subsequent purchasers. **[From SB 201 (Zakas)]**

Provides the State Attorney General is not required to pay the prescribed rate for publishing a special notice in newspapers regarding unclaimed proceeds from the de-mutualization of an insurance company. **[From SB 252 (Lawson)]**

Allows certain retirees from the Muscatatuck State Developmental Center to continue coverage under the State Employee Health Insurance Plan if retiree pays both the employee and employer premiums. **[From SB 425 (Nugent)]**

Provides that first class cities must have a population greater than 500,000 and second class cities must have populations between 35,000 and 499,999.

MOTOR VEHICLES

SENATE BILL 19 (Public Law 10-2004)

Author(s): C. Meeks, R. Meeks
Sponsor(s): Moses
Citations Affected: IC 9-20
Effective: Upon Passage (March 16, 2004)

Designation of extra heavy duty highways. Designates portions of U.S. 6, State Road 9 and U.S. 30 as extra heavy duty highways.

HOUSE BILL 1098 (Public Law 67-2004)
Author(s): Welch
Sponsor(s): Wyss, Sipes
Citations Affected: IC 9-13; 9-19
Effective: July 1, 2005

Child restraints in motor vehicles. Requires a person who operates a motor vehicle with a child who is less than 16 years of age to restrain the child by a child restraint system or a safety belt. Removes the exception that a person who operates a vehicle registered outside Indiana is not required to use a child restraint system unless the vehicle is operated in Indiana for more than 60 days in a year. Establishes the child restraint system account within the general fund. Provides that violation of the child restraint laws does not: (1) add points to the driver's traffic report; and (2) count toward habitual violator status. Repeals the current law governing passenger restraint systems and safety belt use for children at least four and less than 12 years of age.

HOUSE BILL 1254 (Public Law 48-2004)
Author(s): Robertson
Sponsor(s): Merritt, R. Young
Citations Affected: IC 9-13; 9-24; 9-27
Effective: Upon Passage (March 16, 2004); July 1, 2004
Bill Includes: SB 395 (Sipes) and SB 342 (M. Young)

Driver's licensing matters. Allows the bureau of motor vehicles to adopt rules to comply with federal requirements concerning background checks for an individual seeking a hazardous materials endorsements for a commercial driver's license. Specifies that a learner's permit holder who: (1) is less than 18 years old and holds a validated permit; or (2) is enrolled in an approved driver's education course; may drive a motor vehicle when the seat beside the driver's seat is occupied by a stepparent of the permit holder who holds a valid operator's license. Permits a licensed commercial driver training school to conduct classroom training in a county outside the county in which the school is located. Revises the definition of approved motorcycle driver education and training course to include a course offered by a new motorcycle dealer.

HOUSE BILL 1264 (Public Law 76-2004)
Author(s): Dvorak
Sponsor(s): Wyss, Broden

Citations Affected: IC 9-14; 9-24; 9-30
Effective: July 1, 2004

Interlock ignition devices and operating while intoxicated. Makes tampering with an ignition interlock device a Class B misdemeanor under certain circumstances. Requires a court in a county having an ignition interlock program to prohibit certain OWI offenders from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device. Provides that a court may order installation of an ignition interlock device as: (1) a condition of certain deferred prosecution programs; (2) an alternative to an administrative driver's license suspension; and (3) a condition of participation in a post-conviction alcohol abuse deterrent program. Requires a court that orders installation of an ignition interlock device to notify the bureau of motor vehicles (BMV), and requires the BMV to record this requirement in the person's driving record. Provides that certain out of state convictions may be used as a basis to enhance the penalty for OWI causing serious bodily injury and OWI causing death. Provides that a license suspension for certain controlled substance convictions may be ordered only if the controlled substance conviction involved the use of a motor vehicle.

HOUSE BILL 1301 (Public Law 54-2004)
Author(s): Bottorff
Sponsor(s): Merritt, Lewis
Citations Affected: IC 9-18; 14-20
Effective: Upon Passage (March 16, 2004); May 1, 2004; July 1, 2004

Special group license plates; Lewis and Clark. Allows a special group that sells at least 5,000 license plates during a calendar year to petition the bureau of motor vehicles to design and issue a license plate that will be available through the bureau's branches upon completing an application and paying the appropriate fee. Requires the bureau to design and issue special group recognition license plates for the Lewis and Clark bicentennial and the Riley Children's Foundation Trust. Provides that a person who is eligible to register a vehicle may obtain a Lewis and Clark bicentennial license plate or a Riley Children's Foundation Trust license plate upon completing an application and paying the appropriate fee. Provides for the distribution of fees from the plates to the Lewis and Clark bicentennial commission and the Riley Children's Foundation Trust. Converts the Lewis and Clark bicentennial commission to a permanent commission. (Under current law the commission expires January 1, 2008.) Permits the commission to establish a nonprofit corporation to carry out the duties of the commission.

HOUSE BILL 1394 (Public Law 82-2004)
Author(s): Bosma
Sponsor(s): M. Young
Citations Affected: IC 9-30
Effective: July 1, 2004

Driving while intoxicated and causing death. To honor the memory of Representative Roland Stine, provides that a person at least 21 years of age who causes the death of another person

while operating a motor vehicle with an alcohol concentration of at least 0.15 gram of alcohol per: (1) 100 milliliters of the person's blood or 210 liters of the person's breath; or with a Schedule I or II controlled substance in the blood; commits a Class B felony. Provides that a person who causes the death of another person while having a BAC of between .08% and .15% , and who knowingly operated the motor vehicle with driver's license that was suspended or revoked based on a previous conviction for OWI commits a Class B felony. Provides that a person at least 21 years of age who operates while intoxicated a motor vehicle in which at least one passenger is less than 18 commits a Class D felony. Requires lifetime license suspension of a person with two convictions for OWI causing death.

NATURAL RESOURCES

See also:
HB 1301: Special group license plates; Lewis and Clark.
[Motor Vehicles]

HOUSE BILL 1087 (Public Law 4-2004)
Author(s): Mangus
Sponsor(s): Riegsecker, Hume
Citations Affected: IC 14-33
Effective: July 1, 2004

Conservancy districts. Provides that if there is a vacancy on the board of a conservancy district, the board rather than the county commissioners shall select a member to fill the vacancy. Provides that if a tie vote of the board results when filling a vacancy, the circuit court judge shall designate a person to fill the vacancy. Repeals a provision governing the expansion of a conservancy district located in Hendricks County.

HOUSE BILL 1203 (Public Law 71-2004)
Author(s): Frenz
Sponsor(s): Weatherwax, Lewis
Citations Affected: IC 14
Effective: July 1, 2004
Bill includes: SB 295 (Landske and Lewis)

Coal mine reclamation bonds and water issues. Authorizes the director of the department of natural resources to: (1) initiate an application for the release of a reclamation plan performance bond; and (2) require operators to withdraw from the surface coal mine reclamation bond pool under certain circumstances. Allows a mine operator to withdraw from the bond pool upon replacing bond pool liability with bonds acceptable under the surface coal mining and reclamation bonding law. Amends membership and appointment authority of the surface coal mine reclamation bond pool committee. Requires certain findings and documentation for certain mine land reclamation projects funded by a governmental entity. Amends definition of "government financed construction". Specifies that water may be diverted from Lake Michigan

only if the diversion is approved by the governor of each Great Lakes state under federal law. Restates enforcement and penalty provisions for violations under the jurisdiction of the division of water of the department of natural resources (department). Changes certain violations from a Class C infraction to a Class B infraction. Requires the owner of a dam to notify the department of the sale of the dam. Allows a property owner or an individual who lives downstream from a dam over which the department does not have jurisdiction to request the department to investigate whether the dam is a high hazard structure if the individual believes that the failure of the dam may cause loss of life or damage to the person's home or other structures. Provides that if the department's investigation determines that the dam's failure may cause loss of life or damage to certain structures, the dam is subject to the department's jurisdiction.

PENSIONS

See also:
HB 1401: Public officer compensation.
[General Assembly]

HOUSE BILL 1285 (Public Law 94-2004)
Author(s): Stilwell
Sponsor(s): Harrison, Lewis
Citations Affected: IC 2-3.5; 5-10; 33; 36-8
Effective: September 1, 2003 (retroactive); July 1, 2004

Pre-retirement withdrawals; confidentiality of retirement fund member records. Requires the pension management oversight commission to study the feasibility of authorizing members of the retirement funds administered by the board of trustees of the public employees' retirement fund (PERF board) to withdraw, before retirement, a member's contributions when the member demonstrates an immediate and great financial need. Provides that individual participant records and membership information for the retirement funds administered by the PERF board are confidential.

HOUSE BILL 1306 (Public Law 56-2004)
Author(s): Kromkowski
Sponsor(s): R. Meeks, Hume
Citations Affected: IC 5-10.2
Effective: July 1, 2004

PERF and TRF cost of living adjustment. Provides a 2% cost of living adjustment for members, survivors, and beneficiaries of the public employees' retirement fund after December 31, 2004. Provides a cost of living adjustment for members, survivors, and beneficiaries of the teachers' retirement fund after December 31, 2004.

PROBATE AND TRUSTS

See also:
HB 1365: State and local administration (regarding adult adoptions for inheritance tax puposes). [Local Government; Taxation]

HOUSE BILL 1051 (Public Law 33-2004)
Author(s): Foley
Sponsor(s): Zakas, Clark
Citations Affected: IC 34-45
Effective: July 1, 2004
Deadman's statute. Specifies that the "deadman's statute" does not: (1) apply in a proceeding to contest the validity of a will or trust; or (2) bar the introduction of evidence that would be admissible under a hearsay exception to the evidence rules.

HOUSE BILL 1154 (Public Law 68-2004)
Author(s): Leonard
Sponsor(s): Long, Dillon
Citations Affected: IC 6-4.1
Effective: July 1, 2004
Inheritance tax. Provides, for purposes of the inheritance tax, that a stepchild of the transferor is a Class A transferee.

HOUSE BILL 1178 (Public Law 41-2004)
Author(s): Avery
Sponsor(s): Dillon, Long
Citations Affected: IC 29-3; 34-30
Effective: July 1, 2004

Volunteer advocates for seniors and guardians. Permits a court to appoint a volunteer advocate for seniors ("volunteer") to represent and protect for a limited period the interests of an incapacitated or protected person who is at least 55 years of age. Requires a volunteer to report to the court and make recommendations regarding the incapacitated or protected person. Provides civil immunity for a volunteer, a volunteer advocate for seniors program, and a guardian.

PROFESSIONS AND OCCUPATIONS

SENATE BILL 493 (Public Law 88-2004)
Author(s): Kenley, Skinner
Sponsor(s): Grubb
Citations Affected: IC 25-1
Effective: Upon Passage (March 3, 2004)
Professional licensing. Allows a licensing or regulating body to waive continuing education requirements if an applicant is unable to complete the continuing education because of military service, incapacitating illness or injury, or other circumstances determined by the licensing or regulating body. Establishes an extension of time to: (1) renew a professional or an occupational license, certificate, registration, or permit; and (2) complete continuing education requirements; for an individual called to active duty in the armed forces of the United States or the Indiana army or air national guard.

PUBLIC RECORDS

See also:
HB 1207: Exempts the Alcohol and Tobacco Commission (ATC) from statutes that prevent a state agency from compelling an individual to disclose a Social Security number. [Alcoholic Beverages]

HOUSE BILL 1032 (Public Law 28-2004)
Author(s): Frenz
Sponsor(s): Kenley, Bowser
Citations Affected: IC 2; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15; 16; 20; 21; 22; 23; 24; 26; 27; 33; 34; 35; 36; P.L. 238-1986; 109-1997; 149-1999; 24-2003; 291-2001; 28-2000; 220-2001; 248-2001; 137-2002; 167-2002; 167-2002; 11-2003; 31-2003; 59-2003; 82-

2003; 140-2003; 193-2003; 198-2003; 211-2003; 240-2003
Effective: Upon Passage (March 16, 2004); July 1, 2004
Bill includes: SB 420 (Gard)

Electronic reports. Makes amendments throughout the Indiana Code requiring agencies to submit reports to the general assembly, the legislative council, and the executive director of the legislative services agency in an electronic format. Repeals obsolete statutes. Permits an agency to electronically submit certain material that is incorporated by reference in a proposed administrative rule. Permits material that is incorporated by reference to accompany the copy of the final rule when it is distributed to the state library.

HOUSE BILL 1285 (Public Law 94-2004)
Author(s): Stilwell
Sponsor(s): Harrison, Lewis
Citations Affected: IC 2-3.5; 5-10; 33; 36-8
Effective: September 1, 2003 (retroactive); July 1, 2004

Pre-retirement withdrawals; confidentiality of retirement fund member records. Requires the pension management oversight commission to study the feasibility of authorizing members of the retirement funds administered by the board of trustees of the public employees' retirement fund (PERF board) to withdraw, before retirement, a member's contributions when the member demonstrates an immediate and great financial need. Provides that individual participant records and membership information for the retirement funds administered by the PERF board are confidential.

STATE OFFICES AND ADMINISTRATION

See also:
HB 1032: Electronic reports.
[General Assembly]
HB 1070: Center for agricultural science and heritage.
[Agriculture]
HB 1102: Department of transportation subcontractors.
[Utilities and Transportation]
HB 1207: Exempts the alcohol and tobacco commission (ATC) from statutes that prevent a state agency from compelling an individual to disclose a Social Security number.
[Alcoholic Beverages]
HB 1229: Restricts certain lending acts and practices.
[Financial Institutions]
HB 1244: Indiana dairy industry development board; Indian tourism council; and Indiana corn market development council.

[Agriculture]

SENATE BILL 363 (Public Law 21-2004)
Author(s): Jackman
Sponsor(s): Bardon
Citations Affected: IC 4-23
Effective: July 1, 2004
Council for people with disabilities. Creates the governor's council for people with disabilities and the board of directors of the council to implement the federal Developmental Disabilities Assistance and Bill of Rights act. (The council and board of directors are currently created by executive order.)

HOUSE BILL 1080 (Public Law 66-2004)
Author(s): Mays
Sponsor(s): Weatherwax, Breaux
Citations Affected: IC 4-13.6; 5-22
Effective: July 1, 2004
Indiana business purchasing preferences. Provides a price preference to Indiana businesses for public works and procurement contracts awarded by the state. Provides that the preference ranges from 1% to 5%, depending on the estimated cost of the purchase. Provides that this preference does not apply to the detriment of a business from a state bordering Indiana, if the bordering state does not provide purchasing preferences to its businesses more favorable than preferences provided to Indiana businesses by Indiana law. Requires a business claiming the preference to provide certain information to substantiate that the business is an Indiana business. Requires the department of administration to submit a report to the legislative council relating to the operation of the preference not later than September 1, 2008. Provides for expiration of the preference on July 1, 2009. Provides that if a governmental body adopts a retaliatory purchasing preference, the preference may not apply to the detriment of the businesses of a bordering state if the bordering state does not provide purchasing preferences to its businesses more favorable than preferences provided to Indiana businesses by Indiana law. Provides that to be considered responsible, an offeror for a purchase by the state that is required to register with the secretary of state must have registered at least 45 days before the solicitation for the purchase is issued.

HOUSE BILL 1135 (Public Law 7-2004)
Author(s): Avery
Sponsor(s): M. Young, Bowser
Citations Affected: IC 4-24
Effective: July 1, 2004
Institutional funds. Provides that recreation funds established in state psychiatric, benevolent, penal, and correctional institutions may also be used for the acquisition of educational materials

and for purposes that assist in rehabilitation.

HOUSE BILL 1265 (Public Law 50-2004)

Author(s): Kersey

Sponsor(s): Gard, Simpson

Citations Affected: IC 4-15; 16-18; 16-47

Effective: July 1, 2004

Aggregate purchasing of prescription drugs. Requires the state personnel department to establish an aggregate prescription drug purchasing program to negotiate terms related to the purchase of prescription drugs. Requires participation by certain entities and allows participation by other certain entities. Authorizes the state to enter into multi-state prescription drug aggregate purchasing agreements. Requires the budget agency to report to the budget committee on participation in a regional or multi-state prescription drug aggregate purchasing program.

HOUSE BILL 1266 (Public Law 93-2004)

Author(s): Ayres

Sponsor(s): Riegsecker

Citations Affected: IC 4-13; 5-21; 5-22

Effective: Upon Passage (March 11, 2004); July 1, 2004

Bill Includes: SB 467 (Ford)

Internet based public purchasing. Authorizes the department of administration to establish Internet sites designed to facilitate state public purchasing. Requires the department of administration to establish rules and fees for the use of Internet purchasing sites in cooperation with the intelenet commission and the state board of accounts. Permits a purchasing agency to conduct online reverse auctions for purchases of supplies. Establishes procedures governing the conduct of an online reverse auction.

HOUSE BILL 1434 (Public Law 96-2004)

Author(s): Crawford

Sponsor(s): Server, Howard

Citations Affected: IC 4-3; 4-4; 4-12; 20-1; 22-4; 22-4.1

Effective: July 1, 2004

Bill Includes: SB 327 (Simpson)

Microenterprise program and STAR account. Requires the Indiana economic development council to establish a microenterprise partnership program to provide grants to community based or nonprofit organizations for the purpose of providing business development services and loans to businesses with fewer than five employees. Transfers responsibilities for the enterprise development program and the small and minority business financial assistance program to the Indiana economic development council. Renames the enterprise development fund as the microenterprise partnership program fund. Creates the state technology advancement and retention (STAR) account to advance technology and retain graduates in Indiana by funding certain grant programs.

HOUSE BILL 1436 (Public Law 84-2004)
Author(s): Crawford
Sponsor(s): Dillon, Breaux
Citations Affected: IC 4-13; 4-33
Effective: July 1, 2004

Women and minority businesses. Provides that standards developed and a certification made under the minority business enterprise law apply to standards and certifications for minority business enterprises and women's business enterprises under any other Indiana law. Makes changes in definitions in the minority business enterprise law. Makes conforming changes in the riverboat gambling law. Specifies that riverboat owners must annually file information regarding contracts with minority and women's businesses and specifies that this information is not confidential under the public records laws. Provides that personal financial information or confidential business information need not be disclosed. Requires each state agency, separate body corporate and politic, and state educational institution to analyze the use of minority businesses, small businesses and women owned business enterprises in the contracting done by the agency, separate body, or educational institution.

HOUSE BILL 1438 (Public Law 63-2004)
Author(s): Klinker
Sponsor(s): Alting, Skillman
Citations Affected: IC 4-1.5
Effective: July 1, 2004

Economic development. Establishes the enterprise zone study commission. Changes the appointing authority for the board of the Indiana economic development corporation. Specifies that the governor appoints all of the members of the board. Specifies that the governor shall:
(1) consider the recommendations of legislative leaders in making four of the appointments; and
(2) consider the recommendations of state university presidents in making seven of the appointments.

STATE AND LOCAL ADMINISTRATION

See also:
SB 278: Collection of information by State Revenue Department.
[Taxation]
HB 1070: Center for agricultural science and heritage.
[Agriculture]
HB 1365: State and local administration.
[Local Government; Taxation]

HB 1401: Public officer compensation.
[General Assembly]

HOUSE BILL 1005 (Public Law 64-2004)
Author(s): Reske
Sponsor(s): Kenley, Lanane
Citations Affected: IC 6-1.1; 24-4.5; 25-34; 27-1; 28; 34-30; 36
Effective: Upon Passage (March 17, 2004); July 1, 2004

State and local administration. With respect to a residential real property financing or refinancing, requires a closing agent to provide to each customer information on property tax deductions and the homestead credit on a form prescribed by the department of local government finance. Imposes a penalty on a closing agent that does not comply. Provides that a closing agent is not liable for any other damages claimed by a customer because of the closing agent's failure to provide the appropriate document to the customer. Provides for additional information about

property taxes to be provided with the property tax statement of current and delinquent taxes and special assessments in a pilot program in certain counties in 2005, 2006, and 2007 and statewide after 2007. Permits a county to voluntarily provide the additional information about property taxes with property tax statements in 2004. Provides for state reimbursement of expenditures made by a county to provide the additional information, not to exceed a statewide total of $50,000. Establishes the property tax replacement study commission. Establishes the local government efficiency and financing study commission. Provides that an out-of-state commercial broker or salesperson licensed in another state may practice in Indiana without an Indiana license if the out-of-state commercial broker or salesperson meets certain requirements. Provides that a licensed nonresident broker may act as a broker in Indiana if the broker meets certain requirements. Provides that the telephone numbers of a buyer and seller on a sales disclosure form filed with the county auditor are confidential. Specifies a title insurance qualification for insurance producers. Establishes: (1) an exemption from insurance producer licensure for certain individuals; and (2) requirements for: (a) prelicensing courses for title insurance producers; and (b) continuing education for limited lines producers who have a title insurance qualification. Adds a member to the insurance producer education and continuing education advisory council. Authorizes certain counties and municipalities to provide property tax abatements for logistical distribution equipment and information technology equipment installed after June 30, 2004, and before January 1, 2006. Allows certain cities to adopt a resolution to establish a professional sports and convention development area before January 1, 2005. Allows Gary, Indiana to designate more than one facility as part of a professional sports and convention development area. Changes the population parameters for first and second class cities so that reorganization does not change a city's classification.

HOUSE BILL 1032 (Public Law 28-2004)

Author(s): Frenz
Sponsor(s): Kenley, Bowser
Citations Affected: IC 2; 4; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15; 16; 20; 21; 22; 23; 24; 26; 27; 33; 34; 35; 36; P.L. 238-1986; 109-1997; 149-1999; 24-2003; 291-2001; 28-2000; 220-2001; 248-2001; 137-2002; 167-2002; 167-2002; 11-2003; 31-2003; 59-2003; 82-2003; 140-2003; 193-2003; 198-2003; 211-2003; 240-2003
Effective: Upon Passage (March 16, 2004); July 1, 2004
Bill includes: SB 420 (Gard)

Electronic reports. Makes amendments throughout the Indiana Code requiring agencies to submit reports to the general assembly, the legislative council, and the executive director of the legislative services agency in an electronic format. Repeals obsolete statutes. Permits an agency to electronically submit certain material that is incorporated by reference in a proposed administrative rule. Permits material that is incorporated by reference to accompany the copy of the final rule when it is distributed to the state library.

HOUSE BILL 1136 (Public Law 39-2004)
Author(s): Chowning
Sponsor(s): Long, Bray
Citations Affected: IC 5-2
Effective: July 1, 2004

Methamphetamine abuse task force. Establishes a task force which expires June 30, 2007 to review information and develop a long range plan for combating the abuse and manufacturing of methamphetamine.

HOUSE BILL 1345 (Public Law 79-2004)
Author(s): Buell
Sponsor(s): Miller, C. Lawson
Citations Affected: IC 5-9
Effective: Upon Passage (March 17, 3004)

Officeholders' leaves of absence for military service. Establishes a procedure for a person holding a state, legislative, local, or school board office to take a leave of absence when called into active military service and for the appointment of a person to temporarily perform the officeholder's duties during the leave.

HOUSE BILL 1352 (Public Law 62-2004)
Author(s): Hasler
Sponsor(s): Server, Lutz
Citations Affected: IC 5-2
Effective: July 1, 2004

Law enforcement training academy. Establishes a southwest Indiana law enforcement training academy.

STATE POLICE, CIVIL DEFENSE AND MILITARY AFFAIRS

See also:
HB 1352: Law enforcement training academy.
[State and Local Administration]

HOUSE BILL 1082 (Public Law 36-2004)
Author(s): Ayres
Sponsor(s): Landkse, Rogers
Citations Affected: IC 10-13
Effective: July 1, 2004
Missing children clearinghouse. Requires a review of entries in the missing children clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC).

TAXATION

See also:
HB 1029: Child support withholding from tax refunds.
[Family and Juvenile Law]
HB 1320: Human services (regarding tax levy for community mental health centers).
[Health and Human Services]

SENATE BILL 1 (Public Law 1-2004)
Author(s): Borst, Hume
Sponsor(s): Crawford
Citations Affected: IC 4-22; 5-13; 6; 8-22; 12; 16-35; 20-5.5; 21; 36
Effective: Upon Passage (December 5, 2003); January 1, 2004; March 1, 2004; July 1, 2004

and

HOUSE BILL 1001 (Public Law 23-2004)
Author(s): Crawford
Sponsor(s): Borst, Simpson
Citations Affected: IC 4; 5; 6; 8; 12; 16; 20; 21; 36
Effective: January 1, 2004; March 1, 2004; Upon Passage (March 16, 2004); July 1, 2004

***This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest. Language from HB 1001 appears in bold type.*

Provisions Designed to Reduce Property Taxes

1. Requires the Department of Local Government Finance (DLGF) to adjust rate controlled levies after annual and general reassessments to avoid levy windfalls. This will reduce property taxes beginning with taxes paid in 2004.

2. Rescinds the ability for local units to "bank" unused levy increases. This will help smooth out property tax increases and help prevent big tax increases in any single year.

3. Rescinds the ability of local taxing units to have appeal "buffers" or "set asides." This will reduce property taxes beginning with taxes paid in 2004.

4. Rescinds the ability of local units to appeal to redistribute local Property Tax Replacement Credits to use for general expenses instead of for property tax relief. This requires that all taxes collected for property tax relief can only be used for property tax relief and will reduce property taxes beginning with taxes paid in 2004.

5. Repeals local units' ability to spend up to 2% of a levy excess by requiring the entire excess levy to be deposited into the levy excess fund. Requires the excess to be used to reduce levies in a subsequent year. This will reduce property taxes beginning with taxes paid in 2004.

6. Requires libraries to gain approval of the appropriate county or city/town elected fiscal body for levy increases greater than 5%. Gives elected officials the opportunity to prioritize local needs.

Provisions Designed to Assist Taxpayers

1. Extends the filing deadline to December 15, 2003 for pay 2004 taxes for the following deductions/credits – mortgage, Homestead Credit, homeowners, seniors, blind and disabled, veteran's disability, WWI veterans and spouse's of WWI veterans. This allowed Hoosiers that were eligible for a deduction, but failed to file, a second chance.

1a. Clarifies the language above to provide that the filing deadline was extended to filings that were made "on or before" December 15, 2003 as opposed to "before December 15"

2. Permits counties to request approval of the DLGF to: waive penalties for pay 2004 taxes and permit installment payments beginning with pay 2004 taxes.

3. Validates all actions taken by the DLGF prior to January 1, 2004 to grant installment payments, waive late penalties or extend an appeal deadline.

4. Permits taxpayers to take an increased income tax deduction in 2004 for 2003 property taxes paid in 2004. Taxpayers won't lose part of their 2003 deduction because property tax bills were late in some counties.

4a. Clarifies the language above concerning an increased income tax deduction in 2004 for 2003 property taxes paid in 2004.

5. Requires assessors to use the most favorable assessment method for rental properties. This will help insure that rental properties are assessed in a fair manner which will help keep rents lower.

6. Prohibits DLGF from prescribing a form, and deletes the requirement that taxpayers have to file a formal appeal in order to have an informal preliminary conference with a township assessor. This simplifies the appeal process for taxpayers.

7. Eliminates the requirement to file a claim in order to receive a refund.

8. Requires County Treasurers to inform homeowners of the additional amount of property taxes that average homeowners in their county would be paying in 2004 if not for actions of the General Assembly to reduce property taxes. Requires DLGF to supply counties with the calculations.

9. Clarification intended to insure that taxpayers who receive the Notice of Assessment at the same time they receive the tax bill for pay 2004 or pay 2005 taxes have 45 days after receipt of the tax bill to appeal that year's assessment.

9a. Clarification of the above language.

Provisions Designed to Improve the Assessment Process

1. Empowers DLGF to adjust or take over the 2002 local reassessment process (for taxes payable in 2003) if local assessment officials fail to meet deadlines or accurately complete the process. Requires the DLGF to formally notify local officials of its intent to assume responsibility for the reassessment process and publish notice in a newspaper of general circulation in the county.

1a. Amends the above language to provide that the public notice required to be placed in a newspaper is not only circulated in the county but also published in the county.

2. Establishes training/qualification standards for assessors. Assessors must achieve Level 1 Certification within 1 year of taking office and Level 2 Certification within 2 years of taking office. Requires the exams to be open book and appropriates funds to DLGF from the assessment training fund conduct the training and examinations. Changes are designed to ensure that

assessors are well trained and all assessments are completed fairly and consistently.

3. Requires DLGF to complete a feasibility study on using common assessment software and present the study to the Commission on State Tax and Financing Policy leading to a more efficient, less expensive reassessment process.

4. Requires counties to submit sales disclosure data in electronic form. This will help ensure that assessing officials have the data needed for uniform and consistent assessments.

5. Provides for an unlimited number of extension periods for emergency rules to implement reassessment in Lake County. (Normally, emergency rules are only effective for 90 days which will not provide sufficient time to complete the process.)

6. Corrects cross references governing appeals to the Board of Tax Review for Lake County.

7. Added conforming language for payment of property tax replacement credits in counties that have elected to have installment payments.

8. Provides language required to be included in a provisional tax statement may be in substantially similar form as required in statute, clarifies the language in the statement to match the amount billed under the rules.

Provisions Intended to Assist Civil Units and Schools

1. Permits the state (including the Common School Fund) to invest in Bond Bank securities to help insure civil units and schools can make timely repayments for local tax anticipation loans issued through the State Bond Bank.

2. Provides that Civil Units and Schools that have a property tax shortfall due to the use of erroneous assessed values or the payment of refunds resulting from appeals may appeal to the Local Government Tax Control Board for an excessive levy.

2a. Modifies the above language to provide that Civil Units and Schools that have shortfalls due to the use of erroneous AVs or the payment of refunds resulting from appeals have until December 31 of that year to appeal for relief in the immediately following year.

Other Provisions

1. Authorizes counties to issue provisional tax bills up to 90% of the previous year's liability.

2. Provides for payment of PTRC in installments if counties make property tax payments due in installments.

3. Strengthens the petition/remonstrance process by reducing the number of property owners that can require the remonstrance process, and by prohibiting taxing units from using public resources to gain signatures. Changes are effective for controlled projects for which a notice of preliminary determination is filed after March 1, 2004.

4. Requires Commission on State Tax and Financing Policy to study ways to reduce the reliance on property taxes for services other than police and fire protection and public health and determine alternative sources of revenue.

5. Correction of miscellaneous typographical and other technical errors.

SENATE BILL 278 (Public Law 19-2004)
Author(s): Simpson
Sponsor(s): Klinker
Citations Affected: IC 6-2.5
Effective: January 1, 2005
Collection of information by the department of state revenue. Requires the department of state revenue to collect and maintain information for all retail merchants concerning the merchants' industry codes under the North American Industry Classification System Manual.

SENATE BILL 296 (Public Law 20-2004)
Author(s): Lubbers
Sponsor(s): Welch
Citations Affected: IC 6-1.1
Effective: January 1, 2005
Property tax deductions. Increases certain property tax deductions by 108%. Applies to the following deductions: elderly; blind or disabled; wartime service disabled; disabled veteran; surviving spouse of a WWI veteran; WWI veteran; residential property rehabilitation; historic property rehabilitation; and residentially distressed area property rehabilitation.

HOUSE BILL 1005 (Public Law 64-2004)
Author(s): Reske
Sponsor(s): Kenley, Lanane
Citations Affected: IC 6; 24; 25; 27; 28; 34; 36
Effective: Upon Passage (March 17, 2004); July 1, 2004
State and local administration. With respect to a residential real property financing or refinancing, requires a closing agent to provide to each customer information on property tax deductions and the homestead credit on a form prescribed by the department of local government finance. Imposes a penalty on a closing agent that does not comply. Provides that a closing agent is not liable for any other damages claimed by a customer because of the closing agent's failure to provide the appropriate document to the customer. Provides for additional information about

property taxes to be provided with the property tax statement of current and delinquent taxes and special assessments in a pilot program in certain counties in 2005, 2006, and 2007 and statewide after 2007. Permits a county to voluntarily provide the additional information about property taxes with property tax statements in 2004. Provides for state reimbursement of expenditures made by a county to provide the additional information, not to exceed a statewide total of $50,000. Establishes the property tax replacement study commission. Establishes the local government efficiency and financing study commission. Provides that an out-of-state commercial broker or salesperson licensed in another state may practice in Indiana without an Indiana license if the out-of-state commercial broker or salesperson meets certain requirements. Provides that a licensed nonresident broker may act as a broker in Indiana if the broker meets certain requirements. Provides that the telephone numbers of a buyer and seller on a sales disclosure form filed with the county auditor are confidential. Specifies a title insurance qualification for insurance producers. Establishes: (1) an exemption from insurance producer licensure for certain individuals; and (2) requirements for: (a) prelicensing courses for title insurance producers; and (b) continuing education for limited lines producers who have a title insurance qualification. Adds a member to the insurance producer education and continuing education advisory council. Authorizes certain counties and municipalities to provide property tax abatements for logistical distribution equipment and information technology equipment installed after June 30, 2004, and before January 1, 2006. Allows certain cities to adopt a resolution to establish a professional sports and convention development area before January 1, 2005. Allows Gary, Indiana to designate more than one facility as part of a professional sports and convention development area. Changes the population parameters for first and second class cities so that reorganization does not change a city's classification.

HOUSE BILL 1024 (Public Law 26-2004)
Author(s): Heim
Sponsor(s): Dillon, Kenley
Citations Affected: IC 6-3.1
Effective: July 1, 2004

Industrial recovery tax credit. Reduces the minimum size required for a building to be eligible for the industrial recovery tax credit from 300,000 to 250,000 square feet.

HOUSE BILL 1055 (Public Law 90-2004)
Author(s): Mays
Sponsor(s): Borst, Simpson
Citations Affected: IC 6-3.1; 6-3.5; 36-7
Effective: July 1, 2004

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

Expands provisions for Community Revitalization Enhancement Districts (CREDs) as follows:
[From SB180 (Long, Broden)]

1. Clarifies that a Community Revitalization Enhancement Tax Credit may be claimed by an eligible business whether or not the CRED has yet collected any incremental revenues.

2. Modifies conditions that would disqualify a business from eligibility for CRED benefits appeal.

3. Allows existing CREDs to petition the Budget Agency to modify existing CRED boundaries.

4. Redefines when the "clock" starts on the fifteen (15) year life of a CRED to begin when incremental revenues are first collected (currently clock starts when the CRED is designated).

5. Reduces the abandoned industrial facility minimum sq. ft. to qualify for CRED designation to 386,000 sq. ft. (currently min 440,000 sq. ft.). This change allows an area in Muncie to qualify.

6. Provides that the Randolph County council may impose a county economic development income tax (CEDIT) at a rate of 0.25% to finance the construction, acquisition, renovation and equipping of the county courthouse.

7. Grants a youth baseball and softball organization (Southport Little League) an additional period in which to file for a property tax exemption for taxes payable in 2001, 2002 and 2003. Provides for payment of a refund if it determined the claim is correct.

8. Permits a certain church in Evansville to file for a property tax exemption before May 11, 2004 (and receive a refund) for property taxes payable in 2001 and 2002. Directs the county auditor to pay a refund claim (without interest) from the county general fund if the auditor determines the claim is correct.

9. Permits the Deeper Life Church in Indianapolis to file for a property tax exemption before August 11, 2004 (and receive a refund) for property taxes payable in 2001, 2002, 2003 and 2004. Directs the county auditor to pay a refund claim (without interest) from the county general fund if the auditor determines the claim is correct.

10. Provides that a Marion County taxpayer (National Starch) that filed a personal property tax return for the March 1, 2001 assessment and subsequently filed an amended return is entitled to certain property tax exemptions and may file for the deductions for the 2001 assessment with the county auditor. Directs the auditor to calculate credits payable to the taxpayer and apply the credits to the taxpayer's tax liability first payable in 2004.

HOUSE BILL 1114 (Public Law 5-2004)

Author(s): Frenz

Sponsor(s): Merritt, Lutz

Citations Affected: IC 6-2.5

Effective: Upon Passage (March 9, 2004)

Sales tax on bundled telecommunication services. Provides that in a sale of bundled telecommunication services, which include both taxable and nontaxable services, the part of the services not ordinarily subject to the state sales tax is taxable unless the provider can reasonably identify the nontaxable part based on the provider's regularly kept business records.

HOUSE BILL 1154 (Public Law 68-2004)

Author(s): Leonard

Sponsor(s): Long, Dillon

Citations Affected: IC 6-4.1

Effective: July 1, 2004

Inheritance tax. Provides, for purposes of the inheritance tax, that a stepchild of the transferor is a Class A transferee.

HOUSE BILL 1365 (Public Law 81-2004)

Author(s): Cochran

Sponsor(s): Borst, Simpson

Citations Affected: IC 4; 6; 9; 32; 34; 36

Effective: January 1, 2004 (retroactive); Upon Passage (March 17, 2004); April 1, 2004; July 1, 2004; January 1, 2005

Bill Includes:

SB 3 (Miller, Merritt)	**SB 47 (Ford)**
SB 149 (Kenley)	**SB 151 (Gard, Kenley)**
SB 180 (Long, Broden)	**SB 201 (Zakas)**
SB 211 (Ford)	**SB 215 (Wyss, Mrvan)**
SB 252 (C. Lawson)	**SB 272 (Weatherwax, Ford)**
SB 274 (Skillman, Hume)	**SB 281 (Ford)**
SB 286 (Ford)	**SB 425 (Nugent)**

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

Economic Development Provisions

Makes the research expense credit permanent (credit would have expired after 2013).

[From SB 286 (Ford)]

Extends the expiration date for the Hoosier Business Investment Tax Credit (HBITC) to Dec 31, 2007.

Authorizes the 21st Century Research & Technology Fund Board to establish a 21st Century Fund Grant Office to help local government, universities and private sector entities in applying for research and development funding. **[From SB 211(Ford)**]

Establishes the Emerging Technology Grant Fund within the 21st Century Research & Technology Fund to help commercialize new technology. **[From SB 47 (Ford)]**

Allows property tax abatement for logistical and information technology equipment along the I-69 corridor from Anderson to Ft. Wayne (Includes Madison, Delaware, Grant, Huntington, Wells and Allen Counties). **[From SB 281(Ford)]**

Extends eligibility for Economic Development for a Growing Economy (EDGE) Tax Credits to Limited Liability Companies (LLCs) and Limited Liability Partnerships (LLPs) owned by an electric cooperative.

Broadens provisions relating to reuse of Military Bases as follows:
[From SB 272 (Weatherwax, Ford)]

- ? Establishes Military Base Investment Cost Credit (up to 30%) for companies that make a qualified investment within a designated military base reuse location.
- ? Provides a 5 year sales tax exemption for utility costs for a business that locates in a designated military base reuse location, if the business does not reduce operations elsewhere in the state.
- ? Temporarily (5 years) lowers the Corporate Adjusted Gross Income (AGI) Tax rate for businesses located in a designated military base reuse location to 5% (Tax rate is normally 8.5%).
- ? Allows a military R&D or testing facility to be a partner in a Certified Technology Park.

Expands provisions for Community Revitalization Enhancement Districts (CREDs) as follows:
[From SB180 (Long, Broden)]

- ? Clarifies that a Community Revitalization Enhancement Tax Credit may be claimed by an eligible business whether or not the CRED has yet collected any incremental revenues.
- ? Modifies conditions that would disqualify a business from eligibility for CRED benefits appeal.
- ? Allows existing CREDs to petition the Budget Agency to modify existing CRED boundaries.

- ? Redefines when the "clock" starts on the fifteen (15) year life of a CRED to begin when incremental revenues are first collected (currently clock starts when the CRED is designated).
- ? Reduces the abandoned industrial facility minimum sq. ft. to qualify for CRED designation to 386,000 sq. ft. (currently min 440,000 sq. ft.). This change allows an area in Muncie to qualify.

Local Government Provisions

Clarifies the statute authorizing Local Government Rainy Day Funds.
[From SB 151(Gard, Kenley)]

Allows civil units to borrow from banks for capital projects valued at less than $2M.
[From SB 149 (Kenley)]

Allows a city or county to impose a Tax Abatement Fee (with taxpayer consent) to help fund local economic development. Fee is capped at the lesser of 15% of the abatement or $100,000.
[From SB 274 (Skillman, Hume)]

Excludes Federal Housing & Urban Development (HUD) low income housing subsidies from income when assessing rental properties using the income capitalization method of assessment.

State Tax Policy Provisions

Sales Tax Provisions:

Repeals the sales tax on complimentary hotel rooms. **[From SB 3 (Miller, Merritt)]**

Repeals the sales tax credit for motor vehicles, trailers, watercraft and aircraft purchased in Indiana that are going to be immediately titled and registered in another state (Purchasers can receive a tax credit in the other state).

- ? Grants a credit for sales tax paid in another state against the Indiana use tax for vehicles, watercraft, or aircraft.
- ? Clarifies existing practice which holds that satellite TV and satellite radio is subject to the sales tax in the same manner that cable television is subject to the sales tax.
- ? Provides that for purposes of the bad debt deduction for sales tax, the deduction is assignable only if the retail merchant that paid the sales tax assigned the right to the deduction in writing.
- ? Requires certain out of state entities to collect the sales tax if the entity is closely related to another entity that maintains a place of business in Indiana.
- ? Provides that installation charges that are separately stated on an invoice, bill of sale or

similar document given to the purchaser are exempt from the sales tax.

Redefines and simplifies the calculation of "net operating loss" for purposes of calculating business income.

Repeals the license fee for a converter dolly used in combination to convert a semi-trailer to a full trailer.

Authorizes the Department of Revenue (DOR) to post a listing of taxpayers on the Internet that have tax warrants outstanding that are more than two years old and that exceed $1,000. Sunsets after June 30, 2006 and includes immunity for the DOR. **[From SB 247 (Server, Craycraft)]**

Prohibit the recognition of adult adoptions for purposes of the inheritance tax if the person is totally emancipated.

Establishes a Legislative Study Committee to examine the use of passive investment companies for corporate tax shelters.

Miscellaneous Provisions

Increases the cap on total prizes that can be awarded for charity gaming from $2,000 to $5,000 and increases single prize cap from $300 to $599. **[From SB 215 (Wyss, Mrvan)]**

Simplifies eminent domain proceedings by providing that filing a lis pendens notice constitutes notice to all subsequent purchasers. **[From SB 201 (Zakas)]**

Provides the State Attorney General is not required to pay the prescribed rate for publishing a special notice in newspapers regarding unclaimed proceeds from the de-mutualization of an insurance company. **[From SB 252 (Lawson)]**

Allows certain retirees from the Muscatatuck State Developmental Center to continue coverage under the State Employee Health Insurance Plan if retiree pays both the employee and employer premiums. **[From SB 425 (Nugent)]**

Provides that first class cities must have a population greater than 500,000 and second class cities must have populations between 35,000 and 499,999.

TECHNICAL

SENATE BILL 106 (Public Law 97-2004)

Author(s): Kenley, Bowser

Sponsor(s): Kuzman

Citations Affected: Various Code Cites and Non-Code Acts

Effective: Upon Passage (March 16, 2004); July 1, 2004

Technical corrections. Corrects a number of technical problems in the Indiana Code and in noncode provisions.

TRADE REGULATION; CONSUMER SALES AND CREDIT

HOUSE BILL 1229 (Public Law 73-2004)

Author(s): Bardon

Sponsor(s): Bray, Lanane

Citations Affected: IC 4; 23; 24; 28; 32; 34; 36

Effective: Upon Passage (March 17, 2004); July 1, 2004; January 1, 2004; January 1, 2005

Bill includes: SB 222 (Long), SB 405 (Paul), SB 406 (Paul), and SB 469 (Clark, Paul)

Restricts certain lending acts and practices. Establishes the homeowner protection unit in the office of the attorney general. Provides enforcement procedures for deceptive mortgage acts. Establishes a $3 mortgage recording fee. Requires the department of commerce to provide home ownership education programs. Provides that certain provisions do not apply to certain financial institutions. Prohibits certain lending practices. Updates references in financial institutions law to conform with federal law. Permits a state chartered financial institution to engage in activities related to a product, a service, or an investment that is available to or offered by national banks domiciled in Indiana. Removes limitations on the amount of public funds that may be deposited in a credit union. (Currently, deposits of public funds are limited to 10% of total credit union assets.) Increases the minimum amount of the bond required for a money transmitter from $100,000 to $200,000 and the maximum amount from $200,000 to $300,000. Increases the insurance coverage required for a money transmitter for criminal or dishonest acts from 50% to 100% of the amount of the money transmitter's security bond or deposit. Provides that state law applies to a state chartered bank, trust company, savings association, savings bank, credit union, corporate fiduciary, or industrial loan and investment company to the same extent it applies to a federally chartered institution of the same type. Establishes administrative procedures governing requests for an exemption from state law due to the preemption of state law as it is applied to federally chartered institutions. Makes various changes in the small loan provisions of the Uniform Consumer Credit Code, including: (1) defines a small loan as a loan with a principal amount that is more than $50 and not more than $500; (2) prohibits the renewal of a small loan; (3) removes limitations on finance charges; (4) increases delinquency charges; (5) allows a small loan to be secured by a borrower's authorization to debit an account instead of a borrower's check; (6) increases civil penalties and statutory damages from $1,000 to $2,000; and (7) prohibits a small loan if the total payable amount of the small loan exceeds 15% of the borrower's monthly gross income. (Current law provides that a small loan is prohibited if it exceeds 20% of the borrower's monthly net income.) Repeals provisions that relate to the renewal of a small loan. Permits the secretary of state to administratively dissolve a business entity whose name contains the term "banc" or "banco" in violation of financial institutions law.

(Current law allows the secretary of state to take this action in the case of an entity whose name contains the term "bank".) Permits the use of the word "bank", "banc", or "banco" in the name of a subsidiary of : (1) a bank or trust company; (2) a bank holding company; (3) a savings bank; and (4) a savings association. Prohibits a lender from requiring a borrower to obtain hazard insurance in an amount exceeding the replacement value of the improvements on mortgaged property as a condition of receiving or maintaining the mortgage. Voids provisions in an agreement to purchase a security that would waive compliance with securities law or a rule or order made under securities law. Provides a procedure for an issuer of securities to respond to comments regarding an application for registration made by the securities division. Permits the appointment of a securities division attorney to serve as a special deputy prosecutor in actions arising under securities law. Prohibits the issuance of an interpretive opinions by the securities commissioner concerning an activity that occurred before or is occurring on the date that the opinion is requested. Requires that notice and opportunity to be heard must be provided to a person accused of violating securities law, rather than requiring that a hearing occur as provided by current law. Prohibits various deceptive practices by a person that supplies information concerning securities. Provides that an administrative action under securities law survives the death of a person who might have been a respondent. Makes changes to definitions used in the loan broker statutes. Exempts persons engaged in certain federally regulated transactions from the requirements of the loan broker law.

UTILITIES AND TRANSPORTATION

See also:
SB 19: Designation of extra heavy duty highways.
[Utilities and Transportation]
HB 1046: Barrett Law funding for county lighting.
[Local Government]
HB 1218: Barrett Law assessment collection deferment (regarding sanitary sewers).
[Local Government]

HOUSE BILL 1054 (Public Law 34-2004)
Author(s): Cheney
Sponsor(s): C. Lawson, Landske
Citations Affected: IC 8-10
Effective: July 1, 2004
Watercraft docking and marina launch fees. Authorizes a city that creates or participates in the creation of a port authority with a channel navigable to Lake Michigan to impose a watercraft docking fee and a marina launch fee. Provides that the fees are deposited in the cumulative channel maintenance fund. Allows money in the fund to be used for enforcement of port authority regulations.

HOUSE BILL 1102 (Public Law 92-2004)
Author(s): Harris
Sponsor(s): Wyss, Weatherwax
Citations Affected: IC 8-23
Effective: July 1, 2004
Department of transportation subcontractors. Requires a subcontractor of a contractor for the department of transportation to meet certain qualifications if the subcontract amount exceeds $300,000 (increased from $100,000).

HOUSE BILL 1114 (Public Law 5-2004)
Author(s): Frenz
Sponsor(s): Merritt, Lutz
Citations Affected: IC 6-2.5
Effective: Upon Passage (March 9, 2004)
Sales tax on bundled telecommunication services. Provides that in a sale of bundled telecommunication services, which include both taxable and nontaxable services, the part of the services not ordinarily subject to the state sales tax is taxable unless the provider can reasonably

identify the nontaxable part based on the provider's regularly kept business records.

HOUSE BILL 1190 (Public Law 42-2004)
Author(s): Stevenson
Sponsor(s): Merritt, Mrvan
Citations Affected: IC 8-1
Effective: Upon Passage (March 16, 2004)
Hours of work for public utility workers during emergencies. Exempts an employee of a public utility or an employee of a subcontractor or contractor of a public utility from the maximum hours of service that the employee is permitted to work under federal regulations when the individual: (1) holds a commercial driver's license; and (2) is engaged in intrastate maintenance or repair work during a utility service interruption emergency.

HOUSE BILL 1293 (Public Law 53-2004)
Author(s): Pierce
Sponsor(s): Merritt, R. Young
Citations Affected: IC 8-1.5; 13-26
Effective: July 1, 2004
Utilities. Allows a municipally owned water utility to adjust a residential water bill if: (1) the bill reflects monthly water usage that is at least two times the customer's average monthly usage; and (2) the excess usage is caused by equipment damage that is not detectable on the premises and not caused by an act of the customer or customer's agent. Provides that a utility that elects to adjust water bills for undetectable leaks must do so according to policies adopted by the utility. Permits a regional water, sewage, or solid waste district to issue revenue bonds that accrete interest.

HOUSE BILL 1304 (Public Law 55-2004)
Author(s): Stevenson
Sponsor(s): Riegsecker, Merritt
Citations Affected: IC 36-8
Effective: Upon Passage (March16, 2004)
911 fees. Requires a county with a municipal public safety answering point (PSAP) to submit to the municipality an annual report of expenditures of enhanced emergency telephone system fees. Assigns: (1) the contents of HB 1304 as introduced; and (2) the relationship between state and local wireless systems to the regulatory flexibility committee for study during the 2004 interim.

HOUSE BILL 1344 (Public Law 60-2004)
Author(s): Welch
Sponsor(s): Merritt, Lanane
Citations Affected: IC 8-1; 34-30

Effective: July 1, 2004

Telephone 211 dialing code services. Recognizes as state policy the encouragement of the use of the 211 dialing code for public access to human services information and referrals. Prohibits a state human services agency from establishing a telephone line for information or referrals without first: (1) consulting with a 211 service provider in the area to be served by the telephone line about using 211 to provide access to the information or referrals; and (2) notifying the utility regulatory commission (IURC) of the consultation. Prohibits disseminating information about the availability of 211 services except as permitted in a rule or order of the IURC. Provides immunity from civil liability to a 211 service provider for acts and omissions related to the development and provision of 211 services. Establishes the 211 services account in the state general fund and specifies uses of the account. Provides that expenditures from the account are subject to state budget committee review. Requires the IURC to administer the account and report annually to the general assembly on the status of 211 services and funding.

HOUSE BILL 1435 (Public Law 83-2004)

Author(s): Behning

Sponsor(s): Bray

Citations Affected: IC 8-22

Effective: July 1, 2004

Airport authority boards. Increases the size of the Indianapolis Airport Authority board from seven to eight voting members. Provides that the mayor of Indianapolis appoints the additional member. Adds a nonvoting advisory member to the board who is from a county located not more than 1200 feet from the Indianapolis International Airport.

JOINT RESOLUTIONS PASSED AMENDING THE INDIANA CONSTITUTION

There were no Joint Resolutions passed during the Second Session of the 113th General Assembly.

VETOED BILLS

There were no bills vetoed by the Governor during the Second Session of the 113th General Assembly.

VETO OVERRIDES

During the 2004 Regular Session, which ended on March 4, 2004, the Indiana Senate and House of Representatives voted to override the Governor's veto of the following bills:

2003 SENATE ENROLLED ACT 337 VETO OVERRIDE (Public Law 283-2003)
Author(s): Waterman, Riegsecker
Sponsor(s): Crawford
Citations Affected: IC 4-4; 14-21
Effective: July 1, 2004
Native American Indian affairs commission. Establishes the Native American Indian affairs commission. Authorizes the commission to recommend final disposition of Native American Indian human remains that have been removed from a burial site. Requires the commission to study problems common to Native American Indians in the areas of employment, education, civil rights, health, and housing. Authorizes the commission to make certain recommendations.

2003 HOUSE ENROLLED ACT 1660 VETO OVERRIDE (Public Law 281-2003)
Author(s): Day
Sponsor(s): Lawson, Breaux
Citations Affected: IC 12-10; 35-42; 35-46
Effective: July 1, 2004
Abuse of an endangered adult. Removes the requirement that the state department of health must request assistance before the division of disability, aging, and rehabilitative services or adult protective services may investigate a report of an endangered adult residing in a health facility. Provides that an endangered adult is not a an adult who is an alcoholic or a drug abuser. Makes battery that results in serious bodily injury to an endangered adult a Class C felony. Makes battery that results in death to an endangered adult a Class B felony. Makes failing to report an abused endangered adult a Class B misdemeanor instead of a Class A infraction. Corrects code cite references.

2003 HOUSE ENROLLED ACT 1798 VETO OVERRIDE (Public Law 282-2003)
Author(s): Bottorff
Sponsor(s): Gard, Lewis
Citations: IC 8-1.5; 13-11; 13-14; 13-17; 13-18; 36-9
Effective: Upon Passage (January 27, 2004); July 1, 2004
Environmental management. Allows a third class city to adopt an ordinance providing for the control of any or all of its storm water facilities by the board that controls the municipality's municipally owned utilities. Amends the definition of a board of a department of storm water management. Provides that a board does not have exclusive jurisdiction over the collection and disposal of storm water in the district. Enumerates factors that must be used to establish user fees and allows different fee schedules based on certain factors. Allows a county other than Marion County to establish a department of storm water management under certain circumstances. (Current law provides that the department of public works acts as the department of storm water management in Marion County.) Provides that the drainage board of a county that has not adopted an ordinance to establish a department of storm water management may establish fees for services provided by the board to address issues of storm water quality and quantity. Requires a department to maintain private property if the department uses the property for storm water collection or disposal and obtains the consent of the owner. Makes conforming changes. Provides that a person may not be required to screen a storm water outfall if the pipe diameter of the storm water outfall is less than 24 inches. Establishes a program for the issuance of permits for filling, dredging, or excavating certain wetlands. Prohibits the air pollution control board (board) from adopting rules to require motor vehicle emissions testing in Clark County and Floyd County after December 31, 2006. Allows the budget agency to approve testing if necessary to avoid a loss of federal highway funding. Prohibits a person from being charged a fee for vehicle emission testing.

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