2006

Summary *of* New Laws

from
State Senator
Joe Zakas

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SECOND REGULAR SESSION OF THE
114TH
INDIANA GENERAL ASSEMBLY
2006

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 2006 Indiana General Assembly, including the 193 bills (107 Senate Bills and 86 House Bills) and one Joint Resolution passed during the Legislative Session completed on March 14, 2006. 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.

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

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

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

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AGRICULTURE and ANIMALS

See also:
SB 86: Medication of horses in pari-mutuel events.
[Gaming]
SB 353: Alternative fuel use and production.
[Taxation]
HB 1001: Portion concerning dog tax.
[Taxation]
HB 1089: Portion concerning annexation of property zoned agricultural.
[Local Government]
HB 1285: Alternative fuels.
[Environment]

Senate Bill 87 (Public Law 144-2006)
Author(s): Jackman, Gard
Sponsor(s): Gutwein
Citations Affected: IC 4-4; 4-23; 5-29; 15-9
Effective: Upon Passage (March 24, 2006)

Energy, agriculture, and rural development rules. Allows the office of the lieutenant governor to adopt rules to carry out the office's duties relating to energy policy, the center for coal technology research, and the recycling and energy development board. Changes the name of the office of rural affairs to the office of community and rural affairs and makes conforming changes. Allows the office of community and rural affairs and the department of agriculture to adopt rules. Creates an advisory board for the office of community and rural affairs. Creates the rural economic development fund. Repeals the rural development administration fund and the rural development council fund, and transfers the balances of the funds to the rural economic development fund. Removes the requirement that a member of the tourism council represents a rural community and changes the requirement for a quorum for the council. Repeals the rural development council, and repeals the requirement that a member of the council is a member of the tobacco farmers and rural community impact fund advisory board.

House Bill 1022 (Public Law 69-2006)
Author(s): Ruppel
Sponsor(s): Merritt, Ford

Citations Affected: IC 15-1.5
Effective: Upon Passage (March 17, 2006)

State fair commission. Authorizes the chairman of the state fair advisory committee or a member of the committee designated by the chairman to serve as an ex officio nonvoting member of the state fair commission (commission). Provides that the term of: (1) certain members of the commission begins October 1 and expires September 30 of the fourth year following the appointment; and (2) a member currently serving on the commission is extended for an additional three months. (The introduced version of this bill was prepared by the state fair advisory committee.)

House Bill 1065 (Public Law 40-2006)
Author(s): Gutwein
Sponsor(s): Heinold, Nugent
Citations Affected: IC 15-3
Effective: July 1, 2006

Pesticide application. Amends the pesticide law and the pesticide use and application law as follows: (1) Provides that $10 of the annual fee for registering pesticides be used by the office of Purdue pesticide programs for education about pesticides. (2) Increases the annual fee for registering pesticides from $75 to $170. (3) Increases the late fee for annual registration of pesticides from $75 to $170. (4) Increases the fee for a pesticide business license from $30 to $45. (5) Increases the annual fee for an applicator license from $30 to $45. (6) Increases the annual fee for registration as a pesticide consultant from $30 to $45. (7) Increases the fee for certification as a private applicator from $10 to $20. (8) Increases the annual fee for registration as a pesticide dealer from $30 to $45. (9) Provides that certain fees currently distributed to Purdue University agriculture programs be used for expenses of the state chemist in carrying out the pesticides law and the pesticide use and application law. (10) Provides that money collected for civil penalties be used by the office of Purdue pesticide programs instead of agricultural extension. (11) Other changes updating the pesticide law.

House Bill 1418 (Public Law 116-2006)
Author(s): Ayres
Sponsor(s): Heinold, Landske
Citations Affected: IC 15-5
Effective: July 1, 2006

Kennel licenses. Requires inspection of a major kennel before a township assessor issues a license.

ALCOHOL and TOBACCO

See also:
SB 145: Vehicle forfeiture and driving while intoxicated.
[Motor Vehicles]
HB 1128: Ignition interlock devices.

[Motor Vehicles]
HB 1314: Substance and alcohol use during pregnancy.
[Health]
HB 1420: Employee tobacco use.
[Labor]

House Bill 1016 (Public Law 165-2006)
Author(s): Ayres
Sponsor(s): Bray
Citations Affected: IC 7.1-3; 7.1-4; 7.1-5; Public Law 161-2005
Effective: Upon Passage (March 24, 2006); July 1, 2006

Alcohol and tobacco matters. Requires a person who trains: (1) alcohol servers; and (2) individuals who plan to train alcohol servers; to hold a trainer certificate issued by the alcohol and tobacco commission (ATC). Requires: (1) a certified trainer to renew a certificate every three years by filing a renewal application form, completing a refresher course, and paying a $45 fee; (2) certain retailer permittees, dealer permittees, or management representatives of the retailer or dealer permittees to be trained not later than 120 days after the date the permittee receives a permit; and (3) certain retailer permittees and dealer permittees to ensure that each alcohol server is trained not later than 120 days from the date the alcohol server begins employment. (Current law requires a retail permittee, dealer permittee, or management representative to be trained not later than 90 days after the date the permittee receives the permit and an alcohol server to be trained not later than 90 days after the date of employment.) Requires: (1) the ATC to notify retailer and dealer permittees of the certification requirements at the time the permittees renew the retailer or dealer permits; (2) the ATC to approve and establish training programs; and (3) training programs to provide a server certificate to individuals who successfully complete the program. Allows the ATC to: (1) observe training at any time; and (2) adopt rules to carry out the training and certification requirements. Changes the deadline by which permittees and alcohol servers must be trained from January 31, 2008, to January 1, 2009. Provides that a primary source of supply or wholesaler may not provide an illuminated advertising sign to a dealer or retailer in a manner that violates the trade practice restrictions of the ATC or the law. Requires the ATC to issue a permit to the state fair commission. Allows for extended time for alcohol sales on New Year's Eve if New Year's Eve falls on a Sunday. Prohibits the issuance of an alcoholic beverage employee's permit to an individual with two convictions for operating while intoxicated if: (1) the first conviction occurred less than ten years before the date of the permit application; and (2) the individual completed the sentence for the second conviction less than two years before the permit application. Provides: (1) that if an individual has at least three convictions for operating while intoxicated in the immediately preceding ten years, the ATC may not grant a permit to the individual; (2) that if an individual has one or two convictions in the immediately preceding ten years, the ATC may grant or deny a permit to the individual; and (3) for the revocation of a permit upon an individual's subsequent conviction for operating while intoxicated. Allows for five new alcohol permits within a district in an economic development area with a unit of the National Park Service partially located within the district, and with an international deep water seaport located within the district. Requires the ATC to conduct an auction of the permits. Redefines "farm winery". Allows a farm winery to sell the winery's wine to consumers by the bottle at a farmers' market that

is operated on a not-for-profit basis. Allows a farm winery to offer wine tastings and sell the winery's wine at three locations apart from the winery. Increases to 30 days (from nine days) the amount of time in a calendar year during which a farm winery may participate in a trade show or exposition. Provides that a wine manufacturer located inside or outside Indiana that wants to sell wine directly to a consumer must obtain a direct wine seller's permit. Establishes an annual direct wine seller's permit fee of $100. Makes it a Class A infraction for violating the direct wine shipping statutes and increases the penalty to a Class A misdemeanor or Class D felony if the seller has prior unrelated offenses. Establishes a wine wholesaler permit fee for a wholesaler that sells less than 12,000 gallons of wine and brandy annually. Prohibits the holder of a farm winery distiller's permit from selling brandy at wholesale and specifies that the holder may sell brandy only at retail on the permitted premises. Allows a person to bring 18 liters of wine into Indiana for personal use. Provides that any city that owns a golf course may obtain a permit for the retail sale of alcoholic beverages. Removes residency requirements for wine and beer wholesalers. Allows farm winery brandy distiller permittees to: (1) sell brandy to consumers by the glass, bottle, or both; and (2) conduct business at three additional locations apart from the distillery. Repeals provisions concerning: (1) certain certification requirements; and (2) an affidavit requirement for a holder of a farm winery permit.

BUSINESS and OTHER ASSOCIATIONS

House Bill 1306 (Public Law 130-2006)
Author(s): Bright
Sponsor(s): Long, Lanane
Citations Affected: IC 23-1; 23-4; 23-16; 23-17; 23-18
Effective: July 1, 2006

Various corporate law matters. Changes the name of the corporate law survey commission to the business law survey commission. Permits the execution of certain documents by an attorney in fact. Provides that distributions by a corporation or limited liability company do not include reasonable compensation, retirement payments, or guaranty payments. Provides for conversion of certain domestic or foreign entities to certain other entities. Specifies the rights of access of members to records or information of a limited liability company. Specifies the procedure for revocation of dissolution by a limited liability company.

CIVIL LAW and PROCEDURE

See also:
SB 33: Volunteer advocates for incapacitated adults; civil immunity.
[Human Services]
SB 102: Anatomical gift liability.

[Probate and Trusts]
SB 283: Emergency telephone notification system; civil immunity.
[Public Safety]
SB 342: Electronic prescription tracking program; civil immunity.
[Technology]
SB 353: Alternative fuel use and production; tort and products liability immunity.
[Taxation]
HB 1011: Civil penalty for certain violations.
[Elections]
HB 1101: Security breach disclosure and identity deception; civil penalties.
[Consumer Protection]
HB 1136: Brokers' liens on commercial real estate.
[Property]
HB 1158: Small claims, civil actions, and sheriff's fees.
[Courts and Court Officers]
HB 1214: Various motor carrier matters; civil penalties.
[Transportation]
HB 1235: Isolation, quarantine, and health matters; immunity from civil liability.
[Health]
HB 1259: Concerning civil immunity for Camp Atterbury.
[Military]
HB 1280: Unsolicited facsimile advertisements; civil penalties.
[Consumer Protection]

Senate Bill 296 (Public Law 105-2006)
Author(s): Kenley
Sponsor(s): Foley
Citations Affected: IC 5-2; 34-51
Effective: July 1, 2006
Punitive damages. Permits the attorney general's office to negotiate and compromise the portion of a punitive damages award that is to be paid to the state. Provides that the state's interest in a punitive damages award is effective when a finder of fact announces a verdict that includes punitive damages.

House Bill 1112 (Public Law 76-2006)
Author(s): Foley
Sponsor(s): Kenley, Bray
Citations Affected: IC 34-43.5
Effective: July 1, 2006
Communications of sympathy. Prohibits a court from admitting a communication of sympathy into evidence. Provides that a court may admit a statement of fault into evidence, including a statement of fault that is part of a communication of sympathy, if otherwise admissible under the Indiana Rules of Evidence.

House Bill 1113 (Public Law 77-2006)
Author(s): Foley
Sponsor(s): Bray
Citations Affected: IC 34-30
Effective: July 1, 2006

Liability connected with consumption of food and beverages. Grants immunity from civil liability for certain persons in the food and beverage industry, including advertisers, marketers, and advertising media, as to a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by or allegedly likely to result from the long term consumption of food or beverages. Provides that the immunity does not apply if the weight gain is related to a pregnancy, or if it relates to certain types of misbranding, adulteration, or knowing and willful violations of state or federal law.

CONSUMER PROTECTION

See also:
SB 384: Consumer loans, other.
[Financial institutions]
HB 1299: Consumer loans, other. (Same as SB 384 with addition of pawnbroker language.)
[Financial Institutions]

House Bill 1101 (Public Law 125-2006)
Author(s): Walorski
Sponsor(s): Hershman
Citations Affected: IC 4-33; 16-22; 24-4; 35-32; 35-41; 35-43; 35-50
Effective: July 1, 2006

Security breach disclosure and identity deception. Provides that a person that owns or licenses certain unredacted or unencrypted personal information concerning Indiana residents that is contained in a computerized data base must disclose to those Indiana residents without unreasonable delay a security breach in the computerized data base (including the unauthorized acquisition of computerized data that have been transferred to another medium) if the security breach could cause the Indiana residents to become victims of identity theft, identity deception, or fraud. Requires a database owner who is required to make a disclosure concerning a security breach to more than 1,000 persons to notify each credit reporting bureau of the security breach. Specifies that a person that maintains a computer data base but does not own or license the personal information contained in the data base must notify the data base owner if there is a security breach in the data base. Provides that a data base owner with a privacy plan drafted to comply with certain federal statutes may comply with that plan instead of these provisions if that plan meets the federal requirements, and permits a data base owner with its own privacy plan to comply with its own plan instead of these provisions if its plan is at least as stringent as these provisions or a plan that complies with certain federal statutes. Authorizes the attorney general to bring an action to enforce the disclosure requirements. Makes certain information

that relates to a license application submitted to the Indiana gaming commission confidential. Provides that a person who disposes of a customer's unencrypted, unredacted personal information without first shredding, incinerating, mutilating, or erasing the personal information commits a Class C infraction. Enhances the offense to a Class A infraction for a second or subsequent offense, or if the person has unlawfully disposed of the personal information of more than 100 customers. Includes as personal information certain information collected as part of a license or permit application. Provides that a person who unlawfully obtains the identifying information of a deceased person commits identity deception. Makes identity deception a Class C felony if a person unlawfully obtains the identities of more than 100 persons or the fair market value of the fraud or harm caused by the identity theft is at least $50,000. Makes possession of a card skimming device with the intent to commit identity deception or fraud a Class D felony and a Class C felony if the device is possessed with the intent to commit terroristic deception. Permits a court to enter a restitution order requiring a person convicted of identity deception to reimburse the victim for additional expenses that arise or are discovered after sentencing or after the entry of a restitution order. Grants a court a five year period in which to order a person convicted of identity deception to pay additional restitution. Provides that a person who commits the offense of identity deception may be tried in any county in which any element of the offense occurs. Provides that jurisdiction for cases of identity deception lies in Indiana if the victim resides in Indiana. Imposes certain fiduciary obligations on members of the governing board of a county hospital, and specifies that if a hospital governing board has two physician members, only one physician member is required to be an active member of the medical staff of the hospital.

House Bill 1280 (Public Law 85-2006)
Author(s): Murphy
Sponsor(s): Ford, Steele
Citations Affected: IC 24-4.7; 24-5
Effective: January 1, 2007

Unsolicited facsimile advertisements. Provides that the transmission of an unsolicited advertisement by telephone facsimile machine is a deceptive act. Authorizes the attorney general to recover civil penalties up to $1,500 for the transmission of an unsolicited advertisement by telephone facsimile machine. Defines "telephone facsimile machine" and "unsolicited advertisement". Deposits the civil penalties in the consumer protection division telephone solicitation fund.

CORRECTIONS

See also:
SB 6: Lifetime parole of sex offenders.
[Criminal Law and Procedure]
SB 12: Sex offender registry; GPS monitoring; various other provisions.
[Criminal Law and Procedure]
SB 246: Limitations on residence of sex offenders.

[Criminal Law and Procedure]
SB 247: Various homeland security matters.
[Public Safety]
SB 332: Department of Correction pension benefits.
[Pensions]
HB 1155: Sex offender registry; GPS monitoring; various other provisions.
[Criminal Law and Procedure]

Senate Bill 160 (Public Law 56-2006)
Author(s): Wyss, Lewis
Sponsor(s): Ulmer
Citations Affected: IC 35-38
Effective: Upon Passage (March 15, 2006)
Witnesses at an execution. Reduces to five the number of friends and relatives of a convicted person who may be present at an execution, and permits up to eight adult members of the immediate family of the victim to be present at an execution. Requires the department of correction to establish a procedure to select the family members who may be present at an execution if more than eight family members of a victim wish to attend or if there is more than one victim, and to establish a support room for the use of family members of a victim and support persons who will not be present at the execution.

Senate Bill 275 (Public Law 39-2006)
Author(s): Long, Lanane
Sponsor(s): Foley
Citations Affected: IC 11-12
Effective: July 1, 2006
Forensic diversion programs. Provides that if a person fails to participate in or complete a postconviction forensic diversion program, a court may: (1) revoke the person's probation; (2) lift a stay of execution of a nonsuspendible part of the person's sentence; (3) modify the person's sentence; (4) order that the person's suspended sentence be executed; or (5) order the person to serve part of the sentence on work release.

COURTS and COURT OFFICERS

See also:
SB 139: Department of child services matters.
[Family and Juvenile Law]

SB 275: Forensic diversion programs.
[Corrections]
HB 1112: Communications of sympathy.
[Civil Procedure]
HB 1128: Ignition interlock devices.
[Motor Vehicles]
HB 1155: Concerning pretrial services fees and probation.
[Criminal Law and Procedure]

Senate Bill 84 (Public Law 60-2006)
Author(s): Long, Bray
Sponsor(s): Foley
Citations Affected: IC 11-13; 12-23; 33-23; 33-37; 33-38; 34-30; 35-38
Effective: July 1, 2006

Reentry courts. Establishes a reentry court under a court having felony, misdemeanor, or juvenile jurisdiction in a city or county. Grants a reentry court jurisdiction over certain persons released from the department of correction. Authorizes a reentry court to provide reintegration services to persons released from the department. Establishes a procedure for approval of a reentry court. Authorizes a reentry court to establish reasonable fees. Allows the board of directors of the judicial conference of Indiana to delegate certain rulemaking functions concerning reentry courts and drug courts to a committee of the judicial conference. Makes other changes and conforming amendments. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Senate Bill 192 (Public Law 97-2006)
Author(s): Bray
Sponsor(s): Foley
Citations Affected: IC 35-33
Effective: July 1, 2006

Bail requirements. Allows a court that admits a defendant to bail to require the defendant to post a combination of property and surety bonds as a condition of bail. Provides that if a court requires a defendant to deposit cash or cash and other security in an amount equal to the defendant's bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay: (1) publicly paid costs of representation; and (2) fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

Senate Bill 232 (Public Law 4-2006)
Author(s): Gard
Sponsor(s): Foley
Citations Affected: IC 8-2; 33-28

Effective: July 1, 2006

Jury service exemptions. Eliminates automatic exemptions from jury service. Permits a person called for jury service to receive one deferral for up to one year if the juror selects an alternate date and the deferral is necessary due to hardship, extreme inconvenience, or necessity. Protects a person called for jury service from being subjected to adverse employment actions. Prohibits employers from requiring or requesting employees to use annual vacation or sick leave for jury service. Repeals a provision concerning jury service exemptions in Lake County.

House Bill 1156 (Public Law 80-2006)

Author(s): Richardson

Sponsor(s): Bray, Breaux

Citations Affected: IC 6-1.1; 31-12; 33-28; 33-33; 33-37; 33-28

Effective: Upon Passage (March 17, 2006); July 1, 2006

Various provisions concerning courts. Limits the amount of an excessive property tax levy for new court operating expenses to the estimate by the taxing unit operating the court of the court's expenses for its first year of operation. Lists the costs that qualify for the excessive levy. Requires jury commissioners to use only lists approved by the supreme court to determine the names of prospective jurors to be included in a jury pool. Removes provisions that allow the commissioners to select names from various other sources. Repeals definitions of "voter registration lists". Prohibits an employer from: (1) subjecting an employee to an adverse employment action because of the employee's jury service; and (2) requiring an employee to use vacation or other leave for jury duty. Increases the number of judges on the Marion superior court from: (1) 32 to 35 judges beginning January 1, 2007; and (2) 35 to 36 judges beginning January 1, 2009. Increases the total number of magistrates that a majority of the Marion superior court may appoint from four to eight beginning January 1, 2008. Increases the court administration fee from $2 to $3. Permits a court to establish a domestic relations court and a domestic relations counseling bureau, and authorizes a court to charge a fee for providing domestic relations counseling services if the county fiscal body has approved a schedule of fees for domestic relation counseling services. (Current law permits only Marion county and Lake county to establish a domestic relations counseling bureau). Makes other changes.

House Bill 1158 (Public Law 174-2006)

Author(s): Richardson

Sponsor(s): Bray, Lanane

Citations Affected: IC 9-29; 33-34; 33-35; 33-37; 36-2

Effective: July 1, 2006

Small claims, civil actions, and sheriff's fees. Specifies that the 25% of the judicial salaries fees collected by a Marion County small claims court that is not deposited in the state general fund must be deposited in the general fund of the township in which the small claims court is located. Provides that the small claims service fee and civil action service fee do not apply to garnishee defendants.

Creates a $10 small claims garnishee service fee and a $10 garnishee service fee, and provides that these fees are to be collected in small claims and civil actions involving more than three garnishees or garnishee defendants. Distributes the fees in the same manner as the small claims service fee and the service fee are distributed. Increases fees a county sheriff may charge for reports issued by the sheriff's office and for service of process for civil actions. Provides that for each verified claim filed by a sheriff for service of writs, orders, process, notices, tax warrants, or other papers completed by the sheriff: (1) a $13 service of process fee is imposed; and (2) the amount that a county fiscal body must appropriate to the sheriff is increased. Adds county sheriffs to the list of county officers entitled to appoint a chief deputy and other deputies and employees. Permits the superintendent of the state police department to charge a fee of at least $5 for an accident report and for the inspection and

copying of other data related to an accident report without having the fee fixed by a local ordinance. Increases the DNA sample processing fee from $1 to $2 and permits the state police department to use the funds for DNA analysis. Specifies that the garnishee service fees service of process fees only apply to cases filed after June 30, 2006. Renames certain small claims courts. Makes conforming amendments.

CRIMINAL LAW and PROCEDURE

See also:
SB 47: Criminal background checks.
[Public Safety]
SB 145: Vehicle forfeiture and driving while intoxicated.
[Motor Vehicles]
SB 168: Medicaid fraud and credit service organizations.
[Human Services]
SB 191: Photos in criminal history files.
[Public Safety]
SB 192: Bail requirements.
[Courts and Court Officers]
SB 297: Penalty for false information given to the BMV.
[Motor Vehicles]
SB 339: Certificate of salvage titles.
[Motor Vehicles]
HB 1011: Miscellaneous election law matters.
[Elections]
HB 1016: Alcohol servers, permits, commission, farm wineries, etc.
[Alcohol and Tobacco]
HB 1093: Offenses on school property or against school employees.

[Education]
HB 1101: Security breach disclosure and identity deception.
[Consumer Protection]
HB 1123: Sexual assault standards and certification board.
[Human Services]
HB 1176: Handgun license renewal.
[Public Safety]
HB 1235: Isolation, quarantine, and health matters.
[Health]
HB 1300: Commercial driver's licenses and permits.
[Motor Vehicles]

Senate Bill 5 (Public Law 3-2006)
Author(s): Steele, Craycraft
Sponsor(s): Ulmer
Citations Affected: IC 33-45
Effective: Upon Passage (March 2, 2006)
Disorderly conduct at funerals and intimidation. Makes disorderly conduct a Class D felony instead of a Class B misdemeanor if it: (1) is committed within 500 feet of the location where a funeral, burial, memorial service, funeral procession, or viewing is taking place; and (2) adversely affects the funeral, burial, memorial service, funeral procession, or viewing. Makes intimidation a Class D felony instead of a Class A misdemeanor if the person to whom a threat is communicated is an employee of a: (1) court; (2) probation department; or (3) community corrections program.

Senate Bill 6 (Public Law 139-2006)
Author(s): Steele, Long
Sponsor(s): Ulmer
Citations Affected: IC 11-13; 31-30; 35-38; 35-44; 35-50; Public Law 61-2005
Effective: Upon Passage (March 24, 2006), July 1, 2006
[***Note: All of SB 6 is also included in SB 12 and HB 1155.*]
Sex offenders. Provides that a sexually violent predator who commits an offense after June 30, 2006, must be placed on lifetime parole when the person's term of imprisonment is completed. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including any credit time) commits a Class D felony if the violation involves contact with a child or a victim of the child molesting offense of which the person was convicted, and a Class C felony if the person has a prior unrelated lifetime parole violation conviction. Specifies that a sexually violent predator in another state whose parole is transferred to Indiana may also required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least

as stringent and effective as supervision by the parole board. Prohibits a sexually violent predator from obtaining a waiver for certain residency restrictions imposed as part of probation or parole, and requires the department of correction to report to the budget committee before August 1, 2006, concerning the feasibility of recovering the expense of GPS monitoring from an offender. Requires a sexually violent predator placed on lifetime parole to wear a GPS monitoring device. Requires the department of correction to report annually to the legislative council concerning the department's implementation of lifetime parole and GPS monitoring of sex offenders, including information concerning costs, recidivism, and proposals to reduce cost or increase efficiency. Requires the sentencing policy study committee to study issues related to sex offenders, including: (1) lifetime parole; (2) GPS monitoring; (3) a classification system for sex offenders; (4) recidivism; and (5) treatment. Adds a psychiatrist or psychologist to the sentencing policy study committee as a nonvoting advisor.

Senate Bill 12 (Public Law 140-2006)

Author(s): Long

Sponsor(s): Foley

Citations Affected: IC 5-2; 10-13; 11-8; 11-13; 31-19; 31-30; 31-37; 35-38; 35-41; 35-42; 35-43; 35-44; 35-49; 35-50; 36-2; Public Law 61-2005

Effective: Upon Passage (March 24, 2006); July 1, 2006

*[**Note: All of SB 12 except italicized language is also included in HB 1155.]*

Sex offenders. Transfers oversight of the sex offender registry from the criminal justice institute to the department of correction (DOC). Eliminates the sex and violent offender directory, transfers its functions to the sex offender registry, and requires the criminal justice institute to seek grants to support the sex offender registry. Removes a provision requiring a sex offender to register using a "registration form" and requires the DOC to establish a format for registration. Requires the DOC to transmit information concerning sex offenders to a neighborhood association or to provide instructional material in the use of the sex offender registry. Requires the DOC to inform and train judges, prosecuting attorneys, law enforcement officials, and others in the sex offender registration procedure. Requires that the sex offender registry be updated daily and be available on the Internet, requires incarcerated sex offenders to register before being released, and shortens certain registration periods. Establishes a procedure for determining which out of state sex offenders residing in Indiana are required to register and how long they are required to register. Permits the DOC to reduce good time credit for a sex offender who does not participate in a sex offender treatment program or who does not register before being released from incarceration. Specifies that a sex offender's principal residence is the residence where the offender spends the most time. Imposes additional registration and notification requirements on sex offenders, including a requirement that a sexually violent predator notify law enforcement officials if the predator will be absent from the predator's principal residence for more than 72 hours. Requires a sexually violent predator to initially register not more than 72 hours after release from incarceration or supervision, and requires all sex offenders to register in person at least once per year. Requires a sex offender to possess a valid driver's license or state identification card. Requires a sex offender who temporarily resides in transitional housing to register once every seven days, and requires a local law enforcement authority to personally visit the listed address of a sex offender. Provides various penalties for violations of these provisions.

Makes conforming amendments. Repeals certain provisions concerning the criminal justice institute's duties with respect to sex offenders. Expands the definition of a "sexually violent predator" to include persons over 18 years of age who commit certain offenses and persons who commit an offense for which they must register as a sex offender who have a prior conviction for an offense for which they would be required to register as a sex offender. Prohibits a sexually violent predator from working or volunteering on school property, at a public park or youth program center, or at an attraction designed for children. Prohibits certain sex offenders from residing within: (1) 1,000 feet of a school, public park, or youth program center; or (2) one mile of the victim's residence. Provides that the DNA exception to the statute of limitations for Class B, C, and D felonies applies when DNA analysis provides evidence sufficient to charge a person with an offense. (Currently the DNA exception applies when DNA analysis permits the discovery of the offender's identity.) Requires certain persons not committed to the department of correction to submit a DNA sample. Adds crimes committed in other states that are substantially similar to certain Indiana sex crimes to the list of underlying offenses that permit a person to be charged as a repeat sexual offender. Permits a court or the parole board to prohibit a probationer or parolee who has been convicted of stalking from residing within 1,000 feet of the home of the victim. Provides various penalties for violations of these provisions. Provides that a sexually violent predator who commits an offense after June 30, 2006, must be placed on lifetime parole when the person's term of imprisonment is completed. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including any credit time) commits a Class D felony if the violation involves contact with a child or a victim of the child molesting offense of which the person was convicted, and a Class C felony if the person has a prior unrelated lifetime parole violation conviction. Specifies that a sexually violent predator in another state whose parole is transferred to Indiana may also required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least as stringent and effective as supervision by the parole board. Prohibits a sexually violent predator from obtaining a waiver for certain residency restrictions imposed as part of probation or parole, and requires the department of correction to report to the budget committee before August 1, 2006, concerning the feasibility of recovering the expense of GPS monitoring from an offender. Requires a sexually violent predator placed on lifetime parole to wear a GPS monitoring device. Requires the department of correction to report annually to the legislative council concerning the department's implementation of lifetime parole and GPS monitoring of sex offenders, including information concerning costs, recidivism, and proposals to reduce cost or increase efficiency. Requires the sentencing policy study committee to study issues related to sex offenders, including: (1) lifetime parole; (2) GPS monitoring; (2) a classification system for sex offenders; (4) recidivism; and (5) treatment. Adds a board certified psychologist or psychiatrist with expertise in treating sex offenders who is appointed by the governor as a nonvoting advisor to the sentencing policy study committee. Makes certain other changes and conforming amendments. *Makes it a Class D felony to rent matter that is harmful to a minor within 500 feet of a school or church.*

Senate Bill 83 (Public Law 143-2006)

Author(s): Lubbers
Sponsor(s): Torr
Citations Affected: IC 35-41; 35-44
Effective: July 1, 2006

Resisting law enforcement and deadly weapons. Provides that a taser, electronic stun weapon, chemical, or other device that is designed to temporarily incapacitate a person is not a deadly weapon if it is used by a law enforcement officer: (1) who is trained to use the weapon; (2) who employs the weapon in accordance with the law enforcement officer's training; and (3) while lawfully engaged in the execution of official duties. Imposes a mandatory minimum sentence for a person who commits resisting law enforcement and: (1) draws or uses a deadly weapon, inflicts bodily injury on or causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person; (2) operates a vehicle in a manner that causes serious bodily injury to another person; or (3) operates a motor vehicle in a manner that causes the death of another person.

Senate Bill 193 (Public Law 151-2006)
Author(s): Bray, Hume
Sponsor(s): Foley
Citations Affected: IC 5-2; 9-13; 11-12; 16-31; 20-28; 22-15; 25-1; 31-30; 34-24; 35
Effective: Upon Passage (March 24, 2006); July 1, 2006

Controlled substances. Permits the destruction of chemically contaminated equipment used in the illegal manufacture of a controlled substance if certain conditions are met. Provides that a law enforcement officer has the right to inspect a retailer's log of ephedrine or pseudoephedrine sales. Prohibits a person from selling or releasing a log or the records from the completion of a log for commercial purposes. Allows the Indiana criminal justice institute to obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. Prohibits the possession of two or more precursors with the intent to manufacture a controlled substance, and makes the possession of anhydrous ammonia with the intent to manufacture amphetamine a Class D felony that may be enhanced under certain circumstances. Requires a law enforcement agency that discovers a child less than 18 years of age at a drug laboratory to notify the department of child services. Defines "methamphetamine abuse" and requires law enforcement agencies to report methamphetamine abuse to the criminal justice institute. Removes methamphetamine from the crimes of: (1) dealing in cocaine, a narcotic drug, or methamphetamine; and (2) possession of cocaine, a narcotic drug, or methamphetamine; and establishes new crimes of dealing in methamphetamine and possession of methamphetamine. Specifies that, for purposes of the law concerning motor vehicles, a person is intoxicated if the person is under the influence of: (1) model glue or certain other substances; or (2) nitrous oxide. Defines inhaling a toxic vapor, a Class B misdemeanor, as the act of ingesting or inhaling, with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses, the fumes of amyl butrate, isobutyl nitrate, freon, chlorinated hydrocarbons, methylene chloride, hexane, ether, chloroform, halothane, or any other chemical having the property of releasing toxic vapors. Makes conforming amendments.

Senate Bill 246 (Public Law 6-2006)

Author(s): Wyss, Broden

Sponsor(s): Foley

Citations Affected: IC 5-2; 11-13; 35-38; 35-41; 35-42; 35-50

Effective: July 1, 2006

Sex offenders. Specifies that a sex offender's principal residence is the residence where the offender spends the most time. Expands the definition of a "sexually violent predator" to include persons above the age of 18 who commit an offense against a child less than 12, persons with certain prior convictions, and persons who used deadly force, used a deadly weapon, or caused serious bodily injury in the commission of a sex offense. Prohibits a sexually violent predator from working or volunteering on school property or at a public park or youth program center. Prohibits certain sex offenders from residing within: (1) 1000 feet of a school, public park, or youth program center; or (2) one mile of the victim's residence. Provides that the DNA exception to the statute of limitations for Class B, C, and D felonies applies when DNA analysis provides evidence sufficient to charge a person with an offense. (Currently the DNA exception applies when DNA analysis permits the discovery of the offender's identity.) Adds crimes committed in other states that are substantially similar to certain Indiana sex crimes to the list of underlying offenses that permit a person to be charged as a repeat sexual offender. Provides various penalties for violations of these provisions. Makes certain other changes.

Senate Bill 300 (Public Law 121-2006)

Author(s): Long, Bray

Sponsor(s): Foley

Citations Affected: IC 5-2; 16-18; 16-21; 35-41

Effective: Upon Passage (March 21, 2006); July 1, 2006

Victim's compensation fund. Defines "bodily injury" and specifies that the term includes emotional trauma only if the trauma stems directly from the impairment of a physical condition, a visible injury, or physical pain. Provides that compensation to a victim of a violent crime may not be paid to a person who profited from the criminal act or who was intoxicated at the time of the crime and contributed to the commission of an unrelated felony, unless the person was the victim of a sex crime or a crime of domestic or family violence. Permits only one claimant per victim to receive benefits. Authorizes the division of victim services to award benefits for an injury resulting from criminal use of a motor vehicle only after an information or indictment is filed, and does not permit an award in any case until records are available and the criminal investigation is concluded. Provides that certain information relating to the victim of a crime is confidential. Makes the reimbursement rate for medical services provided as the result of bodily injury equal to the reimbursement rate for services under the Indiana comprehensive health insurance association (ICHIA), and clarifies that the ICHIA rate does not apply to the reimbursement of forensic and evidence gathering services provided to the victim of a sex crime. Defines "forensic medical exams" and "additional forensic services" and replaces references to "emergency services," "hospital emergency services," and "emergency hospital services" with "forensic medical exams" and "additional forensic services". Permits reimbursement for burial expenses up to $4,000 and for mental health care up to $2,000. Requires documentation of certain expenses before a benefit may be awarded. Prohibits an attorney who represents a crime victim at a

hearing held by the division from charging a contingency fee of more than 10% or being paid directly by the division. Permits an attorney who obtains a civil judgment on which the state has a lien for the provision of victim services to receive attorney's fees of not more than 15% of the amount received by the state. Makes other changes and conforming amendments. Repeals an obsolete provision relating to attorney's fees.

Senate Bill 338 (Public Law 109-2006)
Author(s): Merritt
Sponsor(s): Frizzell
Citations Affected: IC 35-43; 35-50
Effective: July 1, 2006

False identification and criminal gang enhancement. Makes it a Class A misdemeanor to possess, produce, or distribute a document not issued by a government entity that purports to be a government issued identification. Provides that the sentence imposed on a person for committing a felony may be enhanced if the trier or fact determines that the person was a member of a criminal gang at the time of the offense and committed the offense at the direction of or in affiliation with a criminal gang. Provides that the enhancement must equal the sentence for the felony the person is convicted of and that the enhancement may not be suspended.

House Bill 1024 (Public Law 70-2006)
Author(s): J. Smith
Sponsor(s): Drozda
Citations Affected: IC 35-42
Effective: July 1, 2006

Criminal confinement. Makes criminal confinement a Class C felony if: (1) it is committed by using a vehicle; or (2) it results in bodily injury to a person other than the confining or removing person.

House Bill 1028 (Public Law 189-2006)
Author(s): Koch
Sponsor(s): Nugent, Steele
Citations Affected: IC 35-41
Effective: July 1, 2006

Firearms and self-defense. Specifies that a person: (1) is justified in using deadly force; and (2) does not have a duty to retreat; if the person reasonably believes that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. Specifies that a person: (1) is justified in using reasonable force, including deadly force, against another person; and (2) does not have a duty to retreat; if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

House Bill 1049 (Public Law 26-2006)
Author(s): Bell
Sponsor(s): M. Young, Dillon

Citations Affected: IC 35-41; 35-46
Effective: July 1, 2006

Controlled substances crimes. Expands the definition of "family housing complex" used in the controlled substances laws to include a hotel, a motel, an apartment complex, or a building that contains subsidized housing. Makes neglect of a dependent a Class C felony if it: (1) results from the manufacture of cocaine, methamphetamine, or a narcotic drug; or (2) is committed in an area where cocaine, methamphetamine, or a narcotic drug is being manufactured, delivered, or financed.

House Bill 1108 (Public Law 75-2006)
Author(s): T. Brown
Sponsor(s): Long
Citations Affected: IC 9-13; 9-21; 35-42
Effective: July 1, 2006

Aggressive driving and criminal recklessness. Defines "aggressive driving". Makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally with the intent to harass or intimidate a person in another vehicle, and provides that the offense does not apply to law enforcement officers engaged in their official duties. Makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving that results in serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving that results in the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. (Current law requires that the shooting be done from a vehicle.)

House Bill 1155 (Public Law 173-2006)
Author(s): Budak
Sponsor(s): Long, Becker
Citations Affected: IC 5-2; 10-13; 11-8; 11-13; 12-13; 31; 35; 36-2; Public Law 61-2005
Effective: Upon Passage (March 24, 2006); July 1, 2007

*[**Note: HB 1155 includes all of SB 6 and most of SB 12.]*

Sex offenders. Transfers oversight of the sex offender registry from the criminal justice institute to the department of correction (DOC). Eliminates the sex and violent offender directory, transfers its functions to the sex offender registry, and requires the criminal justice institute to seek grants to support the sex offender registry. Removes a provision requiring a sex offender to register using a "registration form", and requires the DOC to establish a format for registration. Requires the DOC to transmit information concerning sex offenders to a neighborhood association, or to provide instructional material in the use of the sex offender registry. Requires the DOC to inform and train judges, prosecuting attorneys, law enforcement officials, and others in the sex offender registration procedure. Requires that the sex offender registry be updated daily and be available on the Internet, requires incarcerated sex offenders to register before being released, and shortens certain registration periods. Establishes a procedure for determining which out of state sex offenders residing in Indiana are required to register and how long they are required to register. Permits the DOC to reduce good

time credit for a sex offender who does not participate in a sex offender treatment program or who does not register before being released from incarceration. Specifies that a sex offender's principal residence is the residence where the offender spends the most time. Imposes additional registration and notification requirements on sex offenders, including a requirement that a sexually violent predator notify law enforcement officials if the predator will be absent from the predator's principal residence for more than 72 hours. Requires a sexually violent predator to initially register not more than 72 hours after release from incarceration or supervision, and requires all sex offenders to register in person at least once per year. Requires a sex offender to possess a valid driver's license or state identification card. Requires a sex offender who temporarily resides in transitional housing to register once every seven days, and requires a local law enforcement authority to personally visit the listed address of a sex offender. Provides various penalties for violations of these provisions. Makes conforming amendments. Repeals certain provisions concerning the criminal justice institute's duties with respect to sex offenders. Provides that a sexually violent predator who commits an offense after June 30, 2006, must be placed on lifetime parole when the person's term of imprisonment is completed. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including any credit time) commits a Class D felony if the violation involves

contact with a child or a victim of the child molesting offense of which the person was convicted, and a Class C felony if the person has a prior unrelated lifetime parole violation conviction. Specifies that a sexually violent predator in another state whose parole is transferred to Indiana may also be required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least as stringent and effective as supervision by the parole board. Prohibits a sexually violent predator from obtaining a waiver for certain residency restrictions imposed as part of probation or parole, and requires the department of correction to report to the budget committee before August 1, 2006, concerning the feasibility of recovering the expense of GPS monitoring from an offender. Requires a sexually violent predator placed on lifetime parole to wear a GPS monitoring device. Requires the department of correction to report annually to the legislative council concerning the department's implementation of lifetime parole and GPS monitoring of sex offenders, including information concerning costs, recidivism, and proposals to reduce cost or increase efficiency. Requires the sentencing policy study committee to study issues related to sex offenders, including: (1) lifetime parole; (2) GPS monitoring; (3) a classification system for sex offenders; (4) recidivism; and (5) treatment. Expands the definition of a "sexually violent predator" to include persons at least 18 years of age who commit certain offenses and persons who commit an offense for which they must register as a sex offender who have a prior conviction for an offense for which they would be required to register as a sex offender. Prohibits a sexually violent predator from working or volunteering on school property or at a public park or youth program center or at an attraction designed for children. Prohibits certain sex offenders from residing within: (1) 1,000 feet of a school, public park, or youth program center; or (2) one mile of the victim's residence. Provides that the DNA exception to the statute of limitations for Class B, C,

and D felonies applies when DNA analysis provides evidence sufficient to charge a person with an offense. (Currently the DNA exception applies when DNA analysis permits the discovery of the offender's identity.) Requires certain persons not committed to the department of correction to submit a DNA sample. Adds crimes committed in other states that are substantially similar to certain Indiana sex crimes to the list of underlying offenses that permit a person to be charged as a repeat sexual offender. Permits a court or the parole board to prohibit a probationer or parolee who has been convicted of stalking from residing within 1,000 feet of the home of the victim. Provides various penalties for violations of these provisions. Prohibits a juvenile court from appointing a person to serve as the guardian or custodian of a child if the person is a sexually violent predator or has committed certain sex offenses. Adds a board certified psychologist or psychiatrist appointed by the governor to the sentencing policy study committee to act as a nonvoting advisor to the committee. Makes certain other changes and conforming amendments. Makes delivering contraband directly or indirectly to an inmate who is outside of a penal institution a Class A misdemeanor. Makes the offense a Class D felony if the contraband is a controlled substance and a Class C felony if the contraband is an item that may be used as a weapon. Authorizes a court to require a repeat offender who is placed on bail and supervised by a probation officer or pretrial services agency to pay a pretrial services fee to defray the cost of supervision by the probation department or pretrial services agency if the person has the financial ability to pay the fee and the court finds by clear and convincing evidence that supervision by the probation

department or pretrial services agency is necessary to ensure: (1) the defendant's appearance in court; or (2) the physical safety of another person or the community. Specifies that the pretrial services fee does not apply in city or town courts. Provides that the fee is divided between the county supplemental adult probation services fund and the county supplemental public defender services fund. Prohibits the bureau of motor vehicles from issuing or reinstating the license of a person who has not paid the person's pretrial services fee upon the person's conviction. Specifies that an order to pay the fee is immediately terminated if a defendant is acquitted or charges are dropped, and makes other changes relating to the collection and distribution of the fee. Makes it promotion of human trafficking, a Class B felony, for a person to recruit, harbor, or transport another person to: (1) engage the other person in forced labor or involuntary servitude; or (2) force the other person into marriage or prostitution. Makes it sexual trafficking of a minor, a Class A felony, for certain individuals to sell or transfer custody of a child less than 18 years of age for the purpose of prostitution. Makes it human trafficking, a Class C felony, for a person to pay for an individual whom the person knows has been forced into forced labor, involuntary servitude, or prostitution. Requires a court to order a person convicted of a human and sexual trafficking offense to pay restitution to the victim of the offense. Establishes a civil cause of action for victims of human and sexual trafficking offenses. Requires law enforcement officers and the division of family resources to provide certain assistance to victims of human and sexual trafficking offenses. Adds human and sexual trafficking crimes to the list of crimes that: (1) invoke certain procedures for evidence concerning protected persons; (2) can be a crime of domestic violence; (3) can be murder if a person is killed during the commission of the crime; and (4) can be a "racketeering activity". Requires the sentencing policy study committee to study issues related to human trafficking. Requires the law enforcement training

board to establish minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers.

House Bill 1207 (Public Law 81-2006)
Author(s): Pond
Sponsor(s): Wyss, Craycraft
Citations Affected: IC 35-43
Effective: July 1, 2006

Home improvement fraud. Expands the circumstances in which a home improvement supplier commits home improvement fraud. Makes home improvement fraud a Class D felony or Class C felony in certain cases if: (1) the consumer is at least 60 years of age and the contracted amount exceeds a certain limit; or (2) the home improvement supplier violates two or more provisions of the law. Makes home improvement fraud: (1) a Class B misdemeanor if an unconscionable home improvement contract price is more than $4000, but less than $7000; and (2) a Class A misdemeanor if an unconscionable home improvement contract price is at least $7000, but less than $10,000. Provides that home improvement fraud is a Class A misdemeanor for a second or subsequent offense including a similar offense committed in another jurisdiction.

House Bill 1249 (Public Law 44-2006)
Author(s): Messer
Sponsor(s): Kruse
Citations Affected: IC 5-2
Effective: July 1, 2006

County drug free community fund. Provides that the criminal justice institute may deobligate funds to a local government entity if the entity fails to comply with the fund requirements. Provides a process to reinstate the funds. Provides that a local coordinating council (council) shall be appointed and approved by the commission for a drug free Indiana (commission). Requires a council to submit a comprehensive drug free communities plan (plan) for the approval of the commission before a county fiscal body appropriates county drug free community funds. Requires a council to determine the amount of funds that a county fiscal body shall appropriate to implement the objectives set forth in the plan. Provides that if a plan is not approved by the commission, the county fiscal body may not appropriate funds as set forth in the plan. Provides that if a county legislative body allocates funds without the approval of the plan by the commission, the commission may: (1) appoint a new council; (2) freeze funds allocated by the county legislative body; or (3) reevaluate the plan.

House Bill 1281 (Public Law 129-2006)
Author(s): Murphy
Sponsor(s): Lubbers, Broden

Citations Affected: IC 35-42
Effective: July 1, 2006

Domestic violence. Makes domestic battery a Class D felony if: (1) the person who committed the offense has a previous unrelated conviction for a substantially similar crime in Indiana or any other jurisdiction; or (2) it is knowingly committed in the presence of a child less than 16 years of age. Makes strangulation a Class D felony.

ECONOMIC DEVELOPMENT

See also:
SB 353: Alternative fuel use and production.
[Taxation]
HB 1008: Public-private agreements for transportation.
[Transportation]

Senate Bill 259 (Public Law 120-2006)
Author(s): Kenley
Sponsor(s): Espich
Citations Affected: IC 5-1; 34-30; 36-1; 36-7
Effective: Retroactive (May 15, 2005); Upon Passage (March 21, 2006); July 1, 2006

Stadium funding. Provides immunity from personal liability and accountability to the members, executive director, officers, and employees of the Indiana stadium and convention building (ISCB) authority for acts authorized by the ISCB authority's enabling statute. Provides conditions under which the ISCB authority may negotiate with a single bidder. Permits the ISCB authority to waive payment bond and performance bond requirements for contracts for capital improvement projects under certain conditions if an adequate alternative is provided. Provides for the termination of the annual capture of $11,000,000 of state revenue for use to pay obligations owed by the Marion County capital improvement board to the Indiana stadium and convention building authority or a state agency. Provides that after January 1, 2010, the annual capture terminates in the year following the first year when none of the obligations remain outstanding.

House Bill 1380 (Public Law 137-2006)
Author(s): J. Smith
Sponsor(s): Ford, Long
Citations Affected: IC 2-5; 4-3; 6-2.5; 6-3.1; 6-3.5; 27-5.1

Effective: Retroactive (January 1, 2006); April 1, 2006; July 1, 2006; January 1, 2007

Various economic development matters. Establishes a process by which the small business coordinator may submit comments about the impact of a proposed bill to the office of management and budget (OMB). Authorizes the OMB to review the comments. Requires, after review by the OMB, the comments to be posted to the general assembly's web site by the legislative services agency. Provides that certain transactions occurring after December 31, 2006, and before January 1, 2009, that involve tangible personal property are exempt from sales tax if the person acquiring the property acquires it for the person's direct use in the direct production of a motion picture. Revises the wage standards for eligibility for an EDGE credit for retaining jobs. Provides that an applicant for an EDGE credit for the retention of jobs must employ at least 35 persons (instead of 75 as required by current law). Increases the $5,000,000 per year cap on the amount of EDGE credits that may be granted to retain existing jobs during each state fiscal year to $10,000,000 per year. Applies the cap to state fiscal year 2006 and each state fiscal year thereafter (current law imposes a cap only through state fiscal year 2007). Removes the January 1, 2008, deadline for making investments in machinery, equipment, or special purpose buildings used to make motion pictures or audio productions that are eligible for the Hoosier Business Investment Tax Credit (HBITC). Extends the deadline by which a qualified investment must be made in order to be eligible for the HBITC until January 1, 2012. Reduces from $500,000,000 to $100,000,000 the amount of annual worldwide revenue that a business must have in order to qualify for the headquarters relocation tax credit. Requires a business to employ at least 75 employees in Indiana to receive the headquarters relocation tax credit. Provides that the credit is available for taxable years beginning after December 31, 2005 (instead of December 31, 2006). Authorizes counties, cities, and towns that receive county economic development income taxes (CEDIT) to: (1) establish local venture capital

funds; and (2) establish regional venture capital funds by pooling CEDIT revenues and grant proceeds. Provides that a regional venture capital fund shall be administered by a governing board. Authorizes the governing board to make grants or loans from the fund to public or private entities for economic development purposes. Provides that a farm mutual insurance company may elect taxation under the gross premium tax.

EDUCATION

See also:

SB 229: Independent college self-insurance program.
[Insurance]

SB 332: Concerning tuition for surviving children of hazardous duty employees.
[Pensions]

SB 333: Concerning school psychology definition and international medical school pilot program.
[Professions and Occupations]

SB 345: Concerning payment delays in distributions to state educational institutions.
[Taxation]
HB 1001: Various tax matters.
[Taxation]
HB 1011: Concerning write-in candidates in school board election.
[Elections]
HB 1134: Recodification of Title 21 and related provisions.
[Technical]
HB 1392: Concerning school corporation pooling for insurance.
[Insurance]

Senate Bill 39 (Public Law 13-2006)
Author(s): Ford
Sponsor(s): Thomas
Citations Affected: IC 20-26; 31-34; 31-37
Effective: July 1, 2006

Legal settlement in a school corporation. Provides that if a court order grants a parent custody of a student, the parent granted physical custody (or the student if the student is at least 18 years of age) may elect not later than 14 days before the first student day of the school year whether the student will have legal settlement in the school corporation in which the student's mother resides or in which the student's father resides. Provides that: (1) the election may be made only on a yearly basis; and (2) the student or parent who makes the election may not be charged transfer tuition. (The introduced version of this bill was prepared by the child custody and support advisory committee.)

Senate Bill 111 (Public Law 54-2006)
Author(s): Becker
Sponsor(s): T. Brown
Citations Affected: IC 20-26; 20-30
Effective: July 1, 2006

Student nutrition and physical activity. Lowers the percentage in the definition of "qualifying school building" from 25% to 15% beginning July 1, 2007 for purposes of the school breakfast and lunch programs. Requires school boards to establish a coordinated school health advisory council to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health, nutrition, and physical activity. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs, including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools, with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill. (The introduced version of this bill was prepared by the health finance commission.)

Senate Bill 172 (Public Law 150-2006)
Author(s): Lubbers
Sponsor(s): Behning
Citations Affected: IC 20-28
Effective: July 1, 2006

Teacher shortages. Allows the governing body of a school corporation or an accredited nonpublic school to hire an individual who is in the process of obtaining a teacher's license under the transition to teaching program, if the individual: (1) is obtaining a license in a subject area; or (2) will be teaching in a school that is located in a school corporation; in which there is an insufficient supply of licensed teachers, as designated by the state board of education. Requires the superintendent of a school corporation to make a determination that either no fully licensed and highly qualified teacher is available or that the transition to teaching program participant is the best qualified for the position before hiring the program participant. Provides that a program participant who is hired to teach receives a transition to teaching permit, and enters into a regular or temporary teacher's contract. Requires the state board to review the designation of a subject area or school corporation as having an insufficient supply of licensed teachers every two years.

Senate Bill 173 (Public Law 19-2006)
Author(s): Lubbers
Sponsor(s): Behning
Citations Affected: Noncode
Effective: July 1, 2006

Informational student counts. Requires an informational count of eligible pupils on May 1 of 2007, 2008, and 2009.

Senate Bill 231 (Public Law 99-2006)
Author(s): Alting
Sponsor(s): Behning
Citations Affected: Noncode
Effective: Retroactive (January 1, 2005); Retroactive (January 1, 2006)

Academic honors diploma grants. Allows a school corporation to use its academic honors diploma award to purchase savings bonds for students graduating in 2006 and 2007 who earn an academic honors diploma. Allows a public high school to honor any commitment given and published in a student handbook concerning academic honors before January 1, 2005 for students graduating in 2005, 2006 and 2007.

Senate Bill 305 (Public Law 107-2006)
Author(s): Rogers, M. Young
Sponsor(s): Hinkle
Citations Affected: IC 9-13; 9-21; 20-27
Effective: July 1, 2006

Special purpose buses; emergency exits on buses. Requires a special purpose bus to stop before crossing railroad tracks. Provides that a special purpose bus may not be operated at a speed greater than fifty-five (55) miles per hour. Provides that a school bus or special purpose bus may not be operated with passengers on board if an exit or emergency exit window is obstructed, and makes a violation a Class B infraction. Allows the state school bus committee to adopt rules concerning special purpose buses.

Senate Bill 310 (Public Law 64-2006)

Author(s): Alting
Sponsor(s): Behning
Citations Affected: IC 20-36
Effective: July 1, 2006

Alternate methods for earning high school credits. Allows a student to demonstrate proficiency and receive credits in a course or subject area required for high school graduation or for an academic honors diploma in a manner other than by classroom work.

House Bill 1006 (Public Law 191-2006)

Author(s): Noe
Sponsor(s): Lubbers
Citations Affected: IC 20-27; 21-10
Effective: Upon Passage (March 28, 2006); July 1, 2006

Allocation of school resources; homeless students. Provides that a homeless student has the right to be transported to the school in which the homeless student was enrolled before becoming homeless, and provides for apportioning the costs of transportation. Allows the use of a special purpose bus or another appropriate vehicle for the transportation of homeless students. Allows school corporations to undertake certain actions to save money in nonacademic areas and reallocate the saved money to student instruction and learning. Requires the department of education and the state board of education to develop a plan to upgrade the financial management, analysis, and reporting system for school corporations and schools.

House Bill 1029 (Public Law 192-2006)

Author(s): Buell
Sponsor(s): Kenley, Simpson
Citations Affected: IC 5-1.5; 6-1.1; 6-3; 20-12; 20-46
Effective: Upon Passage (March 28, 2006); July 1, 2006; January 1, 2007

Education. Provides that the Indiana bond bank may purchase school buses for sale or lease to school corporations. Relaxes certain restrictions on a school corporation when the school corporation seeks to buy or lease a school bus from the Indiana bond bank. Provides a credit against the adjusted gross income tax liability of: (1) an individual; or (2) a married couple; for contributions to an Indiana college choice 529 investment plan in the amount of 20% of the contributions made by the individual or married couple during the taxable year, to a maximum of $1,000. Provides that certain installment

contracts entered into by state universities are exempt from certain requirements governing bond issues. Permits certain bonds issued by Purdue University for deferred repair and rehabilitation expenses to be issued without the prior approval of the general assembly. Permits refunding bonds to be issued without the approval of the state budget committee and the governor. Authorizes Indiana University and Purdue University to issue revenue bonds for facilities if: (1) the facilities are at the West Lafayette, Indianapolis, or Bloomington campuses; (2) the facilities are used for clinical, medical, scientific, engineering, or other similar research purposes; and (3) revenue will be available in an amount at least equal to debt service for the bonds and the annual costs to operate the facilities. Prohibits the universities from paying the debt service requirements and maintenance expenses of the research facilities from student fees or money appropriated by the general assembly. Gives legislative approval to the following projects: (1) Indiana State University for bonding for a student recreation center project; (2) Ball State University to issue bonds for renovation and expansion of a recreation center; (3) the University of Southern Indiana to issue bonds for a university center expansion. Authorizes a state educational institution to set tuition and fee rates for certain students.

House Bill 1093 (Public Law 72-2006)
Author(s): Dobis
Sponsor(s): Wyss, Sipes
Citations Affected: IC 20-20; 20-33; 35-47
Effective: July 1, 2006

Offenses on school property or against school employees. Makes possessing a knife on school property or on a school bus a Class B misdemeanor. Makes the offense a Class A misdemeanor if the offender has a previous unrelated conviction and a Class D felony if the offense results in bodily injury or serious bodily injury to another person. Adds battery against, and the harassment of, a school employee to the list of offenses that must be reported to a local law enforcement agency.

House Bill 1240 (Public Law 179-2006)
Author(s): Behning
Sponsor(s): Lubbers, Riegsecker
Citations Affected: IC 20-32
Effective: Upon Passage (March 21, 2006)

Statewide testing program; mentor teacher stipends. Requires the department of education and the state board of education, before November 1, 2006, to review the current statewide student testing program and develop a long-term plan for student testing. Sets forth objectives for the program review and plan development. Provides that mentor teacher stipends may be paid from certain appropriations to the department of education or from private funds donated to the department. Repeals a provision requiring the grading of certain parts of the ISTEP assessment to take place in Indiana.

House Bill 1257 (Public Law 128-2006)
Author(s): Bell
Sponsor(s): Waltz
Citations Affected: IC

Effective:

Postsecondary proprietary education. Raises the amounts of surety bonds required from postsecondary proprietary educational institutions, and increases the mature balance in the career college student assurance fund. Establishes minimum standards for the owners and chief administrators of postsecondary proprietary educational institutions.

House Bill 1347 (Public Law 185-2006)

Author(s): Messer

Sponsor(s): Lubbers, Rogers

Citations Affected: IC 20; 23-13

Effective: July 1, 2006

Various education matters. Adds financial hardship and illness to the reasons a student may withdraw from high school before graduating. Requires the following information to be included in a school's annual report: (1) The number of student work permits revoked. (2) The number of student driver's licenses revoked. (3) The number of students suspended for any reason. (4) The number of students who have not advanced to grade 10 due to a lack of completed credits. Requires an annual review of a student's career plan and requires remediation programs if needed. Allows an excused absence for a student who attends an educationally related nonclassroom activity, and requires each school corporation to: (1) maintain a record of such activities; and (2) report the information to the department of education annually. Allows Ivy Tech Community College of Indiana and Vincennes University to offer fast track to college programs in which a qualified student may earn a high school diploma while also earning credits for a certificate program, an associate's or a baccalaureate degree. Allows other state educational institutions to establish a fast track to college program. Requires a school corporation to pay the tuition for high school diploma courses taken by certain students who are less than 19 years of age. Requires each state supported college and university to report annually to the commission for higher education and the legislative council: (1) financial aid availability; and (2) attendance and graduation rates; of students who are Indiana residents. Allows a student to graduate from high school without passing the graduation examination, subject to certain requirements. Requires the number of students: (1) receiving international baccalaureate degrees; and (2) participating in a school flex program; to be included in a school's annual report. Establishes the double up for college dual high school-college credit program. Requires high schools to offer at least two dual credit and advanced placement courses each year to high school students who qualify to enroll in the courses. Requires a student who seeks to withdraw from school before reaching 18 years of age or graduating to sign a written acknowledgment that the student and the student's parent or guardian understand that withdrawing from school is likely to reduce the student's future earnings and increase the student's likelihood of being unemployed in the future. Requires the department of education to develop guidelines for a school corporation to follow in implementing the written acknowledgment.

ELECTIONS

See also:
SB 303: Concerning issuance of state identification cards by BMV branches.
[Motor Vehicles]

Senate Joint Resolution 2 (Public Law 194-2006)
Author(s): Lawson
Sponsor(s): Richardson
Citations Affected: Article 2 of the Constitution of the State of Indiana
Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Overseas voters. Provides that the general assembly may extend the right to vote to an individual who: (1) is the child of an individual who is a registered Indiana voter; and (2) currently resides outside the United States; if the individual meets all of the constitutional qualifications for a voter other than residence in an Indiana precinct. This proposed amendment has not been previously agreed to by a general assembly.

House Bill 1011 (Public Law 164-2006)
Author(s): Richardson
Sponsor(s): Lawson
Citations Affected: IC 3; 9-24; 33-33; 33-35
Effective: Upon Passage (March 24, 2006)

Miscellaneous election law matters. Makes the following changes: (1) Provides that the fee a person must pay to receive a complete compilation of voter registration information contained in the statewide voter registration list is an annual fee and includes the price for receiving updates of voter registration information throughout the year. (2) Provides that an election official may not receive an election law filing that is offered to be filed after a deadline for the filing unless election law provides for the filing after the deadline. (3) Provides that a vacancy in a legislative office last held by an individual who was not a member of a major political party shall be filled in a special election. (4) Conforms statutes to recognize the requirement in current law for electronic transmittal of data between license branches and the statewide voter registration list. (5) Provides for the election of the precinct committeemen of the Indiana Republican Party during presidential election years. (6) Authorizes the secretary of state to establish a pilot program of vote centers in up to three counties for the 2007 municipal elections and provides that a voter who resides in a vote center pilot county may cast the voter's ballot at a vote center without regard to the precinct in which the voter resides. Establishes the criteria and requirements for a county that applies to be a vote center pilot county. Specifies that the pilot program expires December 31, 2009. (7) Specifies certain deadlines concerning write-in candidates in a school board election held at the same time as a primary election. (8) Specifies that a voter registration becomes effective before the expiration of the current seven day voter registration pending period if the acknowledgment notice mailed to the voter is presented by the voter in person at the county voter registration office. (9) Removes a one day overlap in the campaign finance reporting schedule for statewide candidates. (10) Specifies that a candidate for nomination to a statewide office at a state party convention is required to file quarterly reports and

not an additional "late convention" report (current law requires quarterly reports, but not a "post convention" report, by "late" convention candidates nominated by major parties; requires "late" candidates nominated by other parties to file both quarterly and a "post convention" report). (11) Permits the co-directors of the election division to set a deadline for a county to submit a proposed precinct establishment order if the county wishes the order to take effect before the next deadline for proposed precinct changes and requires the county executive to file a copy of an approved precinct establishment order with the county auditor. Makes other changes in the administrative process to approve precinct boundary changes. (12) Removes some of the changes to a ballot instruction for voters casting votes for candidates in local "at large" races. (13) Specifies procedures for making voting systems available at the polls for a voter who initially marks a ballot for a write-in candidate, but wants to vote for a candidate on the ballot instead. (14) Establishes additional standards for the challenging of voters. Provides that a voter who is challenged as ineligible to vote in the precinct must be provided with a provisional ballot. Repeals a superseded provision relating to voting by a challenged voter. (15) Provides that a precinct establishment order issued after June 30, 2005, complies with certain polling place accessibility requirements if the order: (A) includes a statement that the precinct meets the requirements; or (B) states that before April 1, 2006, the county will designate a polling place for the precinct that meets the requirements. (16) Continues a requirement that each county have at least one accessible voting system for use at each polling place. (17) Restores an expired provision authorizing voting equipment reimbursements for certain counties. (18) Makes provisions concerning use of previously state certified voting equipment, declaration of candidacy filings, and school board election tie votes effective for the May 2006 primary. (19) Conforms voting system certification dates and certain recount deadlines with 2005 legislation. (20) Specifies how to count votes when a voter casts a straight party ticket vote and also votes for individual candidates. (21) Permits an absentee ballot sent by mail by an overseas voter to be counted if: (A) the absentee ballot envelope is postmarked not later than election day; and (B) the ballot is received by the deadline for counting provisional ballots. (22) Requires that the state committee of a political party whose nominee received at least 2% but less than 10% of the votes cast of secretary of state in the last election for that office fill a vacancy in a legislative office that was last held by a person who was elected or selected as a candidate of that political party. (23) Prohibits, for at least 20 years from the date of conviction, a person convicted of a felony or a Class A misdemeanor under IC 3-14-2 and the felony or misdemeanor relates to an election for a city, town, or school corporation office from continuing employment with, obtaining future employment with, contracting with, or being a subcontractor under a contract with a city, town, school corporation, or the agency of a city, town, or school corporation. Authorizes the attorney general to request an injunction against a person or governmental entity that violates this provision. Permits the attorney general to seek a civil penalty of not more than $1,000 against a person who violates this provision. (24) Removes or repeals expired, superseded, or obsolete provisions of election law. Corrects erroneous cross-references. Makes technical changes. Updates election schedules.

ENVIRONMENT

See also:
SB 146: Property transfer disclosure form.
[Property]
HB 1065: Pesticide application.
[Agriculture and Animals]

Senate Bill 234 (Public Law 100-2006)
Author(s): Gard
Sponsor(s): Wolkins
Citations Affected: IC 4-21.5; 4-22; 13-11; 13-14; 13-27; Public Law 231-2003
Effective: July 1, 2006

Environmental rules and enforcement. Establishes requirements in environmental rulemaking for disclosure of the availability of technical assistance programs and the identity of and contact information for the department of environmental management's ombudsmen and small business regulatory coordinator. States certain notice requirements for environmental rulemaking in terms of state restrictions or requirements: (1) that are more stringent than federal restrictions or requirements; or (2) that apply in a subject area where federal law does not impose restrictions or requirements. Allows for the establishment of environmental performance based programs and authorizes the adoption of rules to implement the programs. Provides that a determination of status as a member or participant in a program is not subject to the administrative orders and procedures act. Establishes a special procedure for the water pollution control board to adopt rules to establish new water quality standards for certain communities served by combined sewers. Extends the expiration date of noncode sections that state the required level of protection of certain waters of the state and that direct the water pollution control board to amend certain water quality rules and to make certain water use category determinations. Requires the environmental quality service council to study and make findings and recommendations concerning the positive and negative aspects of enacting legislation that would prohibit environmental rules from being more stringent than corresponding provisions of federal law.

House Bill 1110 (Public Law 170-2006)
Author(s): T. Brown
Sponsor(s): Gard
Citations Affected: IC 4-23; 13-11; 13-14; 13-20
Effective: July 1, 2006

Removal of mercury switches from motor vehicles. Requires manufacturers of motor vehicles offered for sale in Indiana to develop and implement a plan to remove, collect, recover, and recycle or dispose of certain mercury switches from end of life vehicles. Exempts from mercury switch plan development requirements motor vehicle manufacturers that have never installed mercury switches in their motor vehicles. Requires the Indiana department of environmental management (IDEM) to allow a public comment period on a plan of at least 30 days, and to act on the plan within 120 days. Requires motor vehicle recyclers to remove all mercury switches from end of life vehicles. Provides that motor vehicle recyclers include automotive salvage recyclers, automobile scrapyards, hulk

crushers, scrap metal processors, and vehicle disposal facilities. Provides that mercury switch removal requirements take effect 30 days after IDEM approves a plan and expire the earlier of July 1, 2016, or the date a national mercury switch recovery program takes effect. Provides for a payment out of the solid waste management fund (SWMF) to a motor vehicle recycler for each mercury switch removed: (1) in an amount of at least $1 and not more than $5 as determined by the IDEM commissioner; and (2) to the extent that the commissioner makes money available from the SWMF for that purpose. Allows money to be redirected to the SWMF for that purpose from the Indiana recycling promotion and assistance fund and the environmental management special fund (EMSF). Allows any person to contribute or assign assets to the solid waste management fund to be used by IDEM to make payments for mercury switches. Requires IDEM to report information on mercury switch removal to the legislative council and the environmental quality service council.

House Bill 1117 (Public Law 131-2006)
Author(s): Wolkins
Sponsor(s): Gard
Citations Affected: IC 9-13; 13-11; 13-18; 13-20; 36-2; 36-9
Effective: Upon Passage (March 22, 2006); July 1, 2006

Environmental law. Eliminates the interagency groundwater task force and the municipal waste collection and transportation vehicle registration program operated by the department of environmental management. Changes reporting requirements for a person transporting solid waste in a vehicle to a final disposal facility in Indiana for disposal. Makes it permissive rather than mandatory for the solid waste management board to adopt rules imposing a fee on the disposal or incineration in a final disposal facility in Indiana of solid waste generated outside Indiana. Allows a county without zoning or a municipality in the county to enter into a host agreement. With respect to a landfill or waste site located in a county without zoning for which a construction permit was issued after March 1, 2006, and for which a host agreement has not been entered into: (1) allows the county fiscal body to establish a disposal fee that does not exceed $2.50 per ton; and (2) allows use of the revenue only for infrastructure related to the landfill. Applies the restriction that a waste disposal facility financed by Indianapolis must accept waste regardless of whether the waste was collected by the city only if the financing occurs after the term of the current Indianapolis financing.

House Bill 1285 (Public Law 133-2006)
Author(s): Heim
Sponsor(s): Heinold, Weatherwax
Citations Affected: Noncode
Effective: Upon Passage (March 22, 2006)

Alternative fuels. Requires the environmental quality service council to study and make findings and recommendations concerning: (1) the most effective ways of implementing the Renewable Fuels Standards of the federal Energy Policy Act of 2005 in Indiana; (2) the feasibility of requiring motor vehicles sold in Indiana to meet the flexible fuel vehicle standards of 85% ethanol (E85) motor fuel for gasoline powered motor vehicles and 20% biodiesel (B20) motor fuel for diesel powered motor vehicles; (3) the regulation of outdoor wood-burning furnaces; and (4) the use of methane gas from

landfills and anaerobic digestion as a fuel source.

FAMILY and JUVENILE LAW

See also:
SB 39: Legal settlement in a school corporation.
[Education]
HB 1267: Employment certificates for children.
[Labor]
HB 1281: Domestic violence.
[Criminal Law and Procedure]

Senate Bill 40 (Public Law 50-2006)
Author(s): Ford, Breaux
Sponsor(s): Duncan
Citations Affected: IC 31-9; 31-14; 31-17
Effective: July 1, 2006

Relocation issues in family law matters. Requires an individual who has or is seeking custody of or parenting time with a child and who intends to relocate to: (1) provide notification by registered or certified mail not later than 90 days before the individual intends to move to an individual who has or is seeking custody of, parenting time with, or grandparent visitation with the child; and (2) provide specific information in the notice unless providing the information would create a significant risk of substantial harm to the individual or the child. Provides that a court may consider the intent to relocate a child in an initial custody hearing. Provides that: (1) not later than 60 days after a nonrelocating parent receives the notice, the nonrelocating parent may file a motion with the court to prevent the relocation of a child; (2) if the nonrelocating parent fails to file a motion with the court, the individual may relocate; (3) upon request of either party, the court shall hold a full evidentiary hearing; and (4) the relocating individual has the burden of proof that the relocation is made in good faith and for a legitimate purpose. Establishes: (1) additional factors the court may consider in determining whether to modify the custody, parenting time, grandparent visitation, or child support orders in actions concerning relocation; and (2) factors the court may consider in granting or denying a petition to prevent relocation of a child. Requires a grandparent seeking visitation rights to file a petition in a circuit, superior, or probate court. (Current law requires a grandparent to file in a circuit or superior court.) Repeals provisions concerning notice of the relocation of a child in child custody matters. (The introduced version of this bill was prepared by the child custody and support advisory committee.)

Senate Bill 139 (Public Law 146-2006)
Author(s): Lawson
Sponsor(s): Bell
Citations Affected: IC 10-13; 12-17.2; 16-37; 31; 33-32

Effective: Upon Passage (March 24, 2006); July 1, 2006

Department of child services matters. Provides that the term "caseworker" for purposes of juvenile law, including emergency placement of a child, means an employee of the department of child services (department) who is classified as a family case manager. Expands the definition of "emergency placement" for purposes of the law concerning criminal history record checks to include any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian. Specifies that "emergency placement" does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the child's health or safety. Replaces the issuance of probationary licenses with probationary status periods for: (1) child caring institutions; (2) foster homes; (3) group homes; and (4) child placing agencies. Removes provisions that invalidated a license for these entities when a probationary license was issued. Requires the person attending a child's birth, when explaining to the birth mother and putative father immediately before or after the birth the legal consequences of executing a paternity affidavit, to specify (and the written information from the department to specify) that: (1) upon execution of a paternity affidavit, the mother and the state may obtain a child support order that requires the provision of health insurance coverage; (2) the rights and responsibilities of the putative father include reasonable parenting time; and (3) the department may file the paternity affidavit with a court. Provides that: (1) a paternity affidavit may not be rescinded more than 60 days after the affidavit is executed unless a court has ordered a genetic test at the request of the man who executed the affidavit; and (2) a court may not set aside an affidavit unless a genetic test excludes the man who executed the affidavit as the child's father. Requires a court to complete: (1) a factfinding hearing not more than 60 days after a petition is filed alleging that a child is a child in need of services (CHINS); (2) a dispositional hearing not more than 30 days after the date the court finds that a child is a CHINS; and (3) a hearing on a petition to terminate a parent-child relationship not more than 180 days after the petition is filed. Allows a court to extend the timeframe to complete a factfinding on a CHINS petition for an additional 60 days. Provides that the department may request that judgment on a petition alleging a child is a CHINS be entered not later than 30 days after the request. Deletes requirement that a court clerk forward a copy of an adoption petition to the division of family and children. Revises the definition of "substantiated" when used in reference to a child abuse or neglect report. Provides that child welfare caseworkers, supervisors, and managers must have access to certain information under the automated child protection system regardless of the security requirements for confidentiality. Provides that: (1) child welfare caseworkers must be allowed access to other cases or investigations that involve a family member of a child or the child whose case is assigned to the caseworker; and (2) child welfare supervisors may have access to other cases or investigations that involve a family member of a child or the child whose case is assigned to a caseworker who reports to the supervisor or whose case is assigned to the supervisor. Provides that a juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree for a CHINS hearing or a delinquency hearing. Provides that a juvenile court shall require the department to file a progress report on a CHINS petition every 3 months after entering a dispositional decree. Requires a report

prepared by the state in a dispositional decree to be made available to the child's foster parents under certain circumstances. Removes: (1) powers to suspend certain licenses; and (2) a provision that allows certain parties to request a genetic test. Provides that: (1) an application for a license to operate a child care center may be denied; (2) a license to operate a child care center may be revoked; (3) an application for a license to operate a child care home may be denied; and (4) a license to operate a child care home may be revoked; if the department determines that certain individuals have committed child abuse or neglect. Requires the department to investigate claims of abuse or neglect in child care centers and child care homes. Provides that a report of an investigation of child abuse or neglect shall be made available to the division of family resources if the report is classified as substantiated and concerns an applicant, licensee, employee, or volunteer of a child care center or child care home. Repeals references to suspension powers. Defines "wardship" for purposes of the juvenile law, and makes conforming amendments. Specifies that the department is to submit fingerprints to the Federal Bureau of Investigation 15 calendar days after the national name based criminal history check is conducted. Allows a juvenile court at a detention hearing to: (1) impose on a child alleged to be a child in need of services, or on the child's parent, guardian, or custodian, conditions to ensure the safety of the child; and (2) impose on a child alleged to be a delinquent child, or on the child's parent, guardian, or custodian, conditions to ensure any combination of the safety of the child or the public's physical safety. Requires a court to set a hearing within four business days to determine whether emergency placement is appropriate for a child whose custodial parent or guardian has died or become unable to care for the child, if a person other than a parent files a petition to determine or modify custody of the child. Provides that a court is not required to set a hearing within 48 hours if: (1) it appears from the pleadings that no emergency requiring placement of a child with a person other than the noncustodial parent exists; (2) it appears from the pleadings that the petitioner does not have a reasonable likelihood of success on the merits; or (3) manifest injustice would result. Provides that the child care fund shall remain in existence until the entire balance of the child care fund is transferred to the division of family resources child care fund. Makes technical corrections.

Senate Bill 153 (Public Law 148-2006)

Author(s): Lawson

Sponsor(s): Richardson

Citations Affected: IC 12-17; 31; 33-32; 33-37; 34-30

Effective: Upon Passage (March 24, 2006); July 1, 2006

State central collection unit and child support. Establishes the state central collection unit (unit) within the child support bureau to collect and process noncash child support payments. Requires clerks of court (clerks) to collect and process cash child support payments. Deletes references to "other person" and "other governmental agency" in statutes concerning the unit. Requires a party affected by a child support order to notify the unit or a clerk of an address change. Requires a person using income withholding to provide certain information to the unit. Repeals a provision regarding noncash payments of child support to clerks. Provides that the unit is not liable for certain errors in the disbursement and collection of child support payments. Provides the procedure the unit is to follow if the unit improperly disburses a child support payment. Makes certain changes concerning income withholding orders in enforcing dissolution of marriage, legal separation, and child support

decrees. Provides that a collection agency that contracts with the child support bureau or a prosecuting attorney may, in addition to the collection of arrearage on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the contract. Provides that an individual ordered to pay child support through income withholding shall also pay the annual child support fee through income withholding. Changes the support and maintenance fee to $30. Provides that the state central collection unit may collect any unpaid fee through any lawful means. Provides that the child support bureau (bureau) may contract with a private entity to undertake Title IV-D duties. Provides that the bureau shall stipulate service levels that a prosecuting attorney, private attorney, private entity, or collection agency is expected to meet and that certain funds shall be disbursed if the service levels are met. Provides that the bureau retains 22.2% of incentive payments distributed to a county regarding child support payment collection. Provides that incentive payments shall be distributed in the following manner: (1) 22.2% of the incentive payments are distributed to the county general fund; (2) 33.4% of the incentive payments are distributed to the prosecuting attorney; (3) 22.2% of the incentive payments are distributed to the court clerk; and (4) the bureau shall retain 22.2% of the incentive payments. Makes technical corrections. (The introduced version of this bill was prepared by the select committee on reorganization of child services.)

House Bill 1232 (Public Law 82-2006)
Author(s): Ayres
Sponsor(s): Bray, Ford
Citations Affected: IC 31-37
Effective: July 1, 2006

Curfew. Allows a child to be in a public place after curfew if the child is participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian.

FINANCIAL INSTITUTIONS

Senate Bill 384 (Public Law 10-2006)
Author(s): Paul
Sponsor(s): Saunders
Citations Affected: IC 24-4.5; 24-4.6; 24-5; 24-7; 26-2; 28; 35-43
Effective: July 1, 2006

*[**Note: SB 384 is identical to HB 1299.]*

Financial institutions. Specifies that provisions of the Uniform Consumer Credit Code concerning: (1) permissible charges with respect to consumer loans; (2) required disclosures to consumers; (3) limitations on agreements and practices; and (4) enforcement actions by the department of financial institutions; apply to small loans made to Indiana residents by out-of-state creditors. Defines an "affiliate" of a financial institution. Specifies that certain minimum charges that a seller or lender may impose with respect to consumer sales or loans may be imposed only if the borrower prepays in full the sale or loan. Specifies that a person, other than a supervised financial organization, may not do either of the following without obtaining a license from the department of financial institutions

(department): (1) Take assignments of consumer loans. (2) Collect payments from debtors. Makes the following changes with respect to various licenses issued by the department: (1) Allows the department to request evidence of compliance with applicable statutes at the time of application for a license, upon license renewal, or at other times determined by the director of the department (director). (2) Allows the department to deny an application for an initial license if the application is submitted on behalf of, or for the benefit of, a person who does not qualify for a license. (3) Requires a licensee to pay all reasonable costs of an investigation or examination of the licensee by the department, regardless of the number of days the investigation or examination takes. Provides that a small loan is considered paid in full upon: (1) the presentment of a check for payment from an account of the borrower; or (2) the lender's exercise of an authorization to debit the borrower's account; rather than upon actual payment by the drawee financial institution. Provides that after a borrower's fifth consecutive small loan, another small loan may not be made to the borrower within seven days after the fifth loan is paid in full. (Current law provides that another small loan may not be made within seven days after the due date of the fifth loan.) Prohibits a lender from seeking the following upon a borrower's default on a small loan: (1) Attorney's fees. (2) Treble damages. (3) Prejudgment interest. (4) Damages allowed for dishonored checks under any law other than the small loan act. Prohibits a person from using: (1) the name of an existing mortgage lender; or (2) a name confusingly similar to that of an existing mortgage lender; in marketing materials or solicitations. Requires the following to comply with all state and federal money laundering laws: (1) certain financial institutions; (2) pawnbrokers; (3) money transmitters; and (4) licensed check cashers. Requires the department to: (1) investigate potential violations of state and federal money laundering laws; (2) enforce compliance with state money laundering laws; and (3) enforce compliance with federal money laundering laws or refer suspected violations to federal regulators, in accordance with federal law. Allows a bank or trust company to acquire real estate to be used: (1) partly as a branch or principal office; and (2) partly as rental property for one or more lessees. (Current law does not allow such real estate to be: (1) used as a principal office; or (2) rented to more than one lessee.) Provides that a financial institution may do business in Indiana using a name other than its official entity name. Establishes criteria for the director to use to determine whether an electronic activity is authorized as part of, or incidental to, a financial institution's business. Allows the department to appoint conservators for credit unions and corporate fiduciaries under certain circumstances. Establishes the powers and duties of a conservator. Provides that the director serves as an ex officio, voting member of the department. Provides that certain provisions of the Uniform Consumer Credit Code that apply to a person undertaking collection of payments from, or enforcement of rights against, a debtor in a consumer loan do not apply to licensed collection agencies. Sets forth the circumstances in which a bank, trust company, savings association, or savings bank may purchase and hold life insurance. Specifies that the term "credit agreement" includes an agreement to modify a credit agreement. Specifies that a debtor in a credit agreement may assert: (1) a claim for legal or equitable relief; or (2) a defense in a claim; arising from a credit agreement only if the credit agreement is in writing and is signed by the parties. (Current law does not specify that a debtor may assert a defense in a claim arising from a credit agreement only if the credit agreement is in writing and signed by the parties.) Repeals the current law governing the enforcement of sales competition.

House Bill 1299 (Public Law 57-2006)

Author(s): Bardon
Sponsor(s): Paul, Lanane
Citations Affected: IC 24-4.5; 24-4.6; 24-5; 24-7; 26-2; 28; 35-43
Effective: July 1, 2006

*[**Note: HB 1299 is identical to SB 384.]*

Financial institutions. Specifies that provisions of the Uniform Consumer Credit Code concerning: (1) permissible charges with respect to consumer loans; (2) required disclosures to consumers; (3) limitations on agreements and practices; and (4) enforcement actions by the department of financial institutions; apply to small loans made to Indiana residents by out-of-state creditors. Provides that certain provisions of the Uniform Consumer Credit Code that apply to a person undertaking collection of payments from, or enforcement of rights against, a debtor in a consumer loan do not apply to licensed collection agencies. Defines an "affiliate" of a financial institution. Specifies that certain minimum charges that a seller or lender may impose with respect to consumer sales or loans may be imposed only if the borrower prepays in full the sale or loan. Specifies that a person, other than a supervised financial organization, may not do either of the following without obtaining a license from the department of financial institutions (department): (1) Take assignments of consumer loans. (2) Collect payments from debtors. Makes the following changes with respect to various licenses issued by the department: (1) Allows the department to request evidence of compliance with applicable statutes at the time of application for a license, upon license renewal, or at other times determined by the director of the department (director). (2) Allows the department to deny an application for an initial license if the application is submitted on behalf of, or for the benefit of, a person who does not qualify for a license. (3) Requires a licensee to pay all reasonable costs of an investigation or examination of the licensee by the department, regardless of the number of days the investigation or examination takes. Provides that a small loan is considered paid in full upon: (1) the presentment of a check for payment from an account of the borrower; or (2) the lender's exercise of an authorization to debit the borrower's account; rather than upon actual payment by the drawee financial institution. Provides that after a borrower's fifth consecutive small loan, another small loan may not be made to the borrower within seven days after the fifth loan is paid in full. (Current law provides that another small loan may not be made within seven days after the due date of the fifth loan.) Prohibits a lender from seeking the following upon a borrower's default on a small loan: (1) Attorney's fees. (2) Treble damages. (3) Prejudgment interest. (4) Damages allowed for dishonored checks under any law other than the small loan act. Sets forth the circumstances in which a bank, trust company, savings association, or savings bank may purchase and hold life insurance. Prohibits a person from using: (1) the name of an existing mortgage lender; or (2) a name confusingly similar to that of an existing mortgage lender; in marketing materials or solicitations. Specifies that a credit agreement includes an agreement to modify a credit agreement. Specifies that a debtor in a credit agreement may assert: (1) a claim for legal or equitable relief; or (2) a defense in a claim; arising from a credit agreement only if the credit agreement is in writing and signed by the parties. (Current law does not specify that a debtor may assert a defense in a claim arising from a credit agreement only if the credit agreement is in writing and signed by the parties.) Requires the following to comply with all state and federal money laundering laws: (1) certain financial institutions; (2) pawnbrokers; (3) money transmitters; and (4) licensed check cashers. Requires the department to: (1) investigate potential violations of state and federal money laundering laws; (2) enforce compliance with state

money laundering laws; and (3) enforce compliance with federal money laundering laws or refer suspected violations to federal regulators, in accordance with federal law. Allows a bank or trust company to acquire real estate to be used: (1) partly as a branch or principal office; and (2) partly as rental property for one or more lessees. (Current law does not allow such real estate to be: (1) used as a principal office; or (2) rented to more than one lessee.) Provides that a financial institution may do business in Indiana using a name other than its official entity name. Establishes criteria for the director to use to determine whether an electronic activity is authorized as part of, or incidental to, a financial institution's business. Allows the department to appoint conservators for credit unions and corporate fiduciaries under certain circumstances. Establishes the powers and duties of a conservator. Changes the time within which a pawnbroker must request approval from the department of financial institutions to relocate or add a business location from 90 days to 30 days before the proposed relocation or addition. Provides that the director serves as an ex officio, voting member of the department. Repeals the current law governing the enforcement of sales competition.

GAMING

Senate Bill 86 (Public Law 34-2006)
Author(s): Jackman, Nugent
Sponsor(s): Messer
Citations Affected: IC 4-31
Effective: July 1, 2006

Medication of horses in pari-mutuel events. Eliminates statutory provisions permitting race horses to race while being treated with certain medications. Requires the horse racing commission to consider model rules approved by the Association of Racing Commissioners International before adopting rules permitting the use of any medication. Repeals the definition of "test level". Repeals a provision concerning restrictions on race horses that are known to have bled from their nostrils.

Senate Bill 100 (Public Law 91-2006)
Author(s): Jackman, Hershman
Sponsor(s): Whetstone
Citations Affected: IC 4; 5-2; 6-3; 6-8.1; 12-13; 33-26; 35-45
Effective: July 1, 2006

Charity gaming. Transfers the powers and duties of administering charity gaming from the department of state revenue to the gaming commission. Allows a candidate's committee to conduct a raffle event. Removes a provision restricting a qualified organization's charity gaming events to the county of its home office. Increases the maximum initial license fee from $25 to $50. Increases license renewal fees. Authorizes the commission to issue annual raffle licenses. Provides that an annual raffle license authorizes not more than five raffle events in a calendar year. Grants the gaming commission the authority to approve additional gambling events. Defines the term "member" for purposes of the charity gaming laws. Establishes a procedure under which a qualified organization that conducts only

one charity gaming event in a calendar year may submit an application for a license for the event without including the Social Security numbers of the workers for the proposed event. Provides that a qualified organization using the procedure may not require an individual who wishes to participate in the allowable event as a worker to submit the individual's Social Security number to the qualified organization. Allows the gaming commission to approve: (1) a qualified organizations's utilization of a nonmember as a worker if the nonmember is a member of another qualified organization; and (2) the sharing of receipts with the qualified organization of which the worker is a member. Makes an appropriation.

HEALTH

See also:
SB 111: Student nutrition and physical activity.
[Education]
SB 202: Pharmacy and wholesale distributor matters.
[Professions and Occupations]
SB 208: Medical alert on licenses or identification cards.
[Motor Vehicles]
SB 284: Statewide trauma system and food establishments.
[Public Safety]
SB 342: Electronic prescription tracking program.
[Technology]
HB 1113: Liability connected with consumption of food and beverages.
[Civil Procedure]
HB 1420: Employee tobacco use.
[Labor]

Senate Bill 161 (Public Law 96-2006)
Author(s): Miller
Sponsor(s): T. Brown
Citations Affected: IC 16-29
Effective: July 1, 2006
Moratorium on comprehensive care beds. Imposes a moratorium on the construction or addition of comprehensive care beds through June 30, 2007, with certain exceptions. (The introduced version of this bill was prepared by the health finance commission.)

Senate Bill 266 (Public Law 102-2006)
Author(s): Miller, Sipes
Sponsor(s): T. Brown
Citations Affected: IC 5-10; 16-40; 27-8; 27-13

Effective: July 1, 2006

Bariatric surgery. Specifies that a physician's duty to monitor a bariatric surgery patient for five years applies unless the physician is unable to locate the patient after a reasonable effort. Establishes certain topics that must be discussed with a patient before bariatric surgery. Specifies the information that must be reported to the state department of health and provides that a report made by a physician to the state department of health of a death, serious side effect, or major complication of a patient who had surgical treatment for the treatment of morbid obesity is confidential. Specifies that statistical reports compiled by the state department from the reported information are subject to public inspection. Requires six months of supervised nonsurgical treatment before health insurance, a state health care plan, or a health maintenance organization must cover surgical treatment for morbid obesity. (Current law requires 18 months of supervised nonsurgical treatment.)

House Bill 1106 (Public Law 74-2006)

Author(s): Crouch

Sponsor(s): Becker, Breaux

Citations Affected: IC 16-18; 16-31; 34-30

Effective: July 1, 2006

Automatic external defibrillators. Allows certain persons who provides emergency medical services to use an automated external defibrillator without requiring a certificate. Removes: (1) the use of an automatic or semiautomatic defibrillator from the definition of basic life support; and (2) the requirement that a person or entity that acquires a defibrillator ensure that the users have completed certain courses and have enlisted a physician for medical direction.

House Bill 1235 (Public Law 138-2006)

Author(s): Ruppel

Sponsor(s): Miller, Breaux

Citations Affected: IC 16; 34-6; 34-30

Effective: July 1, 2006

Isolation, quarantine, and health matters. Establishes the procedure for a public health authority to obtain or issue an order to restrict the movement of an individual in the least restrictive manner when there is evidence that the individual has been exposed to a communicable disease, and requires a public health authority to distribute certain information to the public. Prohibits a public health authority from prohibiting a person from possessing a firearm unless the person is in a mass quarantine location, and prohibits the removal of a firearm from a person's home. Establishes certain procedures concerning immunizations. Provides that a person, facility, or other location that meets certain criteria is immune from civil liability resulting from an act or omission in providing health care services during an event that is declared a disaster emergency, even if the services were provided before or after the disaster emergency declaration. Makes it a Class A misdemeanor to violate the conditions of quarantine or isolation. Provides an exemption to food sanitation law for specified organizations under certain circumstances until January 1, 2008. Repeals superseded provisions concerning the isolation of certain individuals.

House Bill 1314 (Public Law 86-2006)
Author(s): Klinker
Sponsor(s): Lawson, Simpson
Citations Affected: Noncode
Effective: Upon Passage (March 17, 2006)

Substance and alcohol use during pregnancy. Requires the state department of health to study the use of drugs, alcohol, and tobacco by pregnant women. Requires the study to be completed and a report to be submitted to the legislative council and the health finance commission before October 1, 2006.

House Bill 1395 (Public Law 88-2006)
Author(s): Buell
Sponsor(s): Miller, Breaux
Citations Affected: IC 16-22; 33-36; 36-1; 36-7
Effective: July 1, 2006

Marion County health and hospital corporation. Requires a majority vote of the health and hospital corporation (corporation) board to take final action. (Current law requires a majority vote of the board members who are present.) Requires a memorandum to be prepared for the corporation board's meetings. Removes the requirement that the corporation record the vote of items that affect private rights. Amends the publishing requirements before a proposed ordinance of the corporation is adopted. Establishes requirements for a change of judge in civil enforcement actions. Allows the corporation to establish a charitable foundation and nonprofit corporations. Allows employees and contractors of the corporation to enter property that is in violation of an ordinance. Allows the enforcement authority to order removal of a public health hazard. Repeals the requirement that the corporation's schedule of ordinance violations be approved by the city-county legislative body.

HUMAN SERVICES

See also:
SB 139: Department of child services matters.
[Family and Juvenile Law]
HB 1249: County drug free community fund.
[Criminal Law and Procedure]

Senate Bill 33 (Public Law 11-2006)
Author(s): Alting
Sponsor(s): Koch
Citations Affected: IC 29-3; 34-30

Effective: July 1, 2006

Volunteer advocates for incapacitated adults. Creates a volunteer advocates for incapacitated adults program (program) to represent and protect for a limited period the interests of an incapacitated or protected person who is at least 18 years of age. Requires a volunteer advocate for incapacitated adults to report to the court and make recommendations regarding the incapacitated or protected person. Provides civil immunity for a program or an employee or a volunteer of a program.

Senate Bill 36 (Public Law 12-2006)

Author(s): Lawson

Sponsor(s): Noe

Citations Affected: IC 12-7; 12-21

Effective: Upon Passage (March 13, 2006)

Commission on mental health. Creates a statutory 17 member commission on mental health until June 30, 2011 to study the delivery of mental health services in Indiana. (The commission was originally established by a Noncode provision that expired January 1, 2006. The introduced version of this bill was prepared by the commission on mental health.)

Senate Bill 41 (Public Law 141-2006)

Author(s): Miller

Sponsor(s): T. Brown

Citations Affected: IC 1-1; 2-5; 4; 5-1; 5-22; 6-1.1; 11-13; 12; 16; 20; 22; 25; 27-8; 29.3; 34-30; 35-46; 36-2

Effective: Upon Passage (March 24, 2006); July 1, 2006

Division of aging. Establishes the division of aging as a division separate from the division of disability and rehabilitative services. Reestablishes the self-directed in-home care program (program) that expired July 1, 2005. Requires the office of the secretary of family and social services to report to the legislative council before November 1, 2009, on the implementation and outcome of the program. Allows the office of the secretary to use the survey performed by the state department of health when licensing a home health agency or personal services agency in determining whether to approve the entity to provide services for programs administered by the office of the secretary. Requires that 51% of a center for independent living's board must have a significant disability to be considered to have consumer control. Requires the office of Medicaid policy to study certain programs and expenditures concerning long term care and report the findings to the select joint commission on Medicaid oversight. Removes obsolete references. Makes conforming amendments and a technical correction. (The introduced version of this bill was prepared by the FSSA evaluation committee.)

Senate Bill 42 (Public Law 90-2006)

Author(s): Miller

Sponsor(s): Frizzell
Citations Affected: Noncode
Effective: Retroactive (January 1, 2006)

FSSA evaluation survey. Requires the family and social services administration (FSSA) to provide certain information to the evaluation staff or a contractor of the legislative services agency . Allows the legislative services agency to contract with a research organization to perform any part of the survey. (The introduced version of this bill was prepared by the FSSA evaluation committee.)

Senate Bill 112 (Public Law 93-2006)
Author(s): Riegsecker
Sponsor(s): Woodruff
Citations Affected: IC 2-5; 5-10; 12; 16-38; 20-12; 20-35; 27-8
Effective: Upon Passage (March 20, 2006)

Transfer of first steps program. Creates the bureau of child development services within the division of disability, aging, and rehabilitative services. Places the infants and toddlers with disabilities program (first steps) under the bureau of child development services. Reorganizes language regarding the copayment schedule and copayment requirements. Specifies the health records to which the division has access in administering first steps. Requires families participating in first steps to consent to allow the division to bill third party payors. Requires the division to waive a family's copayment in any month for which the division receives payment from the family's health insurance coverage. Makes conforming amendments, including a repeal of current provisions concerning first steps.

Senate Bill 132 (Public Law 145-2006)
Author(s): Lawson
Sponsor(s): Budak
Citations Affected: IC 3; 4; 5; 6; 8; 9; 10; 11; 12; 14; 16; 20; 21; 25; 27; 29; 31; 33; 34; 35; 36
Effective: July 1, 2006

Correction of 2005 child services legislation. Makes technical corrections as directed by Public Law 234-2005 (Senate Enrolled Act 529-2005). Relocates appropriation provisions in current law to a new location in the Indiana Code. Repeals obsolete provisions and provisions being moved to a new location. Provides that certain license applications may be denied or revoked if an employee or volunteer of the applicant or licensee have certain criminal convictions. Provides that a person may not operate a child caring institution and a child placing agency may not operate a foster family home if the number of children exceeds the number authorized by the license or if the children are maintained in a place not designated by the license. Creates the division of family resources child care fund and the department of child services child care fund. Provides that on June 30, 2006, the balance of the child care fund shall be transferred to the division of family resources child care fund. Specifies to whom a criminal history background check requirement applies. Requires applicants of certain licenses to conduct criminal history checks of certain employees and volunteers. Provides that the department of child services (department) shall inform certain applicants of licenses if the department has information that a person has been identified as a perpetrator of abuse or neglect. (The introduced

version of this bill was prepared by the select committee on reorganization of child services.)

Senate Bill 151 (Public Law 16-2006)
Author(s): Lawson, Simpson
Sponsor(s): Turner
Citations Affected: IC 12-17.2
Effective: Upon Passage (March 13, 2006); July 1, 2006
Child care regulation. Specifies that a licensed child care provider is considered to be in compliance with requirements for federal Child Care and Development Fund (CCDF) voucher payments. Amends drug testing requirements for CCDF providers, child care homes, and child care centers. Makes child care ministry inspections semiannual and as necessary, but not more than four inspections per ministry per year.

Senate Bill 168 (Public Law 149-2006)
Author(s): Miller, Ford
Sponsor(s): Foley
Citations Affected: IC 12-15
Effective: July 1, 2006
Medicaid fraud and credit services organizations. Specifies that a prosecuting attorney may refer a case involving abuse or neglect of a Medicaid patient to the attorney general for prosecution.

Senate Bill 169 (Public Law 18-2006)
Author(s): Miller, Howard
Sponsor(s): T. Brown
Citations Affected: Public Law 186-2005
Effective: July 1, 2006
Extension of nursing facility assessment fee. Extends collection of the nursing facility quality assessment until August 1, 2007. (The introduced version of this bill was prepared by the select joint commission on Medicaid oversight.)

Senate Bill 308 (Public Law 23-2006)
Author(s): Simpson, Miller
Sponsor(s): T. Brown
Citations Affected: Noncode
Effective: Upon Passage (March 13, 2006)
Medicaid income spend down. Allows the office of Medicaid policy and planning to apply for federal approval to amend the state Medicaid plan to include a pay-in option under which a Medicaid recipient may satisfy the state's income spend down requirements by paying to the state the spend down amount each month.

Senate Bill 373 (Public Law 9-2006)
Author(s): Mishler

Sponsor(s): Foley
Citations Affected: IC 12-14
Effective: July 1, 2006

Payments for funeral and burial expenses. Requires the division of family resources to pay funeral director and cemetery expenses incurred for an individual receiving or certified to receive certain public assistance at the time of death. Provides that the division has a preferred claim against a decedent's estate that has sufficient assets to pay the funeral director and cemetery expenses. Increases the amount contributed from friends, relatives, and the decedent's estate that the division may not consider in determining the amount to be paid for the funeral director or cemetery expenses.

House Bill 1023 (Public Law 25-2006)
Author(s): Ayres
Sponsor(s): Heinold, Miller
Citations Affected: Public Law 28-2004
Effective: Upon Passage (March 13, 2006)

Addiction treatment facilities. Allows certain addiction treatment facilities to be located in a county that is contiguous to a county with an existing facility.

House Bill 1123 (Public Law 126-2006)
Author(s): Budak
Sponsor(s): Becker, Lawson
Citations Affected: IC 4-23; 33-37; 16-18; 16-19
Effective: Upon Passage (March 21, 2006)

Sexual assault standards and certification board. Creates the sexual assault standards and certification board (board) to certify sexual assault victim advocates. Requires the board to convene not later than October 1, 2006. Transfers control of the sexual assault victims account from the state department of health to the board. Repeals the sexual assault victims assistance fund and replaces it with the sexual assault victims account.

House Bill 1261 (Public Law 181-2006)
Author(s): Burton
Sponsor(s): Lubbers
Citations Affected: IC 4-4; 4-6; 4-12; 5-10; 5-20; 6-1.1; 6-2.5; 6-3.1; 8-1; 8-9; 12-7; 12-8; 12-13; 12-20; 23-2; 24-4.5; 24-9; 34-30; 36-1
Effective: July 1, 2006

Housing and community development authority. Changes references to the Indiana housing finance authority to the Indiana housing and community development authority. Specifies additional powers of the authority. Renames the low income housing trust fund the affordable housing and community development fund. Expands the uses of the fund. Changes the membership and name of the advisory committee. Repeals the law concerning the Indiana affordable housing fund. Limits the neighborhood assistance tax credit to persons who contribute to neighborhood organizations that provide neighborhood assistance. (Current law permits tax credits for persons who engage in providing assistance.) Changes many definitions in the neighborhood assistance tax credit to

specifically include services provided to economically disadvantaged households that may be located outside economically disadvantaged areas. Moves the following programs from the family and social services administration to the lieutenant governor: (1) The housing assistance act of 1937. (2) Community services block grant. (3) Home energy assistance programs. (4) Weatherization assistance. (5) Food and nutrition programs. (6) Migrant and farm worker programs. (7) Emergency shelter grant programs. (8) Shelter plus care programs.

INSURANCE

See also:
SB 266: Bariatric surgery.
[Health]

Senate Bill 147 (Public Law 55-2006)
Author(s): Gard
Sponsor(s): Ripley
Citations Affected: IC 27-8; 27-13
Effective: July 1, 2006
Insurance payments to health care providers. Specifies certain requirements for an insurer or a health maintenance organization in requesting repayment or adjusting subsequent claims to obtain reimbursement for an overpaid or an underpaid claim to a health care provider.

Senate Bill 229 (Public Law 38-2006)
Author(s): Lubbers
Sponsor(s): Turner
Citations Affected: IC 27-1
Effective: July 1, 2006
Independent college self-insurance program. Allows independent colleges and universities to establish a trust to jointly self-insure retained risks under certain circumstances. Requires registration and regulation of such a trust by the department of insurance.

House Bill 1097 (Public Law 73-2006)
Author(s): Frizzell
Sponsor(s): Miller, Lewis
Citations Affected: IC 27-1; 27-17
Effective: July 1, 2006
Discount medical card programs. Provides additional continuing education credit hours for insurance producers who take certain courses. Adds two members to the insurance producer

education and continuing education advisory council. Provides for registration of discount medical card program organizations. Specifies requirements for registration and conduct of a discount medical card program organization.

House Bill 1239 (Public Law 127-2006)
Author(s): Ripley
Sponsor(s): Long
Citations Affected: IC
Effective:

Preexisting conditions. Applies the law concerning coverage limitations for preexisting conditions under an individual policy of accident and sickness insurance to certificates of coverage issued under certain association group policies of accident and sickness insurance. Makes conforming amendments.

House Bill 1392 (Public Law 193-2006)
Author(s): Ripley
Sponsor(s): Paul
Citations Affected: IC 21-10; 27-1; 27-8
Effective: Upon Passage (March 28, 2006); July 1, 2006

Insurance matters. Amends HEA 1006-2006 concerning school corporation pooling for insurance to: (1) require creation of a trust; (2) specify the aggregate retention and school corporation contribution levels; and (3) require maintenance of a fidelity bond. Requires a foreign or alien insurance company that provides certain surety bonds to appoint the commissioner of the department of insurance as the company's agent for service of process in certain actions. Defines "commercial policyholder" for purposes of the law concerning regulation of insurance rates. Removes certain requirements concerning commercial insurance issued by an insurer that maintains a certain rating. Changes reporting requirements for insurers concerning commercial insurance. Amends the life and health insurance guaranty association (association) law. Specifies certain information concerning: (1) association coverage for Indiana residents and nonresidents insured by domestic and nondomestic insurers; (2) association accounts; (3) assessment procedures; (4) subrogation; (5) powers and duties of the association, the board of directors of the association, and the commissioner of the department of insurance with respect to the association; (6) plan of operation of the association; (7) prevention of insolvencies; (8) immunity; and (9) notice to policy owners and contract owners. Repeals and replaces provisions concerning association coverage. Repeals a provision that requires an insurer that insures a public entity as an exempt commercial policyholder to maintain a certain rating. Allows certain members of the political subdivision catastrophic liability fund to withdraw from the fund and receive a rebate of a part of the member's previous assessments. Makes a conforming amendment.

LABOR

Senate Bill 81 (Public Law 32-2006)
Author(s): R. Meeks
Sponsor(s): Stutzman
Citations Affected: IC 22-12
Effective: Upon Passage (March 14, 2006)
Bungee jump facility inspection. Provides that a bungee jump facility is an amusement device subject to regulation under rules adopted by the amusement device safety board and subject to periodic inspection by the division of fire and building safety. Requires the adoption of temporary rules regulating bungee jump facilities to be in effect until permanent rules are adopted.

Senate Bill 321 (Public Law 108-2006)
Author(s): Kruse
Sponsor(s): Torr
Citations Affected: IC 22-4
Effective: Upon Passage (March 20, 2006); July 1, 2006
Unemployment compensation. Transfers numerous rulemaking and administrative duties of the unemployment insurance board (board) to the department of workforce development (department). Reduces from 150 to 30 days the time within which a successor employer is required to file an application to assume a predecessor employer's experience account. Establishes civil penalties for an individual who fails to disclose or falsifies information to receive a benefit. Provides additional circumstances in which an administrative law judge or the review board may hold hearings by telephone. Provides that the department may not disclose to an employer the current address or location of a claimant who is the victim of family or domestic violence, and that an employer or its agent that is aware that a claim has been made shall keep that information confidential. Repeals and restates provisions concerning an individual's failure to disclose earnings and witness fees. Authorizes the department to allocate not more than $2 million dollars annually from the special employment and training services fund to establish reemployment training accounts for dislocated department employees. Repeals language: (1) concerning board rules; and (2) requiring the board to print and distribute certain material. Makes technical corrections. Makes conforming amendments.

Senate Bill 370 (Public Law 161-2006)
Author(s): Kruse
Sponsor(s): Torr
Citations Affected: IC 4-21.5; 4-23; 12-14; 22-4
Effective: Upon Passage (March 24, 2006)
Workforce development system. Requires the Indiana economic development corporation to establish a regional workforce system of not more than 11 regional workforce areas (area) with oversight by a regional workforce board (board). Establishes the criteria and selection process for board members. Renames the local boards "workforce investment boards", and provides that the duties of the regional workforce boards include providing support and guidance to workforce

investment boards. Authorizes the boards to establish, using a competitive procurement process and with a workforce investment board's consent, agreements for support, oversight, and management services in the regional workforce area. Renames the state human resource investment council as the state workforce innovation council (council), designates the state superintendent of public instruction or the superintendent's designee as a member of the council, and removes the requirement that the budget agency serve as the council's fiscal agent. Requires staggered terms for council members. Allows a member to participate in a meeting of the council by simultaneous communication under certain circumstances. Provides that the council is subject to the allotment system administered by the budget agency and financial oversight by the office of management and budget. Renames workforce development centers the one stop centers, requires that the centers be certified by the council, and repeals a requirement that certain providers offer services at the centers and restrictions on center funding sources. Repeals provisions concerning: (1) financial assistance for job training; (2) the state plan; (3) the establishment of workforce investment areas; (4) the one stop system and one stop partners; (5) the powers and duties of regional board and one stop partners; and (6) fiscal authority for youth, adult, and dislocated worker funds under Title 1 of the Workforce Investment Act. Removes obsolete references.

House Bill 1267 (Public Law 182-2006)
Author(s): Borror
Sponsor(s): Harrison
Citations Affected: IC 20-33; 22-1
Effective: June 1, 2006; July 1, 2006

Employment certificates for children. Sets procedure for issuance of an employment certificate and specifies format of the employment certificate. Provides that a child may have more than one employment certificate at a time and specifies that if so, is subject to civil penalties from the department of labor if the child works more than the allowable number of: (1) hours in a week; or (2) days in a week. Provides that an employer of a child who holds more than one employment certificate is responsible only for excess hours or days of the week violations for the employment of the child with the employer. Makes technical corrections.

House Bill 1307 (Public Law 134-2006)
Author(s): Torr
Sponsor(s): Harrison, Kruse
Citations Affected: IC 22-3
Effective: Upon Passage (March 22, 2006); July 1, 2006

Worker's compensation. Establishes a schedule of attorney's fees for worker's compensation and occupational disease claims. Provides that the burden of proof of the element of a claim is on the employee, and that proof by the employee does not create a presumption in favor of the employee with regard to another element of the claim. Provides for increases in the: (1) average weekly wage used to calculate worker's compensation and occupational disease benefits; (2) schedule for awarding compensation for the degree of permanent partial impairment determined by the board; and (3) maximum compensation that may be paid for personal injury by accident or disablement or occupational disease. Deletes an exception to and revises the statute of limitations for the making of

a modified award of worker's compensation and occupational disease benefits. Provides that a member of the worker's compensation board may not have other employment inconsistent with the discharge of the member's duties. Revises the computation for the assessment for the second injury fund. Repeals language related to the second injury fund. Makes technical corrections.

House Bill 1420 (Public Law 136-2006)
Author(s): T. Brown
Sponsor(s): Gard, M. Young
Citations Affected: IC 22-5
Effective: July 1, 2006
Employee tobacco use. Allows an employer to implement financial incentives related to employer provided health benefits to reduce employee tobacco use.

LOCAL GOVERNMENT

See also:
SB 69: Governance of rural telephone cooperatives.
[Utilities]
SB 148: Use of CAGIT revenue by certain counties.
[Taxation]
SB 153: State central collection unit and child support.
[Family and Juvenile Law]
SB 260: Various property tax issues.
[Taxation]
SB 283: Emergency telephone notification system.
[Public Safety]
SB 345: Government finance.
[Taxation]
SB 355: Property taxes.
[Taxation]
SB 382: Airport development zone.
[Transportation]
HB 1001: Various tax matters.
[Taxation]
HB 1008: Public-private agreements for transportation.
[Transportation]
HB 1025: Innkeeper's taxes.
[Taxation]
HB 1114: Various property matters.
[Property]

HB 1117: Solid waste disposal, other.
[Environment]

HB 1124: Rainy day fund loans to political subdivisions.
[Taxation]
HB 1156: Concerning excessive tax levy for court operating expenses.
[Courts]
HB 1212: Drainage assessments, sanitation districts, and storm water districts.
[Natural Resources]
HB 1249: County drug free community fund.
[Criminal Law and Procedure]
HB 1279: Telecommunications deregulation.
[Telecommunications]
HB 1315: Video service franchises.
[Telecommunications]
HB 1327: Various tax matters, Internal Revenue Code update.
[Taxation]

Senate Bill 35 (Public Law 49-2006)
Author(s): Long, Simpson
Sponsor(s): Wolkins
Citations Affected: IC 36-7
Effective: Upon Passage (March 15, 2006)
Zoning ordinance changes. Provides that, with certain exceptions, the granting of building permits, approvals for construction or development, and certain other permits is governed for at least three years after a person applies for a permit by the law, rules, and approvals in effect at the time that the applicant applies for the permit. Specifies that the provisions concerning application of laws, rules, and regulations in effect at the time of application for a permit do not apply if the development or other activity to which the permit relates is not completed within seven years after the development or activity is commenced.

Senate Bill 71 (Public Law 52-2006)
Author(s): Ford, Gard
Sponsor(s): Dodge
Citations Affected: IC 8-1.5; 36-9
Effective: Retroactive (January 1, 2006); Upon Passage (March 15, 2006)
Drainage assessments and storm water. Provides that the state and political subdivisions are not exempt from drainage assessments. Provides that the state is not entitled to a refund of a drainage assessment paid before January 1, 2006. Requires county treasurers to send annually to the state land office a list of state property for which drainage assessments are delinquent. Establishes the

procedures for and the conditions under which an excluded city or town in Marion County may withdraw from the storm water special taxing district.

Senate Bill 277 (Public Law 7-2006)
Author(s): Rogers, Riegsecker
Sponsor(s): C. Brown
Citations Affected: IC 36-10
Effective: July 1, 2006
Genesis Convention Center board of managers. Provides that the Gary city council may adopt an ordinance providing for the payment of a salary or a per diem to members of the board of managers of the Genesis Convention Center who do not hold another lucrative office.

House Bill 1076 (Public Law 168-2006)
Author(s): Friend
Sponsor(s): Hershman, Weatherwax
Citations Affected: IC 20-26; 36-1
Effective: July 1, 2006
Contracts for public water and wastewater projects. Includes water and wastewater, in addition to energy, under the guaranteed savings contracts and utility efficiency programs that may be used by local units of government to reduce consumption and usage costs or to provide billable revenue increases.

House Bill 1089 (Public Law 71-2006)
Author(s): J. Lutz
Sponsor(s): Kenley, Lanane
Citations Affected: IC 36-4
Effective: July 1, 2006
Annexation of property zoned agricultural. Allows a city or town to exempt annexed agricultural land from property tax liability until the land is rezoned under a different classification. (Under current law, only certain municipalities may do this.) Provides that if the annexation ordinance is adopted after June 30, 2006, the property tax liability is exempted for a period of not more than 10 years.

House Bill 1102 (Public Law 169-2006)
Author(s): Ayres
Sponsor(s): Lawson
Citations Affected: IC 5-3; 5-11; 6-1.1; 9-21; 12-19; 12-20; 33-36; 36
Effective: Upon Passage (March 24, 2006); July 1, 2006; January 1, 2007
Local government matters. Specifies that the annual reports filed with the state board of accounts by governmental units must show the business addresses of officers and employees. (Current law specifies only that the "addresses" must be included.) Provides that if a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county and the notice contains an error or omission for which the county auditor is responsible: (1) the county auditor must

publish (at the county auditor's expense) a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision; (2) the department of local government finance may correct the error or omission at any time; and (3) the maximum amount to which the department of local government finance may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision and not the amount incorrectly published or omitted in the notice. Provides that certain specified facilities, such as golf courses, massage parlors, and racetracks, are not eligible for the "automatic abatement" for personal property. (Current law provides that these facilities are not eligible for the automatic abatement for real property.) Amends the county recorder fee statute to provide that the cost of furnishing a page not larger than 8 inches by 14 inches is $1, regardless of whether or not the page is produced by a photographic process. Provides that a political subdivision has two weeks (rather than one week) to respond to the department of local government finance (DLGF) if the DLGF revises the political subdivision's budget, tax rate, or tax levy. Allows transfers to the political subdivision's rainy day fund to be made at any time. Provides that an appeal by a township board to borrow money to fund township assistance is made directly to the department of local government finance. Repeals provisions concerning appeals by townships to county commissioners and county councils for the borrowing of money for township assistance. Repeals provisions concerning county borrowing for township assistance. Repeals a provision authorizing the county fiscal body to levy property taxes and make an appropriation to advance money to a township for township assistance if the county commissioners determine that there will be insufficient money in the township assistance fund. Allows the northwestern Indiana regional planning commission to pay a claim or purchase order without obtaining a vendor's signature. Provides that a claim for reimbursement of mileage, meal, and lodging expenses to attend a state board of accounts conference may not be denied if the claim meets statutory requirements. Allows a municipality to adopt an ordinance providing for meal expense advances for a municipal employee who will be traveling on official business. Increases from $100 to $250 the maximum amount that a violations clerk may accept for payment of ordinance violations. Provides that the amount that may be accepted shall be set by ordinance. Increases the cost threshold at which bids are required for certain political subdivisions under the local public works statute to $50,000. Specifies that small towns and certain other political subdivisions can use the same process that third class cities and large towns use involving requests for quotes when a public work project is estimated to cost at least $25,000 and less than $50,000. Eliminates the requirement that a city legislative body hold its first regular meeting of the year at 7:30 p.m. on a Monday. Establishes a deadline of September 30 for a municipality to address property tax and budget matters and to set employee compensation for the following year. Provides that, beginning July 1, 2007, the trustee of each township in Lake, Porter, and LaPorte counties shall appoint a member to the northwestern Indiana regional planning commission if the township: (1) has a population of at least 8,000; and (2) does not contain a municipality. Reestablishes the northwest Indiana transportation study commission. (The existing northwest Indiana transportation study commission expired November 2, 2005.) Authorizes a municipality to establish a sewer improvement and extension fund and impose assessments to finance the construction, repair, or improvement of a sewage works. Provides that assessments are imposed and collected in the same manner as Barrett Law assessments. Adds the following two members to the board of the regional bus authority serving Lake County and Porter County: (1) One member appointed by the township trustee of the township containing the towns of Chesterton, Porter, Burns Harbor, and Dune Acres.

(2) One member appointed jointly by the township trustees of Washington, Morgan, Pleasant, Boone, Union, Porter, Jackson, Liberty, and Pine townships in Porter County. Deletes a provision specifying that members of the board from Porter County may not vote on certain issues unless Porter County makes payments to the authority. Changes the definition of "newspaper" for purposes of the statutes concerning publication of notices. Specifies that in a year in which there is not an election of members to the township board, the township board may by unanimous vote reduce the salaries of the members of the township board by any amount. Provides that compensation of city officers and employees may be increased by the mayor during the budget year for which the compensation has been fixed. (Current law allows the mayor to decrease compensation.) Specifies certain actions that entities may take after entering into an interlocal cooperation agreement related to economic development projects. Provides that in the case of a town that has a population of less than 10,000 and that changes into a city, the ordinance dividing the town into city legislative body districts may provide that: (1) the city shall be divided into three districts; and (2) the legislative body of the city is composed of three members elected from the districts and two at-large members. Deletes the $25 limit on postage and publication costs that can be included in the minimum bid amount and provides that the price of property sold at a tax sale includes the greater of $25 or the amount of the postage and publication costs. Requires certain orders under the unsafe building law to also be served on persons having a present possessory interest in the premises. Specifies that a person with a property interest in an unsafe premises who does not: (1) record an instrument reflecting the interest; or (2) provide to the enforcement authority the person's name and address, and the location of the unsafe premises; is deemed to consent to reasonable action taken under the unsafe building law for which notice would be required and relinquishes a claim to notice. Provides that liens for special assessments have the same priority status as liens for property taxes. Increases the interest rate on delinquent tax payments made by mortgagees from 6% to 10% (the same rate applicable to tax sale purchasers). Specifies that real property for which any property taxes or special assessments are delinquent from the prior year's fall installment is eligible for tax sale if a county executive has certified to the county auditor that the real property is vacant or abandoned. Specifies that this property must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day at which other real property is offered for sale. Retains current law (property is eligible for tax sale if taxes or special assessments from the prior year's spring installment are delinquent) for all other real property. Provides that the statutes prohibiting certain persons from bidding at a tax sale do not prohibit the owner of a tract that is offered at a tax sale from bidding on that tract. Allows all counties to use a provision that currently allows only Marion County to designate certain delinquent properties for acquisition. Prohibits persons who have violated the unsafe building law from bidding at tax sales. Provides that a sale to an ineligible bidder is subject to forfeiture, based on the determination of the county treasurer. Provides that in the event of forfeiture, the amount of the bid will be applied to the amounts owed by the ineligible bidder and a certificate for the property shall be issued to the county executive. Repeals a provision authorizing a second tax sale. Provides that property not sold at the single tax sale shall be transferred to the county executive (or the metropolitan development commission, in the case of Marion County). Provides an alternate date (51 days after the tax payment is due) by which the county treasurer may certify to the county auditor the list of property for which taxes are delinquent. Specifies that a tax sale of a tract or item of real property must be made not later than 171 days after the list containing the tract or item of real property is certified to the county

auditor. Specifies that persons prohibited from purchasing property at a tax sale are also prohibited from purchasing certificates of sale. Provides that when real property is redeemed and the certificate of sale is surrendered to the county auditor, the purchaser of the certificate of sale or the purchaser's assignee is entitled to receive from the county an amount equal to: (1) the amount received by the county treasurer for redemption; minus (2) if the certificate of sale was sold for less than the minimum bid, an amount equal to the difference between the minimum bid and the amount for which the certificate was sold. Replaces the term "county commissioners" with "county executive" in the tax sale statutes. Allows the county executive or metropolitan development commission to hold, manage, maintain, use, convey, or dispose for any redevelopment purposes those properties not sold for the minimum bid. Gives redevelopment commissions and the metropolitan redevelopment commission additional powers concerning the disposition of tax sale properties. Allows a hearing authority under the unsafe building law to impose fines and additional civil penalties under certain circumstances. Allows the civil penalties and fines to be collected under the special assessment procedures. Increases the amount of a civil penalty that may be imposed by a court under the unsafe building law from $1,000 to $5,000. Provides that a hearing authority under the unsafe building law may impose additional civil penalties if the hearing authority finds that: (1) significant work on the premises to comply with the original order has not been accomplished; and (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties. Allows a court to require a performance bond from a property owner if the property owner requests additional time to comply with an order under the unsafe building law. Amends the notice requirements for certain actions under the unsafe building law. Provides that in the case of a tax sale purchase that may be forfeited because the purchaser owes delinquent taxes or assessments, the county treasurer must notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within 30 days of the notice. Provides that if a county executive disposes of real property, the property taxes collected for the real property in the first year the real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the real property. Provides that the disbursements to the county executive must be deposited in the county general fund, the redevelopment fund, the unsafe building fund, or the housing trust fund. Specifies that this disbursement to the county executive terminates in the second year the item of real property is subject to taxation. Requires a local authority to make an engineering and traffic investigation before making certain speed limit changes inside and outside of an urban district. Provide that a local authority does not have to perform an engineering and traffic investigation to determine the proper maximum speed for local streets in an urban district if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour. Makes other changes concerning local government.

House Bill 1107 (Public Law 42-2006)
Author(s): Crouch
Sponsor(s): Becker, Lutz
Citations Affected: IC 36-9

Effective: Upon Passage (March 14, 2006)

Funding of emergency warning systems under the Barrett law. Provides that emergency warning systems may be funded under the county and municipal Barrett Law provisions.

House Bill 1362 (Public Law 186-2006)

Author(s): Buck

Sponsor(s): Delph, Riegsecker

Citations Affected: IC 36-1

Effective: Upon Passage (March 24, 2006)

Local government reorganization. Establishes a uniform procedure for the reorganization of political subdivisions. Provides that "political subdivision" does not include a local hospital authority or corporation. Provides that the reorganization process may be initiated by the legislative bodies of the reorganizing political subdivisions or by a petition signed by 5% of the voters in the reorganizing political subdivisions (as determined by the vote cast in the political subdivision for secretary of state at the most recent general election). Requires the reorganizing political subdivisions to appoint individuals to a reorganization committee to develop a plan for reorganization. Provides that political subdivisions and reorganization committees acting under the reorganization statute are subject to the open door law and the public records law. Specifies the elements that must be included in the plan. Provides that the proposed reorganization shall be submitted to the voters for approval if the plan is approved by the legislative bodies of the political subdivisions or, in some circumstances, if at least 10% of the voters in a political subdivision (as determined by the vote cast in the political subdivision for secretary of state at the most recent general election) submit a petition approving the plan of reorganization and requesting the public question to be held. Provides that a reorganization may occur only if the voters of the reorganizing political subdivisions approve the reorganization in the public question. Provides that in the case of a proposed reorganization between a county and a municipality, the legislative bodies of the reorganizing political subdivisions must agree on whether the public question on the proposed reorganization shall be: (1) conducted on a county-wide basis, without a rejection threshold; or (2) conducted on a county-wide basis, with a rejection threshold. Provides that in the case of a proposed reorganization between a county and a municipality, the reorganization committee shall include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote in favor of the proposed reorganization, on a county-wide basis, for the public question to be approved (the "county-wide vote approval percentage"). Provides that if the legislative bodies agree that the public question shall include a rejection threshold, the reorganization committee shall determine that rejection threshold percentage. Specifies that the rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization. Provides that in the case of a proposed reorganization between a county and a municipality, the reorganization is approved only if: (1) the percentage of voters voting on the public question who vote, on a county-wide basis, in favor of the proposed reorganization is at least equal to the county-wide vote approval percentage included in reorganization plan; and (2) if the legislative bodies have agreed to include a rejection threshold, the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question who vote against the reorganization

is less than a rejection threshold specified in the final reorganization plan and the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than the rejection threshold specified in the final reorganization plan. Requires the department of local government finance to adjust the maximum property tax levies, maximum property tax rates, and budgets of political subdivisions that reorganize. Provides that: (1) indebtedness that was incurred by a political subdivision before the reorganization may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the reorganization and must be paid by the taxpayers that were responsible for payment of the indebtedness before the reorganization; and (2) pension obligations existing as of the effective date of the reorganization may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the reorganization and must be paid by the taxpayers that were responsible for payment of the pension obligations before the reorganization. Provides that when the reorganization is effective, all the participating political subdivisions except the remaining reorganized political subdivision cease to exist. Makes related changes. Establishes a procedure for political subdivisions to enter into cooperative agreements and provide for the transfer of functions of an employee or department of the political subdivision (including an elected office) to another employee or department of any political subdivision that has entered into the cooperative agreement. Provides that the cooperative agreements must be initiated and approved in the same manner that is set forth in the bill for the reorganization of political subdivisions.

MILITARY

Senate Bill 75 (Public Law 58-2006)
Author(s): Long, Delph
Sponsor(s): Borror
Citations Affected: IC 9-13; 9-18; 9-29; 10-17
Effective: July 1, 2006

Military family relief fund. Establishes the military family relief fund (fund) to provide grants for essential family support expenses to the families of Indiana residents who: (1) are members of the Indiana National Guard or the armed forces reserves; and (2) have been called to active duty after September 11, 2001. Allows the veterans' affairs commission to establish the eligibility criteria and application and selection procedures for the grants. Requires the director of veterans' affairs to report to the budget committee before August 1, 2006, on the grant determination procedures to be used. Permits the director of veterans' affairs or a member of the commission to make a request to the general assembly for an appropriation to the fund. Annually appropriates any money in the fund that is not otherwise appropriated for the purposes of the fund. Creates a Hoosier veteran license plate and specifies that the plate is not a special group recognition license plate. Provides for the collection of a $15 annual supplemental fee at the time a vehicle plated with a Hoosier veteran license plate is registered, which is to be deposited in the military family relief fund. Creates a support our troops license plate and specifies that the plate is not a special recognition license plate. Provides for the collection of a $20 annual supplemental fee at the time a vehicle plated with a support our troops

license plate is registered, which is to be deposited in the military family relief fund. Requires the bureau of motor vehicles to terminate the issuance of the Hoosier veteran license plate formerly issued as a special group recognition license plate. Provides that the amount appropriated in the budget bill for statutory fee remission in the state fiscal year beginning July 1, 2006, and ending June 30, 2007, may be used for dependents of veterans with disabilities not greater than zero percentage.

House Bill 1259 (Public Law 180-2006)
Author(s): Koch
Sponsor(s): Steele, Hume
Citations Affected: IC 4-3; 6-2.5; 6-3; 6-3.1; 13-11; 34-6; 36-7
Effective: July 1, 2006
Military bases. Adds additional members to the military base planning council (council). Extends the responsibilities of the council to include Camp Atterbury and the Muscatatuck Urban Training Center (MUTC). Requires the department of environmental management to give priority to certain permit applications concerning Camp Atterbury and the MUTC. Grants civil immunity for noise pollution and telecommunications interference to Camp Atterbury and the MUTC. Provides that a county in which the Crane military base is located is a qualified military base enhancement area.

MISCELLANEOUS

See also:
SB 81: Bungee jump facility inspection.
[Labor]

Senate Bill 201 (Public Law 21-2006)
Author(s): Riegsecker
Sponsor(s): Walorski
Citations Affected: IC 25-23.7
Effective: July 1, 2006
Manufactured home installation. Allows an existing location within a mobile home community that is valid under a local ordinance to be expanded to provide support and utilities for the installation of a manufactured home in the mobile home community.

MOTOR VEHICLES

See also:
SB 75: Military family relief fund; Hoosier veteran license plate.

[Military]
SB 106: Sales tax on recreational vehicles and cargo trailers.
[Taxation]
SB 193: Concerning intoxication for purposes of motor vehicle law.
[Criminal Law and Procedure]
SB 305: Special purpose buses; emergency exits on buses.
[Education]

HB 1108: Aggressive driving.
[Criminal Law and Procedure]
HB 1110: Removal of mercury switches from motor vehicles.
[Environment]

Senate Bill 133 (Public Law 36-2006)
Author(s): Kruse
Sponsor(s): Dodge
Citations Affected: IC 9-20
Effective: July 1, 2006
Permits for oversized tractor-semitrailers. Requires a permit issued by the department of transportation for transporting an oversized tractor-semitrailer to authorize the operation of the tractor-semitrailer from ½ hour before sunrise to ½ hour after sunset.

Senate Bill 145 (Public Law 94-2006)
Author(s): M. Young, Delph
Sponsor(s): Duncan
Citations Affected: IC 9-13; 9-26; 9-30; 34-24
Effective: July 1, 2006
Vehicle forfeiture and driving while intoxicated. Permits the forfeiture of a motor vehicle operated by a person who has at least two prior unrelated convictions in the previous five years for operating while intoxicated if the person commits operating a motor vehicle while intoxicated or operating a motor vehicle with a suspended driver's license. Provides that a motor vehicle that is not owned by the person or the spouse of the person who unlawfully operated it may not be seized unless the owner knew that the vehicle would be unlawfully operated. Prohibits the bureau of motor vehicles from registering a motor vehicle in the name of a person whose motor vehicle has been forfeited until the person proves that the person possesses a current driving license. Provides that when a court grants probationary driving privileges to certain persons, the order must include the requirement that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device. Provides that a certified phlebotomist may obtain a bodily substance sample under certain circumstances. Provides that for purposes of the duties of a driver, owner and passengers of a vehicle after a vehicle accident, an accident does not require proof

of a collision between a driver's vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person. Amends the definition of chemical test for determining the presence of alcohol or a drug. Revises penalties for the failure to submit to a portable breath test or a chemical test. Adds excise police officers of the alcohol and tobacco commission to the definition of law enforcement officer for motor vehicle laws.

Senate Bill 208 (Public Law 37-2006)
Author(s): Dillon
Sponsor(s): T. Brown
Citations Affected: IC 9-24
Effective: July 1, 2006

Medical alert on licenses or identification cards. Provides that if an applicant for a driver's license, a learner's permit, or an identification card submits information concerning the applicant's medical condition to the bureau of motor vehicles, the bureau shall include an identifying symbol and a summary of the information on the driver's license, learner's permit, or identification card. Requires the bureau to inform an applicant that submission of medical information is voluntary. Removes from the statutes the provisions for including an applicant's blood type on a driver's license, learner's permit, or identification card.

Senate Bill 235 (Public Law 117-2006)
Author(s): Gard, Wyss
Sponsor(s): Duncan
Citations Affected: IC 9-18
Effective: Upon Passage (March 21, 2006); July 1, 2006

Special group recognition license plates. Authorizes a special group recognition license plate to be displayed on a motorcycle. Provides that: (1) special groups that participate in the program may request that the bureau of motor vehicles (BMV) collect a $25 annual fee on behalf of the group; (2) the fee then is deposited by the BMV in a trust fund for the special group established by the treasurer; and (3) on June 30 of each year, the commissioner of the BMV distributes the money from the fund to the special group. Prohibits the BMV from disclosing information that identifies certain persons to whom special group license plates have been issued. Sets the procedure for collection of the annual fee by the BMV. Appropriates the money in the trust funds for the purposes of the trust funds. Makes a technical correction.

Senate Bill 236 (Public Law 5-2006)
Author(s): Drozda
Sponsor(s): Friend
Citations Affected: IC 9-27
Effective: Upon Passage (March 9, 2006)

Driver training schools. Requires the bureau of motor vehicles to adopt rules concerning classroom

training by a commercial driver training school outside the county in which the school is located.

Senate Bill 264 (Public Law 63-2006)
Author(s): Weatherwax
Sponsor(s): Duncan
Citations Affected: IC 9-23
Effective: Upon Passage (March 17, 2006)
Offsite vehicle sales. Changes the criteria for an automobile dealer to obtain a license for an offsite sale.

Senate Bill 269 (Public Law 103-2006)
Author(s): Miller
Sponsor(s): Duncan
Citations Affected: IC
Effective:
License plates. Requires the bureau of motor vehicles to issue personalized license plates annually. Provides that the reservation of a personalized license plate must be completed before October 31 of the year before the personalized license plate is issued. Requires the bureau of motor vehicles, before October 1 of each year, to contact the holders of personalized license plates and remind them of the necessity of reserving a personalized license plate before October 31 in order to be issued the same personalized license plate for the subsequent year. Provides that when the money in the Indiana arts commission trust fund (fund) reaches one million dollars ($1,000,000), the interest and dividend earnings of the fund are appropriated annually to the Indiana arts commission. (Current law provides that the money in the fund must reach fifty million dollars ($50,000,000) before the interest and dividend earnings may be appropriated.)

Senate Bill 297 (Public Law 106-2006)
Author(s): Hershman
Sponsor(s): Foley
Citations Affected: IC 9-24; 35-43
Effective: July 1, 2006
Penalty for false information given to the BMV. Provides that a person who: (1) knowingly or intentionally uses false information or otherwise commits fraud in an application for an identification card; or (2) knowingly or intentionally uses a false name or address or otherwise commits fraud in an application for a driver's license or permit; commits application fraud, a Class D felony. (Current law provides that the offenses are Class B and Class C misdemeanors, respectively.)

Senate Bill 303 (Public Law 156-2006)
Author(s): Kruse
Sponsor(s): Duncan
Citations Affected: IC 9-16; 9-23; 9-24; 9-29; 10-11; 24-4
Effective: Upon Passage (March 24, 2006); July 1, 2006
Various motor vehicle matters. Provides that the prohibition against Sunday sales of motor vehicles

does not apply to an auctioneer who has been issued a special event permit by the bureau of motor vehicles and sets a fee for issuance of the permit. Revises language pertaining to the requirements for issuance, renewal, and expiration of certain driver's licenses. Requires the relative or guardian accompanying a driver less than 18 years of age who holds a learner's permit to be at least 21 years of age. Authorizes the acceptance of a corporate check for an original or a renewal commercial driver training school license or instructor's license. Revises language concerning the fee for issuance of state identification cards under certain circumstances. Requires all license branches that provide state identification cards (rather than only full service branches) to be open on the day before election day and on election day to issue driver's licenses and state identification cards. Corrects a cross-reference to the definition of "election day". Provides that a license branch is not required to be open on election day or the day before election day to issue driver's licenses and identification cards if there are no precincts in the county in which an election is held on election day. Requires the bureau of motor vehicles commission (commission) to designate another day as time off for an employee of the commission who works on an election day. (Current law requires the commission to designate another day as compensatory time off.) Repeals language: (1) requiring the holding of a public passenger chauffeur's license in order to drive certain motor vehicles; and (2) concerning the renewal of the motorcycle endorsement of a driver's license or a motorcycle operator's license. Removes obsolete language.

Senate Bill 339 (Public Law 110-2006)
Author(s): Merritt
Sponsor(s): Duncan
Citations Affected: IC 9-22; 9-29
Effective: July 1, 2006

Certificate of salvage titles. Authorizes the owner of a salvage motor vehicle to retain possession of the salvage motor vehicle under certain circumstances. Sets the procedure for the owner to obtain a certificate of salvage title. Repeals and relocates language relating to the fee for the issuance of a salvage title. Specifies that the revenues collected from the issuance of salvage titles shall be deposited in the motor vehicle highway account. Makes it a Class D infraction for a person who fails to comply with certain requirements concerning certificates of title and certificates of salvage title on salvage motor vehicles.

Senate Bill 374 (Public Law 24-2006)
Author(s): Mishler, Wyss
Sponsor(s): T. Brown
Citations Affected: IC 9-13; 9-19; 9-21
Effective: July 1, 2006

Child passenger restraint systems exception. Provides that the laws relating to the use of passenger restraint systems for children do not apply to the operator of a motor vehicle used in the following: (1) A funeral procession. (2) The return trip to the funeral home. (3) Both the procession and the return trip. Repeals and relocates the definition of "funeral procession". Makes conforming amendments.

House Bill 1013 (Public Law 68-2006)
Author(s): Burton
Sponsor(s): Miller
Citations Affected: IC 9-18; 9-29
Effective: July 1, 2006

License plates. Creates an In God We Trust license plate, and specifies that it is not a special group recognition license plate. Provides that bureau of motor vehicles may not charge a pull service charge fee for a requested passenger motor vehicle registration plate for a license plate that designates the passenger motor vehicle as being owned by a person who has received a Purple Heart decoration.

House Bill 1103 (Public Law 41-2006)
Author(s): Yount
Sponsor(s): Steele, Broden
Citations Affected: IC 9-13; 9-24
Effective: Upon Passage (March 14, 2006); July 1, 2006

Bureau of motor vehicles matters. Defines a dealer for purposes of watercraft sales as a person who sells at least six: (1) boats; or (2) trailers designed and used exclusively for the transportation of watercraft and sold in general association with the sale of watercraft; a year. (Current law defines a dealer for purposes of watercraft sales as a person who sells at least six boats a year.) Provides that a trailer or semitrailer used in the transportation of watercraft may be considered to be an abandoned vehicle under certain circumstances. Provides that if the birthday on which a driver's license issued after 2006 would otherwise expire falls on Sunday, a legal holiday, or a weekday when all license branches, full service providers, and partial services providers in the driver's license holder's county of residence are closed, the driver's license of the holder does not expire until midnight of the first day after the birthday on which a license branch, full service provider, or partial service provider is open for business in the holder's county of residence.

House Bill 1128 (Public Law 172-2006)
Author(s): Duncan
Sponsor(s): Wyss
Citations Affected: IC 9-30
Effective: July 1, 2006

Ignition interlock devices. Provides that when a court grants probationary driving privileges to certain persons, the order must include the requirement that for six months the person may not operate a motor vehicle unless: (1) the motor vehicle is equipped with a functioning certified ignition interlock device; or (2) the person is successfully participating in a court supervised alcohol treatment program involving disulfiram (antabuse) or a similar substance. Requires a person who is not indigent to pay the costs of the ignition interlock program.

House Bill 1150 (Public Law 79-2006)

Author(s): Crooks
Sponsor(s): Kruse, Skinner
Citations Affected: IC 9-18; 9-29
Effective: July 1, 2006

Use of antique license plates on motor vehicles. After December 31, 2007, authorizes a person registering an antique motor vehicle to display an authentic license plate from the vehicle's model year on the antique motor vehicle. Removes the specification of the colors used for the antique motor vehicle plate from the statute.

House Bill 1286 (Public Law 45-2006)
Author(s): Duncan
Sponsor(s): Waterman, Lewis
Citations Affected: IC 9-13; 9-24; 9-29
Effective: July 1, 2006

Motorcycle operational skills test. Requires the bureau of motor vehicles to adopt rules to: (1) establish standards for persons administering operational skills tests and the provisions of the operational skills tests; and (2) determine a charge to cover the direct costs of administering the operational skills tests. Repeals the definition of "certified motorcycle operational examiner".

House Bill 1300 (Public Law 188-2006)
Author(s): Mahern
Sponsor(s): Wyss, Breaux
Citations Affected: IC 9-13; 9-24
Effective: Upon Passage (March 17, 2006)

Commercial driver's licenses and permits. Expands the definition of "Indiana resident", for purposes of the commercial driver's license (CDL) law, to include an individual who temporarily resides in Indiana in order to attend a truck driver training school. Authorizes the bureau of motor vehicles to issue a CDL learner's permit or a CDL to a resident of another state who is temporarily living in Indiana to attend a truck driver training school, and makes a permit or CDL issued to such a student valid for 90 days. Makes it a Class C infraction for the owner of a truck driver training school to fail to notify the bureau of certain events. Specifies that a truck driver training school that is not a state educational institution is subject to rules adopted by the commission on proprietary education. Makes conforming amendments.

House Bill 1331 (Public Law 46-2006)
Author(s): Hoffman
Sponsor(s): Weatherwax, R. Young
Citations Affected: IC 25-34.1

Effective: July 1, 2006

Out-of-state boat registration. Provides that a motorboat that is registered in another state is not required to be registered or titled in Indiana if the motorboat owner pays the boat excise tax and certain fees. Establishes a $2 fee paid to the bureau of motor vehicles for collecting the excise tax and fees on a motorboat registered in another state.

NATURAL RESOURCES

Senate Bill 77 (Public Law 59-2006)

Author(s): Heinold

Sponsor(s): Heim

Citations Affected: IC 14-22

Effective: July 1, 2006

Shooting preserves. Prohibits establishing a shooting preserve within one mile (rather than five miles) of a state owned game refuge or state public hunting ground.

Senate Bill 94 (Public Law 35-2006)

Author(s): R. Meeks

Sponsor(s): Dodge

Citations Affected: Noncode

Effective: July 1, 2006

Lakes management work group. Establishes the lake management work group to study issues concerning public freshwater lakes.

Senate Bill 157 (Public Law 95-2006)

Author(s): Lewis, Weatherwax

Sponsor(s): Hoffman

Citations Affected: IC 14-9; 14-10; 14-21; 14-25; 14-33

Effective: Upon Passage (March 20, 2006); July 1, 2006

Natural resources advisory councils. Establishes a single advisory council to serve the bureau of water and resource regulation and the bureau of lands and cultural resources. (Current law creates a separate advisory council for each bureau.) Removes per diem for advisory council members. Requires the advisory council to meet at least once every two months (rather than quarterly). Repeals the requirements of a conservancy district board of directors in Lake County. (The introduced version of this bill was prepared by the natural resources study committee.)

Senate Bill 253 (Public Law 152-2006)

Author(s): Weatherwax

Sponsor(s): Hoffman

Citations Affected: IC 4-33; 14-25; 14-26

Effective: July 1, 2006

Activities along shorelines. Requires that a person who performs certain activities concerning water levels, shorelines, and lake beds along a lake or within ten feet of a lake obtain a permit from the department of natural resources. Directs the natural resources commission to adopt rules. Makes conforming changes. Repeals superseded laws concerning permits to change water levels, shorelines, and lake beds.

Senate Bill 354 (Public Law 66-2006)

Author(s): Weatherwax

Sponsor(s): Ulmer

Citations Affected: IC 6-1.1; 14-12; 14-23; 14-36

Effective: July 1, 2006

Forestry issues. Allows land to be classified as wildlands for purposes of property taxation. Requires a classified forest plantation to have at least 400 trees per acre. Requires a classified native forest land to have at least 1,000 trees per acre. Removes the requirement that certain open areas must be excluded from the classified land. Prohibits certain nontimber crops from being cultivated on classified land. Establishes procedures and requirements for revised applications for classified lands. Establishes penalties for withdrawal from the classified land program. Provides that environmental impact statements do not apply to forestry management practices of the division of forestry. Establishes the forest restoration fund. Amends the definition of "merchantable timber". Provides that a county legislative body may allow more than $1,000 to be distributed to volunteer fire departments from timber sales. Repeals: (1) provisions concerning assessment of classified lands; (2) the assessment of certain wildlife habitats; and (3) the prohibition of certain reclamation sites from enrolling in the classified land program. Transfers land classified as wildlife habitats to land classified as wildlands.

Senate Bill 369 (Public Law 112-2006)

Author(s): R. Young

Sponsor(s): Wolkins

Citations Affected: IC 14-8; 14-25

Effective: July 1, 2006

Drought planning. Creates a ten member water shortage task force to develop and implement an updated water shortage plan and to address other surface and ground water issues. Provides that appointments to the task force are made by the director of the department of natural resources ("DNR"), and requires DNR to staff the task force. Requires certain state agencies to designate a representative to advise the task force. Permits the director of DNR to invite representatives of other state and federal agencies to advise the task force**.**

House Bill 1138 (Public Law 132-2006)

Author(s): Bell
Sponsor(s): Weatherwax, Lewis
Citations Affected: IC 14-22
Effective: July 1, 2006

Hunting and lifetime license trust fund. Authorizes the director of the department of natural resources, with the approval of the natural resources commission and the budget agency, and after review by the budget committee, to use money in the lifetime hunting, fishing, and trapping license trust fund to acquire property to be used for hunting and fishing. Allows the director to designate free hunting days for youth hunters. Reduces the minimum license fee to take an extra deer. Makes an appropriation.

House Bill 1212 (Public Law 175-2006)
Author(s): Dodge
Sponsor(s): Ford
Citations Affected: IC 8-1.5; 14-32; 36-9
Effective: Retroactive (January 1, 2006); Upon Passage (March 24, 2006); July 1, 2006

Drainage assessments, sanitation districts, and storm water districts. Establishes water quality protection as a legislative policy. Makes changes to the membership of the soil conservation board (board) and the advisory members. Requires the board to conduct a conservation needs inventory and hold meetings throughout the state. Allows a waiver of the ten acres of land requirement to be waived for elected soil and water conservation district supervisors. Removes the requirement that the nominees for elected supervisors must exceed the vacancies. Allows the board to appoint associate supervisors for soil and water conservation districts. Adds information that must be included in annual reports. Requires the department of agriculture to implement a geographic information system for each county. Allows the clean water Indiana program to provide financial assistance to soil and water conservation districts. Provides that the state is not exempt from drainage assessments and is not entitled to a refund of a drainage assessment paid before January 1, 2006. Makes the following changes for a department of public sanitation in a sanitation district (district) that contains at least one city having a population of less than 100,000 and at least one town: (1) Makes the department an executive department of each municipality in the district. (2) Allows a district to perform certain functions in the name of any municipality in the district or in the name of the district. (3) Provides that fees related to property that is subject to full taxation do not take effect until the fees are approved by the legislative body of each municipality in the district or established by the utility regulatory commission. Allows an excluded city or town to withdraw from the Marion County storm water management district if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. Requires certain notices to be provided as part of the withdrawal process. Provides that if there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district before the municipality's withdrawal. Provides that a withdrawing municipality is entitled to receive the following: (1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from

all property tax payers within the municipality, to the extent the property taxes are not necessary to pay the municipality's share of outstanding indebtedness. (2) The total amount of storm water user fees collected from the lots and parcels in the municipality. Requires these payments to be deposited by the municipality in a dedicated fund and used only for purposes of storm water management in the municipality. Makes technical corrections.

PENSIONS

See also:
SB 340: Concerning salary and PERF protection for state employees.
[State Employees]
HB 1008: Concerning PERF coverage of certain employees affected by public-private agreements for transportation.
[Transportation]
HB 1234: Public safety officer death benefit.
[Public Safety]
HB 1362: Concerning pension obligations before local government reorganization.
[Local Government]

Senate Bill 55 (Public Law 51-2006)
Author(s): Harrison, Kenley
Sponsor(s): Buell
Citations Affected: IC 36-8
Effective: Retroactive (January 1, 2006); July 1, 2006

Public safety deferred retirement option plan. For members of the 1925 fund, the 1937 fund, or the 1953 fund, ties the expiration of the public safety deferred retirement option plan (DROP) to the expiration of distributions from the pension relief fund that ensure that at least 50% of the pension liability of each unit of local government is paid from the pension relief fund. For members of the 1977 fund, eliminates the expiration of the DROP. Provides that the death benefits for an employee beneficiary of a county retirement plan established by the sheriff's department who dies in the line of duty are calculated under the provisions of the county's retirement plan as if the employee beneficiary had never entered a DROP, if: (1) the employee beneficiary dies in the line of duty before payment of the employee beneficiary's monthly pension amount begins; and (2) the calculation of a death benefit under the provisions of a county's retirement plan depends upon whether an employee beneficiary dies in the line of duty or other than in the line of duty. (The introduced version of this

bill was prepared by the pension management oversight commission.)

Senate Bill 56 (Public Law 28-2006)
Author(s): Harrison, Kenley
Sponsor(s): Buell
Citations Affected: IC 5-10.3
Effective: July 1, 2006
Pension relief fund distributions. Changes the expiration date for the additional distributions from the pension relief fund that ensure that at least 50% of the pension liability of each unit of local government is paid from the pension relief fund from January 1, 2008, to January 1, 2009. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 57 (Public Law 29-2006)
Author(s): Harrison
Sponsor(s): Buell
Citations Affected: IC 4-1; 36-8; Public Law 126-2003
Effective: July 1, 2006
Pension fund administrative issues. Authorizes a state agency to release an individual's Social Security number for the purpose of administering a state retirement fund or deferred compensation plan. Establishes a review process for an impairment awarded because a local pension board did not act in a timely manner. Extends the pilot program for the legislators' defined contribution plan until July 1, 2007. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 58 (Public Law 119-2006)
Author(s): Harrison
Sponsor(s): Buell
Citations Affected: IC 5-10.2
Effective: July 1, 2006
Teachers' retirement fund administrative issues. Specifies the type of disability benefit that a member of the state teachers' retirement fund (TRF) must be eligible to receive in order for the member's surviving spouse to qualify for a survivors' benefit. Allows a TRF member who serves in an elected position and elects, while holding the elected position, to begin receiving the retirement benefits to which the member is entitled by age and service to choose whether to retire from TRF or the public employees' retirement fund. Restricts the award of military service credit by TRF to service that is not used by the member under the terms of a military or another governmental retirement plan. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 85 (Public Law 33-2006)
Author(s): M. Young
Sponsor(s): Buell
Citations Affected: IC 33-39

Effective: July 1, 2006

Prosecuting attorneys' pensions. Reduces from ten to eight the years of service credit required for a participant to vest in the prosecuting attorneys retirement fund. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 206 (Public Law 62-2006)

Author(s): Drozda
Sponsor(s): Buell
Citations Affected: IC 5-10; 36-8
Effective: July 1, 2006

Public safety disability pensions. Creates a presumption that a police officer, firefighter, or emergency medical services provider who incurs a disability from certain cancers or a heart or lung disease while actively employed has incurred a disability in the line of duty. Excludes the use of the presumption by a police officer, firefighter, or emergency medical services provider who has used tobacco products in any form in the last five years. Allows a meeting or hearing held to rebut the presumption to be held as an executive session. Provides that a line of duty disability benefit retains the status of a disability benefit for the life of the disabled member.

Senate Bill 332 (Public Law 8-2006)

Author(s): M. Young, Bowser
Sponsor(s): Buell
Citations Affected: IC 5-10; 11-8; 20-12
Effective: January 1, 2007

Department of correction pension benefits. Specifies that if a hazardous duty employee of the department of correction: (1) works within a prison or juvenile facility or performs parole or emergency response operations and functions; and (2) dies in the line of duty; the employee's survivor is entitled to the $150,000 death benefit from the special death benefit fund. Provides that each child and surviving spouse of such a hazardous duty employee is eligible to attend any state supported college, university, or technical school without paying tuition or mandatory fees. Requires the pension management oversight commission to study retirement and other employee benefits for hazardous duty workers of the department of correction.

House Bill 1368 (Public Law 115-2006)

Author(s): Neese
Sponsor(s): Meeks, Hume
Citations Affected: IC 5-10.2
Effective: July 1, 2006

PERF and TRF cost of living adjustments. Provides a 2% cost of living adjustment for all members, survivors, and beneficiaries of the public employees' retirement fund (PERF) who were retired or disabled before January 1, 2006, beginning in 2007. Provides cost of living adjustments for certain members, survivors, and beneficiaries of the teachers' retirement fund (TRF) beginning in 2007. Provides for a thirteenth check in 2006 for PERF members, survivors, and beneficiaries based on the complete years of service credited to a member at retirement.

PROBATE and TRUSTS

See also:
SB 33: Volunteer advocates for incapacitated adults.
[Human Services]
SB 373: Payments for funeral and burial expenses.
[Human Services]

Senate Bill 102 (Public Law 53-2006)
Author(s): Becker
Sponsor(s): Foley
Citations Affected: IC 29-2; 34-30
Effective: July 1, 2006
Anatomical gift liability. Amends the uniform anatomical gift act to provide that a donor making an anatomical gift and the donor's estate are not liable for any injury or damage that may result from the making or use of an anatomical gift.

Senate Bill 114 (Public Law 61-2006)
Author(s): Zakas, Broden
Sponsor(s): Foley
Citations Affected: IC 29-1; 30-2; 30-4
Effective: July 1, 2006
Probate and trust matters. Provides that a surviving subsequent childless spouse who takes against the will of the decedent is entitled to take one-third of the net personal estate and an additional amount equal to 25% of the fair market value of the decedent's real property minus liens and encumbrances. (Current law bases the additional amount on the value of the decedent's lands.) Makes conforming changes to the intestate succession law. Specifies additional powers that a personal representative may exercise without order of the court in the administration of an unsupervised estate. Provides that income earned by a trust becomes a part of the principal and is not distributed to the beneficiaries of specific property. Removes references to estates to conform Indiana's version of the uniform principal and income act with current probate law. Specifies that a trustee may exercise a power that conflicts with an individual interest of the trustee if the trustee receives written authorization from all interested persons to exercise the power or if the exercise of the power is specifically authorized by the terms of the trust. (Current law permits the exercise of the power only with court authorization.) Provides that a claimant seeking payment of a debt owed to a decedent or seeking to obtain personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent must include in the affidavit that the claimant submits to the debtor or person possessing the personal property or instrument: (1) the name and address of each

other person entitled to a share of the property; (2) a statement that the claimant has notified each other person identified in the affidavit of the claimant's intention to present the affidavit; and (3) that the value of the gross probate estate does not exceed $50,000. (The introduced version of this bill was prepared by the probate code study commission.)

PROFESSIONS and OCCUPATIONS

See also:
SB 201: Manufactured home installation.
[Miscellaneous]
SB 342: Electronic prescription tracking program.
[Technology]

Senate Bill 202 (Public Law 98-2006)
Author(s): Riegsecker
Sponsor(s): T. Brown
Citations Affected: IC16-42; 25-26
Effective: Upon Passage (March 20, 2006)

Pharmacy and wholesale distributor matters. Allows a mechanical device that dispenses drugs to be used at certain remote locations and health care facilities. Removes authority for pharmacist extern programs. Adds persons who are allowed to be pharmacist interns. Changes references from the Foreign Pharmacy Graduate Equivalency Examination to the Foreign Pharmacy Graduate Examination Committee Certificate. Removes the practical examination requirement for certain pharmacists who are licensed in another jurisdiction. Provides that a person who has not renewed a pharmacist license within seven years must apply for a new license. Allows certain hospitals to operate Type II pharmacies in approved locations near the licensed area. Prohibits licensing a pharmacy in a residence. Authorizes the board of pharmacy (board) to temporarily suspend certain statutes or administrative rules that would prevent, hinder, or delay the appropriate delivery of pharmaceutical care during a state of emergency declared by the governor or the President of the United States. Provides that companies that only manufacture or distribute medical gases are not wholesale drug distributors or manufacturers. Adds and amends definitions concerning wholesale drug distributors. Allows the board to appoint a designee to inspect wholesale distribution operations. Requires a person seeking a wholesale drug distributor license to provide the board with a criminal history and financial background checks. Requires a record keeping pedigree for certain legend drugs that leave the normal chain of custody. Removes the requirement that drug distributors have: (1) a continuous quality improvement system; and (2) policies concerning certain drugs that may be returned. Requires that certain wholesale drug accreditation bodies that have an agreement with the board review accreditation denials. Allows the board to grant reciprocity to out of state home medical equipment service providers. Makes certain other changes, including conforming and technical changes. Repeals provisions concerning: (1) temporary pharmacist licenses; (2) qualifications to be an authorized wholesale drug distributor; and (3) certain random authentications of pedigrees by

wholesale drug distributors.

Senate Bill 333 (Public Law 157-2006)
Author(s): Dillon, Broden
Sponsor(s): T. Harris
Citations Affected: IC 4-1; 15-5; 16-39; 16-41; 16-42; 20-28; 25
Effective: Upon Passage (March 24, 2006); July 1, 2006

Professional licensing and health. Requires a person who has failed the veterinarian examination three times to take remedial education before being allowed to retake the examination. Requires a provider who provides a patient with a contact lens prescription to comply with federal law. Establishes certain continuing education requirements that apply to all professions for which continuing education is required. Requires certain licensed professionals to provide the professional licensing agency (agency) or the state department of health with their Social Security numbers. Allows the agency or the state department of health to release Social Security numbers to testing services and state boards and professional organizations. Amends the definition of "school psychology" to include certain referrals to speech-language pathologists, audiologists, and

occupational therapists. Requires the medical licensing board to establish a seven year pilot program for the training of graduates of international medical schools that have not been approved by the board. Establishes uniform professional license reinstatement requirements. Requires barbering and cosmetology schools to administer the practical examination. Removes barber health certificate requirements. Amends the definition of "cosmetology" to include certain acts performed on a person's torso. Allows the medical licensing board to establish conditions for the reactivation of a physician's license. Allows the agency to set a uniform renewal date for licensed manufactured home installers. Transfers the duties of the optometric legend drug prescription advisory committee to the optometry board. Removes the private detective licensure exemption for certain law enforcement officers. Establishes a limited scope temporary psychology permit. Requires a person who passes the real estate salesperson examination or broker examination to apply for a license within one year. Allows the issuance of a renewal license to certain speech-language pathologists who are not currently licensed. Repeals: provisions concerning license reinstatement, temporary barber and cosmetology licenses, master cosmetologist licenses, shampoo operator licenses, and cosmetology continuing education; an expired provision concerning hearing aid dealers; and nonconforming continuing education provisions. Makes technical and conforming amendments.

House Bill 1017 (Public Law 113-2006)
Author(s): Welch
Sponsor(s): Becker
Citations Affected: IC 5-1; 8-1.5; 8-4; 8-6; 8-9; 10-18; 16-22; 20-23; 20-26; 20-47; 23-4; 23-14; 32-24; 36-9; 36-10; 36-12
Effective: July 1, 2006

Property appraisers. In certain statutes concerning the valuation of property, removes provisions

requiring an appraiser to be "judicious", "reputable", or "competent". Replaces the requirement that certain appointed appraisers must be freeholders of the particular local unit in which the property is located, with the requirement that one disinterested freeholder and two disinterested licensed appraisers must be appointed. Requires that one of the disinterested licensed appraisers must reside not more than 50 miles from the property being appraised.

House Bill 1220 (Public Law 177-2006)
Author(s): Reske
Sponsor(s): Meeks, Craycraft
Citations Affected: IC 25-4; 25-21.5; 25-31; 25-34.1
Effective: Upon Passage (March 24, 2006); July 1, 2006

Professional investigation funds. Establishes fees to be assessed against registered: (1) architects and landscape architects; (2) land surveyors and land surveyors in training; and (3) professional engineers and engineering interns; at the time of issuance and renewal of certificates of registration, and requires the fees to be deposited in the investigative funds for the respective professions. Provides that the investigative fund fees for real estate brokers, salespersons, and appraisers may not exceed twenty dollars ($20).

House Bill 1339 (Public Law 87-2006)
Author(s): T. Harris
Sponsor(s): Merritt
Citations Affected: IC 25-34.1
Effective: July 1, 2006

Real estate broker and salesperson licenses. Provides that the fee that the real estate commission is required to establish to fund the investigative fund must be at least ten dollars. (Under current law, the fee may not be more than ten dollars). Requires a licensed salesperson or real estate broker who is convicted of a crime to send a copy of the judgment of conviction to the real estate commission not more than 30 days after the date of the conviction. Provides that: (1) the real estate commission may discipline a licensed salesperson or real estate broker who is convicted of a crime that substantially relates to the practice of real estate; and (2) a certified copy of a judgment of a conviction from a court is presumptive evidence of a conviction. Provides that the amount by which the balance in the investigative fund exceeds $750,000 at the end of the state fiscal year reverts to the state general fund. (Under current law, the amount by which the balance exceeds $500,000 reverts to the state general fund.) Requires the attorney general and the professional licensing agency to enter into a memorandum of understanding to administer and enforce the law concerning the licensing of real estate brokers and salespersons, and provides for the memorandum to be reviewed annually by the real estate commission. Provides that a licensed salesperson or real estate broker who does not have an agency relationship with the individual with whom the licensee is working due to the existence of a written agreement to the contrary has certain duties. Provides that if those duties are performed by another licensed salesperson or real estate broker, the other salesperson or real estate broker does not have an agency relationship with the individual as a result of performing the duties.

PROPERTY

See also:
SB 260: Various property tax issues.
[Taxation]
HB 1017: Property appraisers.
[Professions and Occupations]
HB 1089: Annexation of property zoned agricultural.
[Local Government]

Senate Bill 146 (Public Law 15-2006)
Author(s): Gard
Sponsor(s): Wolkins
Citations Affected: IC 13-25
Effective: July 1, 2006
Property transfer disclosure form. Repeals the statute that prescribes the form of the disclosure document for transfers under the responsible property transfer law. Directs the department of environmental management to prescribe a form for that purpose. Specifies the type of information that must be elicited in the form.

House Bill 1010 (Public Law 163-2006)
Author(s): Wolkins
Sponsor(s): Bray
Citations Affected: IC 22-13; 23-14; 32-24; 36-7
Effective: Upon Passage (March 24, 2006)
Eminent domain. Requires a condemnor, before proceeding to acquire property by use of eminent domain, to: (1) establish a proposed purchase price; (2) provide the owner with an appraisal or other evidence used to establish the proposed purchase price; and (3) conduct a good faith negotiation with the owner of the property. Extends time periods that apply to certain eminent domain procedures. Requires a condemnor, except the department of transportation (department), certain utilities, and certain other persons, to proceed to acquire the property by use of eminent domain not more than two years after the condemnor submits a written acquisition offer to the owner of the property. Requires the department, certain utilities, and certain other persons to initiate eminent domain proceedings not more than six years after the department, utility, or other person submits a written acquisition offer to the property owner. Provides that a property owner may receive litigation expenses, including reasonable attorney's fees, in an amount not to exceed the lesser of: (1) $25,000; or (2) the fair market value of the property; if the property owner is awarded greater compensation at trial than was offered in the condemnor's last settlement offer. Specifies that certain persons authorized to exercise

eminent domain may do so only to accomplish the essential delivery of services. Provides that if a condemnor fails to: (1) take possession of property the condemnor acquired though the use of eminent domain; and (2) adapt the property for the purpose for which it was acquired; not later than six years after the payment of the award or judgment for damages occurs, the condemnor forfeits all rights in the property as if the procedure to take the property had not begun. Establishes procedures for using eminent domain to transfer ownership or control of real property between private persons for uses that are not public uses, including: (1) limiting the use of eminent domain only to acquire certain types of property; (2) requiring that the acquisition of the property will accomplish more than only increasing the property tax base of a government entity; (3) requiring mediation under certain circumstances; (4) requiring the payment of more than the fair market value for certain types of property; (5) requiring the condemnor to pay the attorney's fees of certain owners; and (6) requiring the payment of certain other damages, if applicable, including business losses. Prohibits a state agency or political subdivision from requiring that a lawfully erected sign be removed or altered as a condition of issuing a permit, license, variance, or other order concerning land use or development unless the sign owner is compensated or has waived compensation in writing. Prohibits a privately owned cemetery from exercising eminent domain. Prohibits libraries from exercising eminent domain unless a specified legislative body in the library district adopts a resolution specifically approving the use of eminent domain for a particular purpose. Makes other changes and conforming amendments.

House Bill 1114 (Public Law 171-2006)

Author(s): Foley

Sponsor(s): Steele

Citations Affected: IC 24-5; 27-7; 32-21; 33-37; 36-2

Effective: Retroactive (January 1, 2006); Upon Passage (March 24, 2006); July 1, 2006

Various property matters. Establishes the title insurance enforcement fund. Imposes a $5 fee on the purchaser of a title insurance policy and requires the insurer to deposit $3 of the fee in the title insurance enforcement fund (the insurer is allowed to retain $2 of the fee for administrative costs). Authorizes the budget agency to augment the appropriations to the department of insurance from the title insurance enforcement fund. Specifies the language sufficient to incorporate by reference a recorded covenant, restriction, easement, or other encumbrance in a conveyance of land. Provides that an adverse possessor or claimant who wishes to establish title to land or real estate must pay the taxes and special assessments that the adverse possessor or claimant reasonably believes in good faith to be due on the land or real estate. (Current law requires the adverse possessor or claimant to pay the taxes and special assessments due on the land or real estate.) Provides the methods of payment that a county recorder may authorize that the county recorder may be paid with. Provides that a county recorder may collect a sum if it is charged a fee for the use of a financial instrument. Requires a court clerk and a county recorder to collect a fee from a person using a bank card or credit card if there is a vendor transaction charge or discount fee. Allows a court clerk and a county recorder to contract with a payment processing company. Allows the payment processing company to collect a transaction fee from the person using the bank card or credit card. Requires redaction of Social Security numbers (unless required under other law) in documents filed with the county recorder.

Requires an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property (other than a federal lien) to have the Social Security numbers redacted before recording and filing unless required by other law. Reduces the standard for the redaction of Social Security numbers in recorded or filed documents from "to the extent possible" to "to the extent practicable and as permitted by law". Adds a culpability standard for the Class A infraction that may be committed when recorded documents containing Social Security numbers are disclosed by the county recorder's office. Provides that a county recorder shall charge a county identification security protection fee for recording or filing a document. Amends the affirmation regarding redacting a Social Security number that must be attached to a document that is recorded or filed. Provides that, for purposes of the law concerning credit services organizations: (1) the definition of "credit services organization" includes a person that sells the service of obtaining a delay or forebearance of a buyer's obligation under a mortgage; (2) the definition of "extension of credit" includes the right to delay or avoid foreclosure on a buyer's mortgage; (3) it is a deceptive act to take power of attorney from a buyer for any purpose other than inspecting documents as provided by law; and (4) a credit service organization must obtain a surety bond in the amount of $25,000 instead of $10,000 before doing business in Indiana.

House Bill 1136 (Public Law 78-2006)
Author(s): Burton
Sponsor(s): Long, Simpson
Citations Affected: IC 32-28
Effective: July 1, 2006

Brokers' liens on commercial real estate. Allows a principal broker to assert a lien upon commercial real estate that is the subject of a purchase, a lease, or other conveyance to a buyer or tenant, in the amount that the principal broker is due for licensed services provided in connection with the transaction under certain conditions. Requires an owner to provide a principal broker with certain information concerning a closing transaction before the date of the closing transaction, and requires an owner to certify at closing that the owner has made the required disclosures or that the principal broker has been paid in full. Specifies that in the case of a lease of commercial real estate in which a principal broker is due future fees or commissions upon the exercise of certain options by a party to the lease, the broker may, at any time after the execution of the lease, record a memorandum of lien, which serves as notice of the broker's right to future fees or commissions. Permits a party that has suffered a pecuniary loss as the result of an owner's noncompliance with the notice or certification requirements to bring a cause of action against the owner, and permits treble damages if the owner's noncompliance was fraudulent. Makes other changes.

PUBLIC SAFETY

See also:
SB 6, SB 12, and HB 1155: Sex offenders.
[Criminal Law and Procedure]
SB 206: Public safety disability pensions.
[Pensions]
SB 332: Department of Correction pension benefits.
[Pensions]
HB 1093: Offenses on school property or against school employees.
[Education]
HB 1107: Funding of emergency warning systems under the Barrett law.
[Local Government]
HB 1235: Isolation, quarantine, and health matters.
[Health]

Senate Bill 47 (Public Law 142-2006)
Author(s): Hershman
Sponsor(s): McClain
Citations Affected: IC 10-13; 12-17.2
Effective: July 1, 2006
Criminal background checks. Exempts a tax-exempt church or religious organization from the fee for conducting a criminal background check on a prospective or current employee or a prospective or current volunteer who works in a nonprofit program or ministry (including a child care ministry).

Senate Bill 191 (Public Law 20-2006)
Author(s): Wyss, Craycraft
Sponsor(s): Ruppel
Citations Affected: IC 10-13
Effective: July 1, 2006
Photos in criminal history files. Provides that a sheriff, police department, or criminal justice agency required to report an arrest to the state central repository for criminal history data shall transmit a photograph of the person who is the subject of the report at the time the arrest is reported. Allows the state police department to adopt guidelines concerning the method of transmitting photographs, and requires a person submitting the photograph to follow the department's guidelines. Includes a photograph as part of the information that may be obtained in a limited criminal history.

Senate Bill 247 (Public Law 101-2006)
Author(s): Wyss, Craycraft
Sponsor(s): Ruppel
Citations Affected: IC 4-13.6; 5-2; 5-14; 10-15; 10-19; 11-11; 16-18; 16-31; 22-11; 22-12; 22-13; 22-14; 22-15; 34-30; 36-8
Effective: July 1, 2006
Various homeland security matters. Adds the department of homeland security's building law compliance officer to the certification board that administers the provisions concerning qualifications

for state public works projects. Establishes the Indiana intelligence fusion center (fusion center) to collect, maintain, and analyze intelligence information and other information relating to criminal activity or terrorism. Designates the counterterrorism and security council (CTASC) and the fusion center as criminal justice agencies. Allows CTASC to hold executive sessions and exempts certain records of CTASC and fusion center from the open records law. Combines five funds managed by the department of homeland security into the homeland security fund. Provides that money in the homeland security fund reverts to the fire and building services fund if the homeland security foundation is terminated. Modifies the membership of the board of firefighting personnel standards and education. Allows a volunteer fire department to declare its personnel records confidential. Permits the department of correction to read mail to and from offenders unless the mail is privileged. Prohibits the department of correction from disclosing the contents of this mail unless certain conditions are met. Repeals the specific rulemaking procedures of the fire prevention and building safety commission. Makes conforming amendments and technical corrections.

Senate Bill 283 (Public Law 104-2006)
Author(s): R. Young, Heinold
Sponsor(s): Bischoff
Citations Affected: IC 36-8
Effective: July 1, 2006

Emergency telephone notification system. Authorizes a county or municipality to establish an emergency telephone notification system to warn service users of emergencies. Grants civil immunity to a service supplier or telephone company in conjunction with operating an emergency telephone notification system.

Senate Bill 284 (Public Law 155-2006)
Author(s): Wyss, Broden
Sponsor(s): T. Brown
Citations Affected: IC 16-18; 16-19
Effective: July 1, 2006

Statewide trauma system and food establishments. Establishes the state department of health as the lead agency for the development and implementation of a statewide trauma system, and authorizes the state department to adopt rules concerning the trauma system.

House Bill 1099 (Public Law 187-2006)
Author(s): Frizzell
Sponsor(s): Weatherwax, Lewis
Citations Affected: IC 22-11; 31-37; 35-47
Effective: Upon Passage (March 27, 2006), May 1, 2006; June 1, 2006; July 1, 2006

Fireworks sales, discharge, public safety fees, and injuries. Renames certain common fireworks as consumer fireworks. Authorizes the use of consumer fireworks on the property of the purchaser, on the property of another who has given permission for the use, and at special discharge locations.

Authorizes the fire prevention and building safety commission to adopt rules specifying the conditions under which certain fire chiefs may grant a permit to a person to sponsor a special fireworks discharge location. Establishes requirements for the tent, structure, or temporary stand from which certain fireworks may be sold. Establishes annual registration fees for the retail sale of consumer fireworks that must be paid before the issuance of a certificate of compliance to a retailer. Removes the requirement that a purchaser of consumer fireworks provide a written assurance that the consumer fireworks will be shipped out of Indiana within five days of purchase. Establishes various penalties for: (1) the ignition, discharge, possession, or use of certain fireworks under certain conditions or at other than certain locations; or (2) the purchase or use of fireworks by a person less than 18 years of age. Requires an individual to be at least 18 years of age to sell consumer fireworks, and at least 16 years of age to sell certain specified fireworks. Sets times during the day when a person may use certain fireworks. Prohibits the sale of fireworks at retail from a motor vehicle. (Current law prohibits the sale of retail fireworks from a truck, van, or automobile.) Establishes a public safety fee of 5% on the retail sale of fireworks. Provides that the fee is to be collected by the department of state revenue and deposited in the state general fund. Specifies that a child commits a delinquent act if the child commits certain fireworks violations. Requires certain persons that treat a person for an injury that the practitioner or administrator identifies as resulting from fireworks or pyrotechnics to report the injury to the state department of health. Provides that the report is confidential. Requires the department of homeland security to report to the budget committee on the feasibility of establishing a regional program to provide certain training. Makes an appropriation from public safety fees to the department of homeland security for: (1) certain training programs; and (2) under certain circumstances, certain disaster related costs. Repeals an expired section of the Indiana Code. Repeals and relocates a definition. Makes conforming amendments. Makes technical corrections.

House Bill 1176 (Public Law 190-2006)
Author(s): Woodruff
Sponsor(s): Nugent, Waterman
Citations Affected: IC 10-13; 35-47; 4-6
Effective: July 1, 2006

Handgun license renewal. Provides that the period during which an application for the renewal of a handgun license may be filed begins 180 days before the license expires. Requires the superintendent of the state police (superintendent) and local law enforcement agencies to allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically if federal funds are available to establish and maintain an electronic application system. Requires the superintendent to keep on file one set of fingerprints from each applicant if an electronic application system is established. Requires the state to participate in the National Instant Criminal Background Check System (NICS) for firearms sales if federal funds are available to assist the state in participating in the NICS. Repeals provisions: (1) relating to an audit of the destruction of handgun purchase records by the attorney general; (2) describing state police procedures in reference to a background check request by a handgun dealer; (3) specifying a handgun buyer's right to review and correct criminal history information; (4) establishing a criminal penalty for obtaining criminal history information under false pretenses; and (5) establishing a criminal history check fee. Permits a person to apply for and

receive a lifetime handgun license. Requires a person applying for a lifetime handgun license to pay a fee of: (1) $125 for a lifetime unlimited license if the person does not currently possess a valid handgun license; (2) $100 for a lifetime unlimited license if the person currently possesses a valid handgun license; (3) $75 for a lifetime qualified license if the person does not currently possess a handgun license; and (4) $60 for a lifetime qualified license if the person currently possesses a handgun license. Provides that the local law enforcement agency that initially processes the license application retains: (1) $50 if the person does not currently possess a valid handgun license; and (2) $40 if the person currently possesses a valid handgun license; the state receives the remaining fee. Increases the fee for a four-year license to $30, and raises the fee for a replacement license to $20. Provides that handgun license fees are to be deposited in the state general fund. Provides that if revenues from handgun license fees exceed $1,100,000 during a state fiscal year, the excess is appropriated to the state police department for expenses related to the central repository for criminal history data or an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine. Requires a person who may have become disqualified from holding a license to notify the superintendent within 30 days. Makes other changes and conforming amendments.

House Bill 1234 (Public Law 43-2006)
Author(s): Ruppel
Sponsor(s): Dillon, Craycraft
Citations Affected: IC 5-10
Effective: July 1, 2006

Public safety officer death benefit. Extends the special death benefit of $150,000 for a public safety officer who dies in the line of duty to a special deputy who is employed by a political subdivision and to certain airport police officers and firefighters.

House Bill 1236 (Public Law 83-2006)
Author(s): Ruppel
Sponsor(s): Wyss, Alting
Citations Affected: IC 10-11
Effective: July 1, 2006

Capitol police salary matrix. Provides that special police officers who provide security and preserve the peace in and around the state capitol building, the state office building, and certain other state facilities are capitol police. Requires the state police board to adopt a salary matrix for capitol police with the same percentage salary differentials between the ranks as the salary matrix for police employees. Provides that the matrix must be used after June 30, 2007. Permits employees of the state police department to wear their uniform and use their radio and firearm while performing nonduty work, if that work is approved by the superintendent in accordance with the rules and employee policies of the department.

House Bill 1238 (Public Law 84-2006)
Author(s): Welch
Sponsor(s): Wyss, Craycraft
Citations Affected: IC 10-14

Effective: July 1, 2006

Emergency management mobile support. Specifies the types of individuals who and the time frame in which an individual can be called to duty with a mobile support unit. Specifies: (1) liability provisions concerning the individual; and (2) compensation and reimbursement available to a member's employer or a member of a mobile support unit who is not an employee of the state or a political subdivision.

SECURITIES

Senate Bill 11 (Public Law 48-2006)

Author(s): Drozda

Sponsor(s): Burton

Citations Affected: IC 23-2; 27-1

Effective: July 1, 2006

Various securities matters. Makes various amendments to the law concerning securities regulation. Provides that transactions exempt from certain security registration requirements include the offer or sale of securities involving certain mergers or share exchanges that occur within or outside the United States. (Current law exempts the offer or sale of securities involving certain mergers or share exchanges that occur within the United States.) Changes the method of selection of home and branch offices of registered broker-dealers for completion of compliance reports. Provides that: (1) the chief deputy commissioner and each designated attorney or investigator are police officers of the state and members of the enforcement department of the securities division; and (2) certain violations may be brought in the county where the violation allegedly occurred or Marion County. Requires the securities commissioner to send a certified copy of a final order suspending or revoking a person's license or an order to cease and desist to the insurance commissioner who may institute proceedings to revoke or suspend the person's insurance producer license. Changes the: (1) time a franchisor must renew a registration from 30 days before expiration of the registration to not later than the date the registration expires; and (2) time an employer who has an employee conducting origination activities must register from 15 days to five days after the employee first conducts origination activities. Provides that: (1) the securities commissioner may provide certain interpretive opinions or issue determinations under the law concerning loan brokers; and (2) certain individuals under the law concerning loan brokers may request an appeal from a denial of an application or a final order by the securities commissioner. Requires that a person who does not comply with an order of the court or judge under the law concerning loan brokers be punished for contempt of court.

STATE EMPLOYEES

See also:

HB 1001: Concerning retirement health program for state employees.
[Taxation]
HB 1236: Capitol police salary matrix.
[Public safety]
HB 1397: State ethics standards.
[State and Local Administration]

Senate Bill 340 (Public Law 158-2006)
Author(s): Wyss, Long
Sponsor(s): Borror
Citations Affected: IC 4-15; 5-10; 5-10.3
Effective: Retroactive (December 31, 2005); July 1, 2006
Salary and PERF protection for state employees. Provides that the state's salary and wage schedules must provide that an appointing authority is not required to reduce the salary of an employee who is demoted, unless the appointing authority determines that the salary reduction is warranted for disciplinary reasons or other good cause. Establishes a process to withdraw state employees from the public employees' retirement fund (fund) and allow certain state employees to retire when the employees' particular departmental, occupational, or other classifications are terminated from state employment as a result of: (1) a lease or other transfer of state property to a nongovernmental entity; or (2) a contractual arrangement with a nongovernmental entity to perform certain state functions. Establishes the funding sources for the amounts that the state is required to contribute to the fund for the purchase of up to 24 months of creditable service needed by a terminated employee who elects normal or early retirement. Authorizes the state to purchase and maintain an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.

House Bill 1227 (Public Law 178-2006)
Author(s): Budak
Sponsor(s): Nugent, Becker
Citations Affected: IC 4-15; 5-10
Effective: July 1, 2006
Retired state employees. Provides that the state employees appeals commission must have a separate line item appropriation in the state budget. Requires the state to provide a group health insurance program to retired state employees who were employed as teachers at certain state institutions and who participated in a state retirement fund: (1) for 15 years; or (2) ten years immediately preceding retirement. Changes the requirements for a retired state employee to participate in a group health insurance plan by: (1) reducing the number of years of creditable employment before the employee's retirement date from 20 to 15; and (2) eliminating the requirement that the employee participate in a retirement plan at least 15 years before the employee's retirement date.

STATE and LOCAL ADMINISTRATION

See also:
SB 87: Energy, agriculture, and rural development rules.
[Agriculture and Animals]
SB 205: Disclosure of electronic mail account addresses.
[Technology]
SB 247: Various homeland security matters.
[Public Safety]
HB 1236: Capitol police salary matrix.
[Public Safety]

Senate Bill 359 (Public Law 160-2006)
Author(s): Hershman
Sponsor(s): Messer
Citations Affected: IC 4-13; 4-13.6; 5-16; 5-22
Effective: July 1, 2006

Procurement and state public works. Provides that advance payment may be made for equipment or software acquired by a state agency, regardless of cost, with the prior approval of the budget agency under certain circumstances. Provides discretion to determine when retainage on a state public works contract should be placed in an escrow account. Provides that certain bid, performance, and payment bond and retainage requirements do not apply to railroad projects of a commuter transportation district. Requires contractors and subcontractors on state public works projects to implement employee drug testing programs. Establishes a negotiated bidding process for procurement of supplies by the executive branch of state government under which the purchasing agency may conduct discussions with bidders before awarding a contract under an invitation for bids to obtain a best and final offer. Requires a purchasing agency to maintain a bid register documenting the purchasing agency's negotiations with bidders. Makes technical changes to the statute authorizing reverse auctions. Eliminates the requirement for a purchasing agent in the executive branch to make a written determination as a condition to award a contract using an RFP. Permits a purchasing agency in the executive branch to use information obtained from an offeror's proposal in discussions with other offerors under certain circumstances. Provides that an information technology, life sciences, transportation, or logistics business that employs more than 100 persons or that has annual sales of more than $5,000,000 is not eligible for a small business preference. Repeals a statute that prohibits the use of a reverse auction to purchase certain construction equipment. Makes technical changes.

Senate Bill 379 (Public Law 123-2006)
Author(s): Ford
Sponsor(s): Heim

Citations Affected: IC 4-5; 4-22; 12-10.5; 13-14; 14-10; 22-8; 22-13
Effective: July 1, 2006

Publication of administrative rules. Provides that on July 1, 2006, the duties of the secretary of state with respect to the promulgation and preservation of paper copies of administrative rules are transferred to the publisher of the Indiana Register. (Current law provides that after June 30, 2006, the Indiana Register and Indiana Administrative Code will be published only in an electronic format.) Specifies that documents prepared by state agencies for publication in the Indiana Register must be submitted in the electronic format specified by the publisher. Specifies that the small business regulatory coordinator program applies to environmental rule making. Removes obsolete language concerning the creation of fiscal impact statements for certain proposed administrative rules. Repeals obsolete references concerning the printing of the Indiana Administrative Code.

House Bill 1397 (Public Law 89-2006)
Author(s): Whetstone
Sponsor(s): Lawson
Citations Affected: IC 4-2; 4-13
Effective: Upon Passage (March 17, 2006)

State ethics standards. Changes the definition of "business relationship" in the executive branch ethics statute to include the relationship a lobbyist has with an executive branch agency. Defines "advisory body". Gives the state ethics commission (commission) certain jurisdiction over lobbyists. Provides that the inspector general may seek an advisory opinion from the commission. Changes the evidentiary standard applicable to commission findings from "competent and substantial" to a preponderance of the evidence. Shifts certain responsibilities from the commission to the inspector general. Authorizes a member of the commission to participate in commission meetings from a remote location under certain circumstances. Requires certain persons who have final purchasing authority for an agency to file an annual financial disclosure statement. Authorizes the commission to require revocation of licenses, permits, or registrations issued by an agency for violations of the ethics statutes or rules. Provides that members of advisory bodies are not subject to the one year prohibition on certain employment after leaving the advisory body. Provides that certain special state employees are not subject to the one year prohibition on certain employment after leaving service as a special state employee if the service ends before January 1, 2007. Requires registration of executive branch lobbyists with the department of administration. Authorizes the department to adopt rules to establish registration fees and to impose civil penalties and revoke registrations if an executive branch lobbyist violates the registration requirements. Imposes initial registration fees. Makes other technical changes. Repeals the current statute authorizing registration of executive branch lobbyists.

TAXATION

See also:
SB 382: Airport development zone.
[Transportation]
HB 1102: Local government matters.
[Local Government]
HB 1214: Various motor carrier matters.
[Transportation]
HB 1261: Housing and community development authority.
[Human Services]
HB 1380: Various economic development matters.
[Economic Development]

Senate Bill 106 (Public Law 92-2006)
Author(s): M. Young, Riegsecker
Sponsor(s): Walorski
Citations Affected: IC 6-2.5
Effective: July 1, 2006
Sales tax on recreational vehicles and cargo trailers. Provides that a cargo trailer or recreational vehicle (RV) purchased by a resident of another state or country is exempt from Indiana sales tax if it is to be registered in a state or country that provides a sales tax exemption for cargo trailers or RVs purchased by Indiana residents for registration in Indiana. Provides that a cargo trailer or RV purchased by a nonresident is subject to Indiana sales tax if it is to be registered in a state or country that does not provide a sales tax exemption for cargo trailers or RVs purchased by Indiana residents for registration in Indiana. Deletes the requirement that a nonresident purchaser provide, and the seller keep on file, a copy of the purchaser's registration or title from outside Indiana. Specifies that the form for the affidavit submitted by the purchaser must include an affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.

Senate Bill 148 (Public Law 147-2006)
Author(s): Riegsecker
Sponsor(s): Heim
Citations Affected: IC 6-3.5
Effective: Upon Passage (March 24, 2006)
Use of CAGIT revenue by certain counties. Provides that county adjusted gross income tax (CAGIT) revenue in Elkhart County and Marshall County may also be used to operate and maintain jail facilities, juvenile court, detention, and probation facilities, other criminal justice facilities, and related buildings and parking facilities (in addition to being used for the financing, construction, acquisition, renovation, and equipment of those facilities under existing law). Provides that Marshall County may not impose an additional CAGIT rate for jail maintenance and operations after the bonds issued to construct the jail are paid off.

Senate Bill 258 (Public Law 153-2006)
Author(s): Kenley, Hume
Sponsor(s): Espich
Citations Affected: IC 6-2.5
Effective: Upon Passage (March 24, 2006); July 1, 2006
Streamlined sales tax provisions. Makes the following changes in the gross retail and use tax law: (1) Defines "bundled transaction" and "direct mail". (2) Excludes tobacco products from the definition of "food and food ingredients". (3) Provides that a person is a retail merchant making a retail transaction when the person sells tangible personal property as part of a bundled transaction. (4) Exempts a person from filing a monthly state gross retail and use tax return whenever the person: (A) voluntarily registers as a seller under the streamlined sales and use tax agreement; (B) is not a model 1, model 2, or model 3 seller; and (C) has a tax collection liability for the preceding calendar year that did not exceed $1,000. (5) Provides that whenever a florist takes a floral order and transmits the order to another florist for delivery the transaction is sourced to the location where the florist originally took the order.

Senate Bill 260 (Public Law 154-2006)
Author(s): Kenley, Simpson
Sponsor(s): Espich *[**Summary prepared by Senate Republican Fiscal Staff]*
Citations Affected: IC 6-1.1; 6-1.5; 8-1.5; 8-22; 16-22; 20-44; 20-46; 33-26; 36-7
Effective: Retroactive (January 1, 2006); Upon Passage (March 24, 2006); July 1, 2006
Various property tax issues.
Changes the requirement that a public utility which appeals the assessment of its distributable property must have formal hearings before both the DLGF and the Indiana Board of Tax Review (IBTR). Limits DLGF role to a non-hearing review of documentation.

Extends the deadline from May 11 to June 11 for an individual to file for various homeowner deductions including homestead credit, homeowners deduction, mortgage deduction and deductions for the blind and disabled veterans.

Clarification that persons must pursue administrative remedies before they may be certified as a class for purposes of a class action suit against not only the IBTR but also the DLGF.

Provides a taxpayer who signed a statement to initiate a levy appeal may file for judicial review if DLGF fails to act on the appeal before it certifies the action.

Requires the DLGF to notify taxpayers who filed an appeal when it makes a final determination of an action on a local budget.

Provides that proceedings and orders of the DLGF may be attested to by a designee of the DLGF Commissioner instead of the Deputy Commissioner of the DLGF.

Eliminates the requirement that cost and depreciation schedules have to be included in the DLGF

real property assessment rule (thus de-emphasizing the cost and depreciation approaches as opposed to value, sales comparison and income capitalization).

Requires that the instructions for completing sales disclosure forms must include information about property tax credits and deductions available to homeowners.

Changes the threshold for qualifying for a growth appeal. Requires that a unit must have AV growth in excess of 2% of the statewide average rather than growth at least 3% of the statewide average.

Clarifies the statute regarding the timing for reassessment of farm land when converted to use for commercial or residential development. Provides that land held in inventory before it is developed may not be reassessed until the next assessment date following the earlier of:

- The date on which the land is transferred to a person that not the developer,
- The date on which construction on the land begins, or
- The date on which a building permit is issued for construction.

Provides that a taxpayer is entitled to an Enterprise Zone Investment Deduction in a military installation designated as an Enterprise Zone only if the deduction is approved by the Military Base Reuse Authority .

Provides that balances in a county reassessment fund may not be transferred or reassigned for purposes other than those specifically designated purposes relating to assessment.

Clarifies how personal property subject to abatement is depreciated when the taxpayer's property is subject to the 30% floor to prevent a taxpayer from being denied abatement due to application of the 30% as a minimum overall value. Provides that individual assets are not each valued at 30% of cost just because the floor applies.

Allows political subdivisions to bank unused levy beginning with the 2006 levy. Units may add up to half of the amount banked to the unit's maximum levy in the following year beginning with the 2007 levy. Directs DLGF to recommend to the Legislative Council appropriate ways for political subdivisions to add back banked levies after 2007.

For purposes of a general reassessment clarifies existing law to provide that only DLGF may assess industrial facilities in certain counties.

Provides that subject to approval by the Attorney General, Township and County Assessors and County Auditors may hire outside counsel to represent them in a proceeding before Tax Court.

Provides that purchase of used equipment can be abatable in an economic revitalization area or in a maritime opportunity district regardless of where the equipment was used prior to purchase. Specifies equipment must be acquired in an arms length transaction and excludes equipment

transfers between parents and subsidiaries.

Permits redevelopment commissions in counties to establish a housing program and TIF allocation area for that program.

Provides that errors found in favor of taxpayers in audits of personal property tax filings must be refunded or treated as offsets to errors found against the taxpayer.

Allows a personal property tax return to be filed up to 30 days late without triggering the waiving of any property tax exemptions.

Provides for the adjustment of School Capital Project Improvements Fund tax rates to offset the effects of trending for Pay 07 taxes.

Makes a technical correction to SB 71-2006 concerning property tax payments by a storm water district to a municipality.

Provides the designating body to approve property tax abatement for up to 2 years to the owners of a building located in an economic revitalization area if the building has been vacant for at least one year and the owner occupies the building for commercial or industrial purposes.

Adds a 2% property tax rate buffer. Allows counties to reduce the taxing unit's AV to enable the unit to absorb reduced tax collections resulting from appeals.

Adjusts the Base AV in TIF Districts to prevent those districts from receiving revenue windfalls with the implementation of trending.

Provides that massage parlors, tanning facilities, package liquor stores and others (including retail) are not eligible for the deduction for personal property for the automatic abatement.

Permits the fiscal body of a county, city or town to waive minor math or clerical errors in tax abatement filings and grant abatements if the taxpayer otherwise qualifies for the deduction.

Allows the DLGF to adopt temporary rules to implement property tax business investment deductions (automatic abatement).

Provides that when delinquent taxes are collected they are not considered a levy excess.

Permits a county to establish a separate property tax levy within the maximum levy for a county hospital. The levy must be appropriated as other county funds are appropriated.

Permits a county to establish a non reverting fund to receive additional property taxes from a contract created to find property that has been under valued or omitted from assessment.

Tax Appeals and Adjustments:

- Authorizes certain fire protection districts that have expanded their districts after 1998 and have had rapid AV growth to appeal to DLGF for an increase in the maximum allowable levy. A fire district must state that it will be unable to carry out its required functions without relief. (HB 1224).
- Provides for retroactive approval of a Pay 2002 Property Tax abatement for Atlas Foundry in Grant County. Provides the County Auditor will accept and pay the taxpayer's claim for refund as if the deduction application had been approved.
- Provides a property tax exemption and refund for Zionsville Youth Soccer for property taxes paid for Pay 2000 through Pay 2004.
- Allows a fraternity on the campus of Butler University to claim a property tax exemption retroactively to the Pay 2001 tax year because the non-profit corporation that owns the fraternity failed to file a timely deduction application.
- Adds language that provides for a sales tax deduction and refund of $5,046.43 for the Hartford City Little League for 2002-2004 if the League paid sales taxes it would not have been required to pay.
- Permits Utility Center, a subsidiary of Aqua Indiana, to claim a credit against pay 2007 property taxes for errors made on its 2005 annual filing (Form 45). Utility filed an amended return but the filing was not timely.
- Provides a property tax exemption and refund for the Madam Walker Theater for property taxes payable in 2005.
- Increases the maximum permissible levy for 2007 for the Dubois County Contractural Library and the Jasper Public Library.
- Provides that a township (Middlebury Twp) may appeal to the DLGF for an excess levy to pay for increased costs of providing emergency medical services.

Changes concerning the IBTR:

- Provides the County Auditor rather than the IBTR shall provide notice to taxing units if an assessment appeal addresses more than 1% of the certified AV a for a taxing unit.
- Grants IBTR administrative subpoena authority similar to that allowed DLGF.
- Provides a person can initiate a proceeding for judicial review if IBTR doesn't issue a timely decision.
- Provides that property tax payments are considered made on the date payments are placed in the mail. Provides uniformity for the US Mail and express mail.

Senate Bill 345 (Public Law 159-2006)
Author(s): Meeks
Sponsor(s): Espich
Citations Affected: IC 6-1.1
Effective: January 1, 2007

Government finance. Requires the reversal of part of the payment delays in the schedule under which: (1) property tax replacement credit and homestead credit amounts are distributed to taxing units; and (2) distributions to state educational institutions are made. Makes an appropriation.

Senate Bill 353 (Public Law 122-2006)

Author(s): Weatherwax, Hershman

Sponsor(s): Gutwein

Citations Affected: IC 5-28; 6-2.5; 6-3.1; 6-6; 15-9; 34-30

Effective: Retroactive (January 1, 2005 and January 1, 2006); Upon Passage (March 21, 2006); July 1, 2006

Alternative fuel use and production. Allows a deduction for the retail sale of E85 base fuel from the amount of state gross retail tax that the seller is required to remit. Increases the maximum amount of credits that may be granted for biodiesel production, biodiesel blending, and ethanol production and indicates that the Indiana economic development corporation may grant a credit that is less than the maximum permissible statutory credit. Extends the tax credit for the retail sale of blended biodiesel to 2010. Makes changes in certain definitions applicable to the special fuels tax law. Extends the tax credit for integrated coal gasification powerplants to investments in fluidized combustion bed technologies. Requires the department of agriculture to work with: (1) automobile manufacturers to improve awareness and labeling; and (2) companies to include E85 stations in updates of global positioning navigation software. Grants tort and products liability immunity for the misuse of E85 motor fuel in a vehicle that is not equipped to use E85 motor fuel. Makes related changes.

Senate Bill 355 (Public Law 67-2006)

Author(s): Lawson

Sponsor(s): Ayres

Citations Affected: IC 6-1.1; 14-33; 36-9

Effective: Upon Passage (March 17, 2006); July 1, 2006; January 1, 2007

Property taxes. With the approval of the county fiscal body, allows a civil taxing unit or school corporation to file a property tax levy appeal to offset a levy shortfall in the preceding year before March 1 of the year the tax is due. For property taxes payable in 2006, establishes a deadline of April 1 instead of March 1. If such an appeal is filed, allows the county treasurer to either: (1) send tax statements on schedule and send later reconciling statements; or (2) delay tax statements up to 60 days pending resolution of the appeal. Allows a county council to petition the department of local government finance to establish an installment plan for property tax payments (without requiring the petition to be approved by the county treasurer and county auditor). Reduces the penalty for a late installment of property taxes from 10% to 5%, if (1) the late installment is completely paid on or before the date 30 days after the installment due date; and (2) the taxpayer is not also liable for delinquent property taxes first due and payable in a previous year for the same parcel. Permits in 2006 an additional deduction against adjusted gross income for the payment of delayed property taxes in taxable year 2005. Provides for a waiver by the county treasurer of a property tax late payment penalty if the taxpayer or an immediate family member of the taxpayer died in the week preceding the installment due date. Allows an appeal of a penalty waiver denial.

Senate Bill 362 (Public Law 111-2006)

Author(s): Ford
Sponsor(s): Turner
Citations Affected: IC 6-2.5; 6-3; 6-8.1
Effective: January 1, 2007

Collection of delinquent taxes. Provides for biennial renewal of a registered retail merchant's certificate. Provides that the department of state revenue (department) must renew at no additional charge the registered retail merchant's certificate of a retail merchant who is current on the retail merchant's filing and remittance obligations. Prohibits the department from renewing the registered retail merchant's certificate of a retail merchant who is delinquent in remitting sales or use tax. Provides that the department shall notify a retail merchant who is delinquent in remitting sales or use tax at least 60 days before the expiration of the retail merchant's registered retail merchant's certificate that the department will not renew the retail merchant's registered retail merchant's certificate. Provides that a sheriff may keep a tax warrant and continue collections after a period of 120 days only after the department determines that: (1) the sheriff is collecting the warrant on a payment schedule that will satisfy the judgment within one year; and (2) the sheriff's electronic data base regarding tax warrants is compatible with the department's data base. Provides that if an apparent owner of unclaimed property is subject to an outstanding tax warrant, the department may levy against the unclaimed property. Provides that a taxpayer who receives a proposed assessment must file a protest within 45 days after the date the notice is mailed. (Current law allows 60 days.) Provides that a taxpayer must appeal a letter of finding to the tax court within 60 days after the date on which: (1) the letter of finding is mailed, if the taxpayer does not request a rehearing on the letter of finding within 30 days; or (2) the department issues a denial of the taxpayer's timely request for a rehearing on the letter of finding. (Current law allows 180 days after the letter of finding is mailed.) Provides that interest on an excess tax payment that the department does not refund or credit against a current or future tax liability within 90 days after: (1) the refund claim is filed; (2) the date the tax payment was due; or (3) the date the tax was paid; whichever is later, accrues interest from the date on which the refund claim is filed. (Current law provides that interest accrues from the later of the date on which the tax payment was due or the tax payment was paid.)

House Bill 1001 (Public Law 162-2006)
Author(s): Espich
Sponsor(s): Kenley *[**Summary prepared by Senate Republican Fiscal Staff]*
Citations Affected: IC 6-1.1; 6-2.3; 6-2.5; 6-3; 6-3.5; 6-8.1; 6-9; 15-5; 20-42; 20-43; 20-45; 27-5.1; 36-6
Effective: Retroactive (January 1, 2006); Upon Passage (March 24, 2006); July 1, 2006

Various tax matters.
Increases the Homestead Credit. For Pay 2006 taxes only, increases the credit to 28% from 20%.

Increases Homeowner's Deduction (Standard Deduction). For Pay 2007 taxes, increases the deduction from $35,000 to $45,000 to adjust for the annual increase in homestead values after implementation of trending.

Expands property tax credit for taxes in excess of 2% of AV. (Builds on circuit breaker provision contained in budget bill last year):

- Provides that for Pay 2006 and 2007 the county fiscal body may authorize the credit for any residential property.
- Extends the deadline for counties (Lake) to adopt an ordinance for the existing optional 2% cap for Pay 2006 taxes if the ordinance is adopted before tax statements are issued.
- Makes the cap mandatory statewide for all residential property effective for Pay 2008 taxes (Mandatory for Pay 2007 taxes in Lake County).
- Makes the cap mandatory statewide for all taxpayers and all classes of property effective with Pay 2010 taxes.
- Civil units that lose revenue due to this credit may not increase tax rates or borrow to recover lost revenue.
- Requires the county auditor to notify each political subdivision of the revenue reductions resulting from the credit.
- Taxpayer is not required to file an application for this credit.

Requires enhanced taxpayer notification statewide.

- Requires DLGF (with approval of the Board of Accounts) to prescribe a combined statement for billing property taxes and special assessments and providing information to taxpayers. Provides the statement is mailed to both the taxpayer and a mortgagee. Provides that the existing pilot program that requires taxpayer information statements expires in 2008 when the first combined statement is required.
- Requires the county auditor, beginning in August 2009, to mail an advance notice to taxpayers concerning proposed tax rates, levies and budgets to each taxpayer.

Strengthens the Petition/Remonstrance process:

- Changes the date in IC 6-1.1-20-10 after which schools/civil units cannot use public resources to advocate for the public project from the time the remonstrance process is commenced to the date a preliminary determination to issue debt is made in IC 6-1.1-20-3.1-(2).
- Provides that schools cannot use students in any way to promote a position on a project and school staff may not personally identify a student as the child of a parent or guardian in support or opposition to a petition or remonstrance.
- Provides a political subdivision may not compel an employee to either support or oppose a position on a petition or remonstrance.
- Provides a person or organization that has a contract or arrangement with a school corporation for any of the school's facilities may not spend money to promote a position. Creates a Class A Infraction.
- Provides a person providing professional services on behalf of a controlled project may not spend money to promote a position. Creates a Class A Infraction and is barred from performing any services under the project.
- Provides guidance on determining the validity of signatures and addresses with respect to documents required for petitions and remonstrances.

Local Option Taxes

EDIT to offset inventory tax shift.

- Extends from April 1, 2006 to June 1, 2006 the date by which a county may adopt an ordinance to adopt up to .25% EDIT to provide a homestead credit to offset tax shifts to homeowners resulting from the 100% deduction for property taxes on inventory.
- Allows a county to extend the homestead credits to other residential property

Dog tax. Repeals the state dog tax and allows counties to create a $5 per animal dog tax on a county option basis. 20% of the revenue is dedicated to Purdue University School of Veterinary Science. The remaining revenue remains in the county and can be used for any of the following as determined by each county:

- Animal shelters
- Pick up/disposal of dead animals
- Reimburse farmers for livestock kills
- Reimburse persons undergoing rabies treatment

Sets a procedure to make a claim against a county for dog attacks that result in uncompensated damages sustained to certain livestock and treatment for rabies exposure. Provides for the disposition of existing balances – 50% to Purdue and 50% to counties under existing formula..

Jail facilities

- Jasper County - allows adoption of up to an additional .25% CAGIT. Upon adoption of county ordinance, revenues may be used to finance, construct, operate and maintain a jail or juvenile detention, probation or related facilities. The combined CAGIT and EDIT rates may not exceed 1.5%.
- Scott County – Allows the County to increase its COIT rate by up to .25% to finance, construct and operate jail facilities providing the combined COIT and EDIT rates do not exceed 1.25%.

Energy Assistance

Sales Tax Exemption for LIHEAP. Provides a sales tax exemption for home energy costs (heating utility bill) if the person acquiring the home energy acquires it through the low Income Heating and Energy Assistance Program (LIHEAP). Effective for one year July 1, 2006 to June 30, 2007.

Education

Tuition Support Deficiency Appropriation. Increases the appropriation for Tuition Support for FY 06 by $20,083,333 (to cover an expected deficiency) and increases the 2006 CY Cap by $48,200,000 (to avoid reductions in tuition support payments from July to December, 2006) With offsetting savings in PTRC the actual estimated net appropriation increase is $15,483,823 and the CY Cap net increase is $34,429,011.

Adjustment of School Tax Rate. Provides for adjustment of target tax rates and the guaranteed yield used to determine tuition support for school corporations under the 2007 School Formula to offset the effects of adjustments in assessed values resulting from implementation of trending.

Corporate Taxes

Single Sales Factor. Phases out use of the payroll and property factors used in apportioning Indiana income by 2011. Provides that by 2011 income will be apportioned based solely on Indiana sales.

Corporate add backs. Requires corporations to add back to state adjusted gross income certain gross income deductions taken on the corporation's federal income tax return for the corporation's intangible expenses and directly related intangible interest expenses.

Out-of-state utility services tax. Provides that an out of state provider is subject to the Utility Services Tax whenever the provider furnishes utility services to an in state company for consumption in Indiana and the transaction is not otherwise tax exempt.

Use Tax on Manufacturer. Provides that the use tax is imposed on a person who manufactures, fabricates, or assembles tangible personal property from materials either within or outside of Indiana and uses, stores, distributes, or consumes tangible personal property in Indiana. A tax court decision stated that the Department could not impose the use tax on an out of state manufacturer because there was not a retail transaction on the sale of the parts that were incorporated into the property shipped to Indiana. This provision corrects the statute in accordance with the court's guidelines.

Bad Debt Deduction. Prohibits the assignability of a bad debt deduction from the retailer to a third party. Provides that only the retailer that actually collected and remitted the sales tax will be entitled to claim the bad debt deduction from the sales tax. Prohibits a third party that had nothing to do with the original transaction from being able to claim the deduction.

Goods Shipped to Indiana. Clarifies that when property is delivered or shipped to an Indiana purchaser – regardless of the f.o.b. designation or other conditions of sale – the seller is required to attribute that sale to the Indiana numerator of the sales factor.

Combined AGI returns. Provides that when a taxpayer petitions the Department to file a combined adjusted gross income tax return for a taxable year, the taxpayer must petition the Department within thirty (30) days of the close of the taxable year. Requires that a taxpayer that is filing a combined return has to petition the Department within thirty (30) days of the close of a taxable year to discontinue filing a combined adjusted gross income tax return.

Farm Mutual Insurance Companies. Allows Farm Mutual Insurance companies elect to be taxed under the gross premium tax instead of the adjusted gross income tax.

Other Provisions
Retired State Employee Health Insurance. Requires OMB to develop a proposal to actuarially fund all or a portion of the expected health care premium costs through a health savings account, a deferred compensation account or another tax advantaged savings program. Requires OMB to present the proposal to the state budget committee before November 1, 2006.

House Bill 1025 (Public Law 167-2006)
Author(s): J. Smith
Sponsor(s): Drozda
Citations Affected: IC 6-9
Effective: July 1, 2006
Innkeeper's taxes. Provides that the maximum rate of the Howard County innkeeper's tax is 5% until December 31, 2013, and decreases to 4% on January 1, 2014 (in current law the transition date is June 30, 2007). Extends the period of time from December 2006 to December 2012 that a share of Tippecanoe County innkeeper's tax revenue must be distributed as a grant to a nonprofit corporation that leases land in Prophetstown state park for the nonprofit corporation's use in noncapital projects in Prophetstown state park.

House Bill 1124 (Public Law 114-2006)
Author(s): Buck
Sponsor(s): Drozda, Hershman
Citations Affected: IC 6-1.1
Effective: Upon Passage (March 20, 2006)
Rainy day fund loans to political subdivisions. Authorizes a loan from the state rainy day fund to a taxing unit whose property tax revenue collections are affected by the bankruptcy of a taxpayer that manufactures microelectronics as part of its business. Requires the state board of finance to determine the terms of the loan subject to certain restrictions. Specifies the permitted use of the loan proceeds and the manner of repayment of the loan. Limits the total amount of the loans to $13,000,000.

House Bill 1327 (Public Law 184-2006)
Author(s): Espich
Sponsor(s): Kenley, Simpson
Citations Affected: IC 5-1; 6-2.5; 6-3; 6-3.5; 6-9; 21-2
Effective: Retroactive (January 1, 2006 and March 15, 2006); Upon Passage (March 24, 2006); July 1, 2006
Taxation. Prohibits the assignment of sales tax remittance deductions to nonaffiliated companies. Provides that for taxable years beginning after December 31, 2005, references in Indiana law to the Internal Revenue Code and related regulations refer to the law and regulations in effect on January 1, 2006. Specifies that the category of children for which an additional $1,500 state income tax deduction may be claimed is to be determined under an Internal Revenue Code

definition as it was in effect on January 1, 2004. Extends to June 30, 2011, the time during which Jackson County may impose an additional county adjusted gross income tax rate of 0.1% for the operation of a jail and juvenile detention center. Permits an additional county option income tax rate in Scott County to construct and maintain criminal justice facilities. Changes the termination date for the Nashville food and beverage tax from January 1, 2007, to January 1, 2012. Extends the deadline for initiating projects under the Martinsville food and beverage tax from December 31, 2010, to December 31, 2015. Allows a school corporation to petition the DLGF requesting approval to incur bond indebtedness to implement solutions to contractual retirement or severance liability.

TECHNICAL

See also:
SB 132: Correction of 2005 child services legislation.
[Human Services]

House Bill 1040 (Public Law 1-2006)
Author(s): Foley
Sponsor(s): Kenley, Landske
Citations Affected: IC 3, 4, 5, 6, 7.1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, Public Law 22-2005; Public Law 63-2005; Public Law 177-2005; Public Law 228-2005
Effective: Upon Passage (March 21, 2006)
Technical corrections bill. Corrects various technical problems in the Indiana Code and in noncode provisions.

House Bill 1134 (Public Law 2-2006)
Author(s): Foley
Sponsor(s): Landske, Kenley
Citations Affected: IC 2, 4, 5, 6, 20, 21, 22, 23, 28, 33, 34, 36
Effective: July 1, 2006
Recodification of Title 21 and related provisions. Recodifies the grade K-12 education finance law, including teacher pension and education property tax control provisions, without substantive change. Makes conforming amendments. Repeals: (1) provisions in IC 6-1.1-19 and Title 21 that are recodified by this bill; and (2) various obsolete education finance law provisions.

TECHNOLOGY

See also:
SB 359: Procurement and state public works.
[State and Local Administration]
SB 379: Publication of administrative rules.
[State and Local Administration]
HB 1101: Security breach disclosure and identity deception.
[Consumer Protection]
HB 1280: Unsolicited facsimile advertisements.
[Consumer Protection]

Senate Bill 205 (Public Law 22-2006)
Author(s): Drozda
Sponsor(s): Koch
Citations Affected: IC 5-14
Effective: Upon Passage (March 13, 2006)
Disclosure of electronic mail account addresses. Provides that a public agency: (1) is not required to create or provide lists of electronic mail account addresses unless required by statute; (2) is not required to allow a person to inspect and make memoranda abstracts from a list of electronic mail account addresses; (3) may not disclose certain lists (including electronic mail account addresses) to commercial entities for commercial purposes; and (4) may not disclose certain lists (including electronic mail account addresses) to any individual or entity for political purposes. Provides that if a prohibited disclosure nevertheless occurs, a commercial entity may not use the disclosed information for commercial purposes and any individual or entity may not use the disclosed information for political purposes. Defines political purposes.

Senate Bill 342 (Public Law 65-2006)
Author(s): Riegsecker
Sponsor(s): Messer
Citations Affected: IC 25-1; 34-30; 35-48
Effective: July 1, 2006
Electronic prescription tracking program. Establishes the scheduled prescription electronic collection and tracking (INSPECT) program within the professional licensing agency. Moves the responsibilities of the controlled substances central repository to the INSPECT program. Provides that the administration of the INSPECT program may be contracted to an outside vendor. Permits the INSPECT program to certify who may receive information from the INSPECT program. Allows the controlled substances advisory committee (committee) to set educational standards for individuals who receive information from the INSPECT program and to identify treatment for

individuals addicted to substances monitored by the INSPECT program. Provides that information concerning when certain controlled substances are dispensed is required to be transmitted to the INSPECT program within seven days after the controlled substance is dispensed. Provides immunity from civil liability for a practitioner regarding the use of certain information. Repeals definition of "central repository". Repeals language concerning expenses for the central repository.

TELECOMMUNICATIONS

House Bill 1279 (Public Law 27-2006)
Author(s): Murphy
Sponsor(s): Hershman, Wyss
Citations Affected: IC 4-23; 8-1
Effective: Upon Passage (March 13, 2006); July 1, 2006; July 1, 2009

Telecommunications. Establishes the accessible electronic information service fund. Prohibits the utility consumer counselor from engaging in another occupation that would conflict with the duties of the office. (Current law prohibits the counselor from engaging in any other occupation.) Specifies that a person that transmits communications through Internet Protocol enabled services is not a public utility. Prohibits the IURC from exercising jurisdiction over: (1) advanced and broadband services; and (2) information services. Specifies that the IURC shall not exercise jurisdiction over commercial mobile service. Prohibits, after March 27, 2006, the IURC from exercising jurisdiction over nonbasic telecommunications service. Specifies that "basic telecommunications service" does not include functionally equivalent service provided by a person that transmits communications through Internet Protocol enabled services. Provides that during the period beginning March 28, 2006, and ending June 30, 2009, a provider may increase the flat monthly rate for basic telecommunications service: (1) not more than once; and (2) by not more than $1; every 12 months. Provides that not later than 18 months after a provider's first rate increase in a local exchange area, the provider must offer broadband service to at least 50% of households in the local exchange area. Requires an incumbent local exchange carrier (ILEC) to continue to offer a flat monthly rate for unlimited local calling in exchange areas in which the provider offers basic telecommunications service on March 27, 2006. Provides that after June 30, 2009, a provider that offers basic telecommunications service in Indiana: (1) must offer a flat monthly rate for unlimited local calling in each exchange area in which the provider offers basic telecommunications service; and (2) may not offer any service plan that includes measured local service. Prohibits, after June 30, 2009, the IURC from exercising jurisdiction over basic telecommunications service. Makes conforming changes to the laws concerning rural telephone cooperatives. Prohibits the IURC from exceeding the authority delegated to it under federal law with respect to: (1) interconnection; (2) the resale of telecommunications service; and (3) unbundled network elements. Requires the IURC to biennially identify and eliminate

telecommunications regulations that are no longer necessary in the public interest or for the protection of consumers. Preserves the IURC's duties with respect to: (1) dual party relay services; (2) the 211 dialing code and other universally applicable dialing codes; (3) slamming and cramming laws; (4) universal service; (5) certificates of territorial authority; (6) mediating or arbitrating disputes between providers; (7) interconnection agreements; and (8) rates charged by an ILEC to a pay phone service provider. Allows the IURC to require communications service providers, other than commercial mobile service providers, to report annually, or more frequently at the option of the provider, information on: (1) service quality and performance; (2) the provider's dark fiber in Indiana; and (3) the types of communications service offered by the provider and the areas in Indiana in which those services are offered. Requires the IURC to adopt rules requiring a telecommunications service provider, whenever the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the customer of: (1) the option of basic telecommunications service; and (2) any regulatory protections the customer would forego by switching to nonbasic telecommunications service. Exempts commercial mobile service providers from certain reporting requirements, while requiring commercial mobile service providers to provide the IURC certain customer service contact information. Allows the IURC to revoke a certificate of territorial authority issued to a communications service provider if the provider fails or refuses to comply with the reporting requirements. With respect to telecommunications service providers and video service providers, allows the IURC to: (1) order certain equitable remedies; and (2) impose a civil penalty of not more than $10,000; if a service of the provider over which the commission has jurisdiction is unsafe, unjustly discriminatory, or inadequate, or if the service cannot be obtained. Allows a provider of last resort to meet its obligations using any available technology. After June 30, 2009, requires a communications service provider to obtain a certificate of territorial authority from the IURC before offering communications service in Indiana. Requires the IURC to issue a certificate not later than 30 days after receiving a complete and accurate application from a provider. Provides that the IURC may not require a provider to file a tariff as a condition of receiving a certificate. Allows the IURC to condition the issuance of a certificate on a provider's agreement to provide advance notice to customers of increases in rates or services. Provides that a certificate of public convenience and necessity issued to an REMC may serve as a certificate of territorial authority for communications service provided by the REMC, subject to the IURC's right to require the REMC to provide certain information about the communications services provided. Prohibits a communications service provider from entering into an agreement after

March 27, 2006, that requires any person to restrict or limit the ability of another provider to obtain: (1) easements or rights-of-way; or (2) access to real property. Provides that the IURC may not require a provider to provide communications service to occupants of multitenant nonresidential real estate if the owner, operator, or developer of the property does any of the following to benefit another provider: (1) Permits only one provider to install communications facilities or equipment on the premises. (2) Accepts incentives from a provider in exchange for allowing the provider the exclusive right to provide service to the premises. (3) Collects charges

from occupants for communications service. (4) Enters into a prohibited agreement with a provider. Prohibits the owner, operator, or developer of multitenant real estate from taking certain actions to restrict or limit the access of a communications service provider to the property. Allows the owner, operator, or developer of multitenant real estate to impose certain conditions and limitations on a provider's access to the property in order to protect the safety or condition of the property or the safety and convenience of other people. Provides that certain persons affected by a violation of the access provisions may seek equitable or compensatory relief. Provides that the Indiana finance authority shall determine underserved areas within Indiana for purposes of the Indiana broadband development program. Provides that after June 30, 2006, the IURC is the sole franchising authority for the provision of video service in Indiana. Preserves the manner of determining gross revenue and franchise fee percentages set forth in existing local franchises. Prohibits the IURC from requiring a multichannel video programming distributor to pay any fee or charge, other than a franchise fee paid to a local unit, as a condition of receiving or holding a state certificate of franchise authority. Provides that the holder of a state issued franchise must comply with state and local laws governing the use of rights-of-way. Provides that such laws may not: (1) discriminate against a provider based on the technology used to deliver service; or (2) allow a video service system owned or operated by a local unit to use rights-of-way on more favorable terms. Prohibits the IURC from requiring a provider to satisfy any build-out requirements. Allows the holder of a local franchise on June 30, 2006, to: (1) continue providing service under the local franchise until the local franchise expires; or (2) terminate the local franchise and apply to the IURC for a state issued franchise. Provides that a provider that terminates a local franchise remains subject to any obligations owed to a private person under the franchise until the time the terminated franchise would ordinarily expire. Prescribes requirements concerning public, educational, and governmental channel capacity and financial support. Provides that a video service provider in a unit that has an existing, a terminated, or an expired local franchise is required to continue providing institutional network capacity and video service to community public buildings until January 1, 2009, or until the local franchise will expire or would have expired, whichever is later. Prohibits a provider from denying access to video service to any group of potential subscribers based on income. Requires the IURC to adopt rules to establish the Indiana Lifeline assistance program to provide reduced charges for basic telecommunications service for eligible customers. Requires the IURC to collect, on at least an annual basis, certain data concerning the build out of video service infrastructure in each metropolitan statistical area in Indiana during the period beginning July 1, 2006, and ending June 30, 2010. Requires the IURC to include the data collected in the IURC's report to the regulatory flexibility committee due July 1, 2010. Requires the IURC to: (1) conduct an analysis of retail and wholesale rates charged by the telecommunications industry in

Indiana; and (2) make a record of each instance of predatory pricing identified; for the period beginning July 1, 2006, and ending June 30, 2008. Requires the IURC to report its findings to the legislative council not later than November 1, 2008. Repeals superseded statutes.

House Bill 1315 (Public Law 183-2006)
Author(s): Thompson
Sponsor(s): Landske, Sipes
Citations Affected: IC 8-1
Effective: Upon Passage (March 24, 2006)
Video service franchises. Provides that the obligations owed to private persons by a video service provider that terminates a local franchise in order to obtain a state-issued franchise do not include obligations: (1) arising out of the terminated local franchise; or (2) based on the gross income received by the provider in the service area covered by the terminated local franchise.

TRADE REGULATION

House Bill 1353 (Public Law 135-2006)
Author(s): Walorski
Sponsor(s): Bray, Broden
Citations Affected: IC 24-2
Effective: July 1, 2006
Trademarks and service marks. Conforms certain provisions of the Indiana Trademark Act to the Model Trademark Act and repeals obsolete provisions of the Indiana Trademark Act. Specifies that a judicial or administrative interpretation of the federal Trademark Act may be considered as persuasive authority in construing provisions of the Indiana Trademark Act.

TRANSPORTATION

Senate Bill 73 (Public Law 31-2006)
Author(s): Long, Lanane
Sponsor(s): Davis
Citations Affected: IC 8-2.1
Effective: July 1, 2006
Indemnity agreements in motor carrier contracts. Provides that certain indemnity provisions contained in, collateral to, or affecting a motor carrier transportation contract are against public policy and are void and unenforceable.

Senate Bill 154 (Public Law 17-2006)
Author(s): Heinold
Sponsor(s): Heim
Citations Affected: IC 9-20
Effective: Upon Passage (March 13, 2006)

Extra heavy duty highway. Designates part of State Road 39 as an extra heavy duty highway.

Senate Bill 382 (Public Law 124-2006)
Author(s): Becker
Sponsor(s): Crouch
Citations Affected: IC 8-22
Effective: April 1, 2006; January 1, 2007

Airport development zone. Decreases the minimum size of a qualified airport development project in Vanderburgh County to $250,000 (the same threshold that applies to all other units except Marion County). Deletes a provision restricting an airport development zone in Vanderburgh County to the airport and up to three square miles of area outside of the airport. Removes the provision specifying that a tax increment financing "allocation area" may not be established by an airport development zone in Vanderburgh County. Allows an airport authority board in Vanderburgh County to amend a resolution designating an airport development zone to include a provision with respect to the allocation and distribution of property taxes. Specifies requirements for approval of the amendment by county and municipal authorities. Deletes provisions concerning enterprise zone inventory property tax credits in airport development zones in Vanderburgh County. Authorizes the establishment of an airport development zone in Delaware County.

House Bill 1008 (Public Law 47-2006)
Author(s): Borror
Sponsor(s): Meeks *[**Summary prepared by Senate Republican Fiscal Staff]*
Citations Affected: IC 4-4; 4-22; 5-10.3; 6-3.5; 8-14; 8-15; 8-15.5; 8-15.7; 8-23; 9-13; 9-21; 22-4; 34-13; 36-7.5
Effective: Retroactive (December 31, 2005); Upon Passage (March 15, 2006); July 1, 2006

Public-private agreements for transportation.
Authorizes the IFA to enter into an agreement with the Operator to freeze existing tolls for cars until electronic tolling is put into operation. Allows implementation of a program for reduced tolls for the next 10 years for motorists who purchase electronic toll passes.

Authorizes distributions from lease proceeds to be used to offset decreased tolls.

Creates the Toll Road Fund to receive payments from operators under Public Private Agreements.

Creates the Major Moves Construction Fund as a part of the State Treasury, balances are invested by the State Treasurer and funds must be appropriated to be available for expenditure.

Limits use of balances in the Major Moves Construction Fund (after initial distributions) to INDOT for highway, road and bridge projects.

Provides that after setting aside revenues sufficient to retire outstanding debt and expenses of the

IFA, $500M is transferred to the Next Generation Trust Fund and the balance is transferred to the Major Moves Construction Fund.

Makes the following appropriations and distributions from the Major Moves Construction Fund:

- $150M for all cities, towns and counties under the MVHF formula. $75M is distributed in both FY 2006 and FY 2007.
- $40M to the NW RDA during FY07 ($20M is earmarked for the Gary Airport)
- $80M to the NW RDA - $10M per year beginning 2007 for 8 years
- $40M each to Steuben, LaGrange, Elkhart, St. Joseph and Laporte Counties ($25M to Laporte if Laporte joins the NWRDA)
- $25M to Porter County
- $15M to Lake County
- $179M to INDOT for FY 2007 for highway, road and bridge construction
- Amount sufficient to pay for the reduced tolling program and to reimburse PERF for service credits

Provides that 34% of the net lease payment (after retirement of debt and IFA expenses) to the Authority must be spent in the Toll Road Counties. The following items are included in the 34%:

- INDOT projects
- Distributions to the Toll Road Counties
- Distributions to NW RDA
- MVHF distributions to the Toll Road Counties
- Initial deposit to pay for the reduced tolling program
- Expenses for PERF service credits

Provides that funds distributed to the 7 Toll Road counties are distributed within each county in the same proportion as funds are distributed under the MVHF formula.

Provides that funds distributed to the 7 Toll Road counties can be used for:

- Highway, Road and Bridge Projects
- NW RDA Projects for the (NW RDA Counties)
- Economic Development Projects
- Matching funds for federal grants
- Interlocal Agreements

Creates the Next Generation Trust Fund exclusively to provide funds for the development and construction of highway, road and bridge projects. Makes an initial deposit of $500M.

- Provides the State Treasurer shall enter into an agreement with the IFA to create an irrevocable trust and serve as the trustee of the Fund. Earnings become a part of the Fund.
- Beginning March 1, 2001, earnings are transferred every 5 years to the Major Moves Construction Fund.

Establishes a new process for INDOT to procure P3 Agreements for road and bridge projects that includes significant public input and review as follows:

- Requires a Preliminary Feasibility Study
- Requires public notice
- Requires two formal hearings at different stages of the process
- Requires State Budget Committee review at two stages of the process
- Requires governor approval

Authorizes INDOT to establish user fees and tolls and criteria for adjustments.

Provides that after review by the Budget Committee and approval of the Budget Director an agreement may include a moral obligation for bonds issued to finance a project.

Provides that except for that part of I-69 that extends from Evansville to Martinsville, no tolling can be implemented on any future project without authorization of the General Assembly.

Provides that INDOT, IFA or an operator may not commence construction on I-69 in Perry Twp without authorization by the General Assembly.

Provides that INDOT may not convert a free road to a toll road without authorization of the General Assembly.

Provides the IFA may not sell, convey or mortgage a toll road project.

Establishes a process for Laporte County to join the NW RDA.

Prohibits political contributions for persons that have an interest in a concession to operate the Toll Road. Provides a person has to have at least a 1% interest in the company for the prohibition to apply.

Provides the state will pay for up to two years PERF service credit for state employees who are within 2 years of retiring and lose their job as a direct result of the state entering into a public private agreement.

Allocates $2M from the special Employment and Training Services Fund for training in the construction trades.

Requires the Indiana State Police to have responsibility to patrol the Toll Road.

Includes a severability clause.

House Bill 1214 (Public Law 176-2006)

Author(s): Davis
Sponsor(s): Long, Lanane
Citations Affected: IC 6-2.5; 6-6; 6-8.1; 8-2.1; 9-20
Effective: July 1, 2006

Various motor carrier matters. Provides that the prepayment rate used in determining prepayment amounts of sales tax on certain wholesale sales of gasoline may not exceed 125% of the prepayment rate in effect on the day before the prepayment rate is redetermined by the department of state revenue. Requires certain reports and returns filed with the department of state revenue (department) concerning gasoline tax and special fuel tax to be filed in an electronic format. Requires a motor carrier to file a claim for a proportional use credit for a calendar quarter on or before the due date of the motor carrier's quarterly motor fuel tax return. Allows the department to deny the issuance of or to suspend or revoke certain registrations, permits, or certificates of authority if the owner or operator of a commercial motor vehicle does not file all tax returns or reports or pay all taxes, penalties, and interest for a listed tax. Provides civil penalties for a motor carrier operating without required credentials or operating with altered credentials. Specifies conditions under which the department or the state police department may impound a motor vehicle of a motor carrier that is not authorized to transport passengers for hire. Increases the application fees paid to the department's motor carrier services division. Specifies that certain registration requirements do not apply to a person exclusively engaged in the private transportation of nonhazardous property. Provides that the department may not register or title a motor carrier if the motor carrier fails to comply with certain federal regulations or the motor carrier's authority to operate has been terminated or denied by a federal agency. Specifies certain penalties for motor carriers that violate the permitting provisions for oversize and overweight vehicles.

UTILITIES

See also:
HB 1076: Contracts for public water and wastewater projects.
[Local Government]
HB 1279: Telecommunications deregulation.
[Telecommunications]
HB 1315: Video service franchises.
[Telecommunications]

Senate Bill 22 (Public Law 118-2006)
Author(s): Gard
Sponsor(s): Wolkins

Citations Affected: IC 8-1
Effective: July 1, 2006

Pipeline safety. Provides that the pipeline safety laws apply to hazardous liquids and carbon dioxide fluid. Increases the maximum civil penalties that may be imposed under the pipeline safety laws. Provides that certain information concerning pipelines is confidential for purposes of the law concerning access to public records.

Senate Bill 69 (Public Law 14-2006)
Author(s): Weatherwax, Landske
Sponsor(s): Koch
Citations Affected: IC 8-1
Effective: Upon Passage (March 13, 2006)

Governance of rural telephone cooperatives. Specifies that, in an election for a director of a rural telephone cooperative corporation, the corporation's bylaws may provide that if more than two persons run for election as a director from the same district, the person receiving the most votes is elected, regardless of whether that person receives a majority of the total votes cast by those members present and voting at the meeting at which the election occurs.

Senate Bill 72 (Public Law 30-2006)
Author(s): Long, Howard
Sponsor(s): Borror
Citations Affected: IC 8-1
Effective: Upon Passage (March 14, 2006)

IURC proceedings. Permits the utility regulatory commission (IURC) to deliberate in executive session on a proposed IURC order under certain circumstances.

House Bill 1018 (Public Law 166-2006)
Author(s): Robertson
Sponsor(s): Hershman
Citations Affected: IC 13-18
Effective: July 1, 2006

Water authority audits. Requires a nonprofit water utility that is reconstituted as a water authority to have an annual audit by a certified public accounting firm and to keep the audit report on file. Provides that the water authority is not subject to audit or examination by the state board of accounts, to the examination guidelines and reporting requirements of the state board of accounts, or to certain statutes that apply to political subdivisions.

ADDENDUM

JOINT RESOLUTIONS PASSED AMENDING THE INDIANA CONSTITUTION

Senate Joint Resolution 2 (Public Law 194-2006)
Author(s): Lawson
Sponsor(s): Richardson
Citations Affected: IC
Effective:

Overseas voters. Provides that the general assembly may extend the right to vote to an individual who: (1) is the child of an individual who is a registered Indiana voter; and (2) currently resides outside the United States; if the individual meets all of the constitutional qualifications for a voter other than residence in an Indiana precinct. This proposed amendment has not been previously agreed to by a general assembly.

VETOED BILLS: Brief Description

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

VETO OVERRIDES

During the 2006 Regular Session, which ended on March 14, 2006, the Indiana Senate and the House of Representatives voted to sustain the vetoes on SEA 218 (Safety belts), HEA 1142 (Medicaid matters and organ procurement), and HEA 1224 (Aerospace initiative) from the 2005 session.

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