

HOUSE BILL No. 1181

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Technical corrections. Resolves technical problems in the Indiana Code. Provides that the technical corrections bill may be referred to as the "technical corrections bill of the 2017 general assembly". Specifies that the title may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2017 legislative session. Provides the publisher of the Indiana Code with guidance concerning resolution of amend/repeal conflicts between the technical corrections bill and other bills passed during the 2017 legislative session. Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill's repealer is law. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage; July 1, 2016 (retroactive); January 1, 2017 (retroactive).

Kersey

January 9, 2017, read first time and referred to Committee on Judiciary.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1181

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-1.1-10, AS AMENDED BY P.L.53-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 10. (a) The Indiana code revision commission
4 is established. The commission shall function as an advisory body to
5 the legislative council. In that capacity, the commission shall:
6 (1) assist the council in supervising the compilation,
7 computerization, indexing, and printing of the Indiana Code;
8 (2) assist the council in developing standards for the codification
9 and revision of statutes to make those statutes clear, concise, and
10 easy to interpret and to apply;
11 (3) assist the council, as required by IC 4-22-8-11, with the
12 publication of the Indiana Register and in the compilation,
13 computerization, indexing, and printing of the Indiana
14 Administrative Code;
15 (4) assist the council, as required by IC 4-22-2-42, in developing
16 and revising standards, techniques, format, and numbering system
17 to be used in drafting rules for promulgation;



1 (5) assist the council in developing and revising standards,
 2 techniques, and format to be used when preparing legislation for
 3 consideration by the Indiana general assembly; and

4 (6) assist the council with any other related tasks assigned to the
 5 commission by the council.

6 (b) The commission consists of the following members:

7 (1) Four (4) members of the house of representatives, not more
 8 than two (2) of whom are members of the same political party, to
 9 be appointed by the speaker of the house of representatives.

10 (2) Four (4) members of the senate, not more than two (2) of
 11 whom are members of the same political party, to be appointed by
 12 the president pro tempore of the senate.

13 (3) The chief justice of Indiana or ~~his~~ **the chief justice's** designee.

14 (4) The chief judge of the Indiana court of appeals or ~~his~~ **the chief**
 15 **judge's** designee.

16 (5) The Indiana attorney general or ~~his~~ **the attorney general's**
 17 designee.

18 (6) An attorney admitted to the practice of law before the Indiana
 19 supreme court selected by the chairman of the council.

20 (7) A present or former professor of law selected by the chairman
 21 of the council.

22 (8) The Indiana secretary of state or ~~his~~ **the secretary of state's**
 23 designee.

24 (9) An individual appointed by the governor.

25 Appointive members of the commission shall be appointed to serve a
 26 term of two (2) years or until their successors are appointed and
 27 qualified. However, an appointing authority may replace a member
 28 appointed under subsection (b)(1) or (b)(2) at any time during the
 29 member's term. ~~Notwithstanding this subsection, the term of a member~~
 30 ~~appointed to the commission under subsection (b)(1) or (b)(2) and~~
 31 ~~serving on the commission after March 14, 2014, and before December~~
 32 ~~31, 2014, expires December 31, 2014.~~

33 (c) IC 2-5-1.2-8.5 applies to the appointment of a chair and a
 34 vice-chair of the commission.

35 (d) Commission members serve without compensation other than
 36 per diem and travel allowance as authorized for legislative study
 37 committees.

38 (e) The commission shall meet as often as is necessary to properly
 39 perform its duties.

40 (f) The council may direct the legislative services agency to provide
 41 such clerical, research, and administrative personnel and other
 42 assistance as the council considers necessary to enable the commission



1 to properly perform its duties.

2 (g) Subject to the authorization of the council, the expenses incurred
3 by the commission in performing its duties shall be paid from the funds
4 appropriated to the council.

5 SECTION 2. IC 2-5-1.3-9, AS ADDED BY P.L.53-2014, SECTION
6 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
7 PASSAGE]: Sec. 9. The term of a member appointed to a study
8 committee is two (2) consecutive interims. However, an appointing
9 authority may replace a member at any time during the member's term.
10 ~~Notwithstanding this section, the term of a member serving on a study~~
11 ~~committee after March 14, 2014, and before December 31, 2014,~~
12 ~~expires December 31, 2014.~~

13 SECTION 3. IC 3-11.5-6-14 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If a test of
15 automatic tabulating machines required by IC 3-11-13-22 ~~or~~
16 ~~IC 3-11-13-26~~ is not conducted for a particular office or public
17 question, the absentee ballot votes for that office shall be counted
18 manually.

19 SECTION 4. IC 3-12-3-8 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE UPON PASSAGE]: Sec. 8. If ~~either a~~ test of automatic
21 tabulating machines required by IC 3-11-13-22 ~~and IC 3-11-13-26~~
22 is not conducted for a particular office or public question, the votes for
23 that office or question shall be counted manually. If for any reason it
24 becomes impracticable to count all or some of the ballot cards with
25 automatic tabulating machines:

26 (1) the precinct election board in which the machine is located, if
27 the ballot card voting system is designed to allow the counting
28 and tabulation of votes by the precinct election board; or

29 (2) the county election board, if the ballot card voting system is
30 not designed to allow the counting and tabulation of votes by the
31 precinct election board;

32 may direct that they be counted manually.

33 SECTION 5. IC 3-12-9-4, AS AMENDED BY P.L.164-2006,
34 SECTION 127, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The fiscal body of a
36 political subdivision that receives notice under section 3 of this chapter
37 shall resolve the tie vote by electing a person to fill the office not later
38 than December 31 following the election ~~(or not later than June 30~~
39 ~~following the election of a school board member in May)~~ at which the
40 tie vote occurred. The fiscal body shall select one (1) of the candidates
41 who was involved in the tie vote to fill the office.

42 (b) If a tie vote has occurred in an election for a circuit office in a



1 circuit that contains more than one (1) county, the fiscal bodies of the
 2 counties shall meet in joint session at the county seat of the county that
 3 contains the greatest percentage of population of the circuit to select
 4 one (1) of the candidates who was involved in the tie vote in order to
 5 fill the office in accordance with this section.

6 (c) If a tie vote has occurred for the election of more than one (1)
 7 at-large seat on a legislative or fiscal body, the fiscal body shall select
 8 the number of individuals necessary to fill each of the at-large seats for
 9 which the tie vote occurred. However, a member of a fiscal body who
 10 runs for reelection and is involved in a tie vote may not cast a vote
 11 under this section.

12 (d) The executive of the political subdivision (other than a town or
 13 a school corporation) may cast the deciding vote to break a tie vote in
 14 a fiscal body acting under this section. The clerk-treasurer of the town
 15 may cast the deciding vote to break a tie vote in a town fiscal body
 16 acting under this section. A tie vote in the fiscal body of a school
 17 corporation under this section shall be broken under IC 20-23.

18 SECTION 6. IC 4-13-2-1.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a)
 20 Notwithstanding section 1 of this chapter, the term "agencies of state",
 21 "state agency", or "agency", as used in sections 7, 19, ~~21~~, and 23 of this
 22 chapter, include the judicial and legislative departments of state
 23 government.

24 (b) Notwithstanding section 1 of this chapter, section 19 of this
 25 chapter applies to the judicial and legislative departments of state
 26 government.

27 (c) Notwithstanding section 1 of this chapter, section 5.2 of this
 28 chapter applies to a body corporate and politic.

29 SECTION 7. IC 4-33-24-9, AS ADDED BY P.L.212-2016,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 9. As used in this chapter, "paid fantasy sports
 32 game" means any fantasy or simulation sports game or contest that
 33 meets the following conditions:

34 (1) The values of all prizes and awards offered to winning game
 35 participants are established and made known to the game
 36 participants in advance of the game or contest.

37 (2) All winning outcomes reflect the relative knowledge and skill
 38 of the game participants and are determined predominantly by
 39 accumulated statistical results of the performance of individuals,
 40 including athletes in the case of sporting events.

41 (3) No winning outcome is based on the score, point spread, or
 42 performance or performances of any single team or combination



1 of teams, or solely on any single performance of an individual
2 athlete or player in any single event.

3 (4) The statistical results of the performance of individuals under
4 subdivision (2) are not based on college or high school sports.

5 (5) All **game** participants must pay, with cash or a cash
6 equivalent, an entry fee to participate.

7 (6) Unless authorized by the horse racing commission, established
8 by IC 4-31-3-1, no winning outcome is based on the accumulated
9 statistical results of a performance by an individual or horse:

10 (A) in a race or races at a recognized meeting (as defined in
11 IC 4-31-2-20); or

12 (B) on the simulcast, as defined in IC 4-31-2-20.6, of a horse
13 race or horse races.

14 SECTION 8. IC 5-2-22-1, AS ADDED BY P.L.52-2016, SECTION
15 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
16 PASSAGE]: Sec. 1. The following definitions apply throughout this
17 chapter:

18 (1) "Crime of child abuse" means:

19 (A) neglect of a dependent (IC 35-46-1-4) if the dependent is
20 a child and the offense is committed under:

21 (i) IC 35-46-1-4(a)(1);

22 (ii) IC 35-46-1-4(a)(2); or

23 (iii) IC 35-46-1-4(a)(3);

24 (B) child selling (IC 35-46-1-4(d));

25 (C) a sex offense (as defined in IC 11-8-8-5.2) committed
26 against a child; or

27 (D) battery against a child under:

28 (i) ~~IC 35-42-2-1(d)(3)~~ **IC 35-42-2-1(e)(3)** (battery on a
29 child);

30 (ii) ~~IC 35-42-2-1(f)(5)(B)~~ **IC 35-42-2-1(g)(5)(B)** (battery
31 causing bodily injury to a child);

32 (iii) ~~IC 35-42-2-1(i)~~ **IC 35-42-2-1(j)** (battery causing serious
33 bodily injury to a child); or

34 (iv) ~~IC 35-42-2-1(j)~~ **IC 35-42-2-1(k)** (battery resulting in the
35 death of a child).

36 (2) "Division" refers to the division of state court administration
37 created under IC 33-24-6-1(b)(2).

38 (3) "Registry" means the child abuse registry established under
39 section 2 of this chapter.

40 SECTION 9. IC 5-10.3-12-31, AS AMENDED BY P.L.209-2016,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 31. (a) If a member of the plan separates from



1 employment with the member's employer **and** later begins employment
2 with the same or a different employer in a position covered by the plan:

3 (1) the member resumes the member's participation in the plan;
4 and

5 (2) the member is entitled to receive credit for the member's years
6 of participation in the plan before the member's separation.

7 Any amounts forfeited by the member under section 25(e) of this
8 chapter may not be restored to the member's account.

9 (b) An individual who returns to state employment having had an
10 opportunity to make an election under section 20 of this chapter during
11 an earlier period of state employment is not entitled to a second
12 opportunity to make an election under section 20 of this chapter.

13 (c) An individual described in section 1(a)(3) of this chapter who
14 returns to employment with a participating political subdivision having
15 had an opportunity to make an election under section 20.5 of this
16 chapter during an earlier period of employment with the participating
17 political subdivision is not entitled to a second opportunity to make an
18 election under section 20.5 of this chapter with respect to that
19 employer.

20 SECTION 10. IC 5-13-10.5-18, AS AMENDED BY P.L.204-2016,
21 SECTION 8, AND AS AMENDED BY P.L.188-2016, SECTION 6, IS
22 CORRECTED AND AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section,
24 "capital improvement board" refers to a capital improvement board
25 established under IC 36-10-9.

26 (b) To qualify for an investment under this section, the capital
27 improvement board must apply to the treasurer of state in the form and
28 manner required by the treasurer. As part of the application, the capital
29 improvement board shall submit a plan for its use of the investment
30 proceeds and for the repayment of the capital improvement board's
31 obligation to the treasurer. Within sixty (60) days after receipt of each
32 application, the treasurer shall consider the application and review its
33 accuracy and completeness.

34 (c) If the capital improvement board makes an application under
35 subsection (b) and the treasurer approves the accuracy and
36 completeness of the application and determines that there is an
37 adequate method of payment for the capital improvement board's
38 obligations, the treasurer of state shall invest or reinvest funds that are
39 held by the treasurer and that are available for investment in
40 obligations issued by the capital improvement board for the purposes
41 of the capital improvement board in calendar years 2009, 2010, and
42 2011. The investment may not exceed nine million dollars (\$9,000,000)



1 per calendar year for 2009, 2010, and 2011.

2 (d) The treasurer of state shall determine the terms of each
3 investment and the capital improvement board's obligation, which must
4 include the following:

5 (1) Subject to subsections (f) and (g), the duration of the capital
6 improvement board's obligation, which must be for a term of ten
7 (10) years with an option for the capital improvement board to
8 pay its obligation to the treasurer early without penalty.

9 (2) Subject to subsections (f) and (g), the repayment schedule of
10 the capital improvement board's obligation, which must provide
11 that no payments are due before January 1, 2013.

12 (3) A rate of interest to be determined by the treasurer.

13 (4) The amount of each investment, which may not exceed the
14 maximum amounts established for the capital improvement board
15 by this section.

16 (5) Any other conditions specified by the treasurer.

17 (e) The capital improvement board may issue obligations under this
18 section by adoption of a resolution and, as set forth in IC 5-1-14, may
19 use any source of revenue to satisfy the obligation to the treasurer of
20 state under this section. This section constitutes complete authority for
21 the capital improvement board to issue obligations to the treasurer. If
22 the capital improvement board fails to make any payments on the
23 capital improvement board's obligation to the treasurer, the amount
24 payable shall be withheld by the auditor of state from any other money
25 payable to the capital improvement board. The amount withheld shall
26 be transferred to the treasurer to the credit of the capital improvement
27 board.

28 (f) Subject to subsection (g), if all principal and interest on the
29 obligations issued by the capital improvement board under this section
30 in calendar year 2009, are paid before July 1, 2015, the term of the
31 obligations issued by the capital improvement board to the treasurer of
32 state in calendar year 2010 is extended until 2025. *The treasurer of*
33 *state shall discharge any remaining unpaid interest on the obligation*
34 *issued by the capital improvement board to the treasurer of state in*
35 *2009, if the capital improvement board submits payment of the*
36 *principal amount to the treasurer of state before the stated final*
37 *maturity of that obligation.*

38 (g) This subsection applies if the capital improvement board before
39 July 1, 2015, adopts a resolution:

40 (1) to establish a bid fund to be used to assist the capital
41 improvement board, the Indianapolis Convention and Visitors
42 Association (VisitIndy), or the Indiana Sports Corporation in



1 securing conventions, sporting events, and other special events;
2 and

3 (2) to designate that principal and interest payments that would
4 otherwise be made on the obligation issued by the capital
5 improvement board under this section in calendar year 2010 shall
6 instead be deposited in the bid fund.

7 If the requirements of subdivisions (1) and (2) are satisfied and the
8 capital improvement board deposits in the bid fund amounts equal to
9 the principal and interests payments that would otherwise be made
10 under the repayment schedule on the obligations issued by the capital
11 improvement board under this section in calendar year 2010, the capital
12 improvement board is not required to make those principal and
13 interests payments to the treasurer of state at the time required under
14 the repayment schedule. The amounts must be deposited in the bid
15 fund not later than the time the principal and interest payments would
16 otherwise be due to the treasurer of state under the repayment schedule.
17 The state board of accounts shall ~~annually~~ examine the bid fund *under*
18 *IC 5-11-1* to determine the amount of deposits made to the bid fund
19 under this subsection and to ensure that the money deposited in the bid
20 fund is used only for purposes authorized by this subsection. To the
21 extent that the capital improvement board does not deposit in the bid
22 fund an amount equal to a payment of principal and interest that would
23 otherwise be due under the repayment schedule on the obligations
24 issued by the capital improvement board under this section in calendar
25 year 2010, the capital improvement board must make that payment of
26 principal and interest to the treasurer of state as provided in this
27 section. If the capital improvement board deposits in the bid fund
28 amounts equal to the payments of principal and interest that would
29 otherwise be due under the repayment schedule on the obligations
30 issued by the capital improvement board under this section in calendar
31 year 2010, the capital improvement board is only required to repay to
32 the treasurer of state the principal amount of the obligation.

33 SECTION 11. IC 5-14-3-2, AS AMENDED BY P.L.58-2016,
34 SECTION 1, AND AS AMENDED BY P.L.198-2016, SECTION 12,
35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2016 (RETROACTIVE)]: Sec. 2. (a) The
37 definitions set forth in this section apply throughout this chapter.

38 (b) "Copy" includes transcribing by handwriting, photocopying,
39 xerography, duplicating machine, duplicating electronically stored data
40 onto a disk, tape, drum, or any other medium of electronic data storage,
41 and reproducing by any other means.

42 (c) "Criminal intelligence information" means data that has been



1 evaluated to determine that the data is relevant to:

- 2 (1) the identification of; and
 3 (2) the criminal activity engaged in by;

4 an individual who or organization that is reasonably suspected of
 5 involvement in criminal activity.

6 (d) "Direct cost" means one hundred five percent (105%) of the sum
 7 of the cost of:

- 8 (1) the initial development of a program, if any;
 9 (2) the labor required to retrieve electronically stored data; and
 10 (3) any medium used for electronic output;

11 for providing a duplicate of electronically stored data onto a disk, tape,
 12 drum, or other medium of electronic data retrieval under section 8(g)
 13 of this chapter, or for reprogramming a computer system under section
 14 6(c) of this chapter.

15 (e) "Electronic map" means copyrighted data provided by a public
 16 agency from an electronic geographic information system.

17 (f) "Enhanced access" means the inspection of a public record by a
 18 person other than a governmental entity and that:

- 19 (1) is by means of an electronic device other than an electronic
 20 device provided by a public agency in the office of the public
 21 agency; or
 22 (2) requires the compilation or creation of a list or report that does
 23 not result in the permanent electronic storage of the information.

24 (g) "Facsimile machine" means a machine that electronically
 25 transmits exact images through connection with a telephone network.

26 (h) "Inspect" includes the right to do the following:

- 27 (1) Manually transcribe and make notes, abstracts, or memoranda.
 28 (2) In the case of tape recordings or other aural public records, to
 29 listen and manually transcribe or duplicate, or make notes,
 30 abstracts, or other memoranda from them.
 31 (3) In the case of public records available:

- 32 (A) by enhanced access under section 3.5 of this chapter; or
 33 (B) to a governmental entity under section 3(c)(2) of this
 34 chapter;

35 to examine and copy the public records by use of an electronic
 36 device.

- 37 (4) In the case of electronically stored data, to manually transcribe
 38 and make notes, abstracts, or memoranda or to duplicate the data
 39 onto a disk, tape, drum, or any other medium of electronic
 40 storage.

41 (i) "Investigatory record" means information compiled in the course
 42 of the investigation of a crime.



1 (j) "Law enforcement activity" means:

2 (1) a traffic stop;

3 (2) a pedestrian stop;

4 (3) an arrest;

5 (4) a search;

6 (5) an investigation;

7 (6) a pursuit;

8 (7) crowd control;

9 (8) traffic control; or

10 (9) any other instance in which a law enforcement officer is
11 enforcing the law.

12 The term does not include an administrative activity, including the
13 completion of paperwork related to a law enforcement activity, or a
14 custodial interrogation conducted in a place of detention as described
15 in Indiana Evidence Rule 617, regardless of the ultimate admissibility
16 of a statement made during the custodial interrogation.

17 (k) "Law enforcement recording" means an audio, visual, or
18 audiovisual recording of a law enforcement activity captured by a
19 camera or other device that is:

20 (1) provided to or used by a law enforcement officer in the scope
21 of the officer's duties; and

22 (2) designed to be worn by a law enforcement officer or attached
23 to the vehicle or transportation of a law enforcement officer.

24 ~~(j)~~ (l) "Offender" means a person confined in a penal institution as
25 the result of the conviction for a crime.

26 ~~(k)~~ (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

27 ~~(l)~~ (n) "Person" means an individual, a corporation, a limited
28 liability company, a partnership, an unincorporated association, or a
29 governmental entity.

30 ~~(m)~~ ~~(o)~~ "Private university police department" means the police
31 officers appointed by the governing board of a private university under
32 IC 21-17-5.

33 ~~(n)~~ ~~(p)~~ (o) "Provider" has the meaning set out in IC 16-18-2-295(b)
34 and includes employees of the state department of health or local
35 boards of health who create patient records at the request of another
36 provider or who are social workers and create records concerning the
37 family background of children who may need assistance.

38 ~~(o)~~ ~~(q)~~ (p) "Public agency", except as provided in section 2.1 of this
39 chapter, means the following:

40 (1) Any board, commission, department, division, bureau,
41 committee, agency, office, instrumentality, or authority, by
42 whatever name designated, exercising any part of the executive,



- 1 administrative, judicial, or legislative power of the state.
 2 (2) Any:
 3 (A) county, township, school corporation, city, or town, or any
 4 board, commission, department, division, bureau, committee,
 5 office, instrumentality, or authority of any county, township,
 6 school corporation, city, or town;
 7 (B) political subdivision (as defined by IC 36-1-2-13); or
 8 (C) other entity, or any office thereof, by whatever name
 9 designated, exercising in a limited geographical area the
 10 executive, administrative, judicial, or legislative power of the
 11 state or a delegated local governmental power.
 12 (3) Any entity or office that is subject to:
 13 (A) budget review by either the department of local
 14 government finance or the governing body of a county, city,
 15 town, township, or school corporation; or
 16 (B) an audit by the state board of accounts that is required by
 17 statute, rule, or regulation.
 18 (4) Any building corporation of a political subdivision that issues
 19 bonds for the purpose of constructing public facilities.
 20 (5) Any advisory commission, committee, or body created by
 21 statute, ordinance, or executive order to advise the governing
 22 body of a public agency, except medical staffs or the committees
 23 of any such staff.
 24 (6) Any law enforcement agency, which means an agency or a
 25 department of any level of government that engages in the
 26 investigation, apprehension, arrest, or prosecution of alleged
 27 criminal offenders, such as the state police department, the police
 28 or sheriff's department of a political subdivision, prosecuting
 29 attorneys, members of the excise police division of the alcohol
 30 and tobacco commission, conservation officers of the department
 31 of natural resources, gaming agents of the Indiana gaming
 32 commission, gaming control officers of the Indiana gaming
 33 commission, and the security division of the state lottery
 34 commission.
 35 (7) Any license branch *staffed by employees of the bureau of*
 36 *motor vehicles commission operated under ~~IC 9-16~~ IC 9-14.1.*
 37 (8) The state lottery commission established by IC 4-30-3-1,
 38 including any department, division, or office of the commission.
 39 (9) The Indiana gaming commission established under IC 4-33,
 40 including any department, division, or office of the commission.
 41 (10) The Indiana horse racing commission established by IC 4-31,
 42 including any department, division, or office of the commission.



1 ~~(H)~~ *A private university police department. The term does not*
 2 *include the governing board of a private university or any other*
 3 *department, division, board, entity, or office of a private*
 4 *university.*

5 ~~(p)~~ ~~(#)~~ **(q)** "Public record" means any writing, paper, report, study,
 6 map, photograph, book, card, tape recording, or other material that is
 7 created, received, retained, maintained, or filed by or with a public
 8 agency and which is generated on paper, paper substitutes,
 9 photographic media, chemically based media, magnetic or machine
 10 readable media, electronically stored data, or any other material,
 11 regardless of form or characteristics.

12 ~~(q)~~ ~~(#)~~ **(r)** "Standard-sized documents" includes all documents that
 13 can be mechanically reproduced (without mechanical reduction) on
 14 paper sized eight and one-half (8 1/2) inches by eleven (11) inches or
 15 eight and one-half (8 1/2) inches by fourteen (14) inches.

16 ~~(#)~~ ~~(#)~~ **(s)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

17 ~~(#)~~ ~~(#)~~ **(t)** "Work product of an attorney" means information
 18 compiled by an attorney in reasonable anticipation of litigation. The
 19 term includes the attorney's:

- 20 (1) notes and statements taken during interviews of prospective
- 21 witnesses; and
- 22 (2) legal research or records, correspondence, reports, or
- 23 memoranda to the extent that each contains the attorney's
- 24 opinions, theories, or conclusions.

25 This definition does not restrict the application of any exception under
 26 section 4 of this chapter.

27 SECTION 12. IC 5-14-3-4, AS AMENDED BY P.L.58-2016,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2016 (RETROACTIVE)]: Sec. 4. (a) The following public
 30 records are excepted from section 3 of this chapter and may not be
 31 disclosed by a public agency, unless access to the records is
 32 specifically required by a state or federal statute or is ordered by a court
 33 under the rules of discovery:

- 34 (1) Those declared confidential by state statute.
- 35 (2) Those declared confidential by rule adopted by a public
- 36 agency under specific authority to classify public records as
- 37 confidential granted to the public agency by statute.
- 38 (3) Those required to be kept confidential by federal law.
- 39 (4) Records containing trade secrets.
- 40 (5) Confidential financial information obtained, upon request,
- 41 from a person. However, this does not include information that is
- 42 filed with or received by a public agency pursuant to state statute.



- 1 (6) Information concerning research, including actual research
 2 documents, conducted under the auspices of a state educational
 3 institution, including information:
 4 (A) concerning any negotiations made with respect to the
 5 research; and
 6 (B) received from another party involved in the research.
 7 (7) Grade transcripts and license examination scores obtained as
 8 part of a licensure process.
 9 (8) Those declared confidential by or under rules adopted by the
 10 supreme court of Indiana.
 11 (9) Patient medical records and charts created by a provider,
 12 unless the patient gives written consent under IC 16-39 or as
 13 provided under IC 16-41-8.
 14 (10) Application information declared confidential by the Indiana
 15 economic development corporation under IC 5-28-16.
 16 (11) A photograph, a video recording, or an audio recording of an
 17 autopsy, except as provided in IC 36-2-14-10.
 18 (12) A Social Security number contained in the records of a
 19 public agency.
 20 (13) The following information that is part of a foreclosure action
 21 subject to IC 32-30-10.5:
 22 (A) Contact information for a debtor, as described in
 23 IC 32-30-10.5-8(d)(1)(B).
 24 (B) Any document submitted to the court as part of the debtor's
 25 loss mitigation package under IC 32-30-10.5-10(a)(3).
 26 (14) The following information obtained from a call made to a
 27 fraud hotline established under IC 36-1-8-8.5:
 28 (A) The identity of any individual who makes a call to the
 29 fraud hotline.
 30 (B) A report, transcript, audio recording, or other information
 31 concerning a call to the fraud hotline.
 32 However, records described in this subdivision may be disclosed
 33 to a law enforcement agency, a ~~private university police~~
 34 ~~department~~, the attorney general, the inspector general, the state
 35 examiner, or a prosecuting attorney.
 36 (b) Except as otherwise provided by subsection (a), the following
 37 public records shall be excepted from section 3 of this chapter at the
 38 discretion of a public agency:
 39 (1) Investigatory records of law enforcement agencies. ~~or private~~
 40 ~~university police departments~~. For purposes of this chapter, a law
 41 enforcement recording is not an investigatory record. Law
 42 enforcement agencies ~~or private university police departments~~



1 may share investigatory records with a person who advocates on
 2 behalf of a crime victim, including a victim advocate (as defined
 3 in IC 35-37-6-3.5) or a victim service provider (as defined in
 4 IC 35-37-6-5), for the purposes of providing services to a victim
 5 or describing services that may be available to a victim, without
 6 the law enforcement agency or ~~private university police~~
 7 ~~department~~ losing its discretion to keep those records confidential
 8 from other records requesters. However, certain law enforcement
 9 records must be made available for inspection and copying as
 10 provided in section 5 of this chapter.

11 (2) The work product of an attorney representing, pursuant to
 12 state employment or an appointment by a public agency:

13 (A) a public agency;

14 (B) the state; or

15 (C) an individual.

16 (3) Test questions, scoring keys, and other examination data used
 17 in administering a licensing examination, examination for
 18 employment, or academic examination before the examination is
 19 given or if it is to be given again.

20 (4) Scores of tests if the person is identified by name and has not
 21 consented to the release of the person's scores.

22 (5) The following:

23 (A) Records relating to negotiations between:

24 (i) the Indiana economic development corporation;

25 (ii) the ports of Indiana;

26 (iii) the Indiana state department of agriculture;

27 (iv) the Indiana finance authority;

28 (v) an economic development commission;

29 (vi) a local economic development organization that is a
 30 nonprofit corporation established under state law whose
 31 primary purpose is the promotion of industrial or business
 32 development in Indiana, the retention or expansion of
 33 Indiana businesses, or the development of entrepreneurial
 34 activities in Indiana; or

35 (vii) a governing body of a political subdivision with
 36 industrial, research, or commercial prospects;

37 if the records are created while negotiations are in progress.

38 (B) Notwithstanding clause (A), the terms of the final offer of
 39 public financial resources communicated by the Indiana
 40 economic development corporation, the ports of Indiana, the
 41 Indiana finance authority, an economic development
 42 commission, or a governing body of a political subdivision to



- 1 an industrial, a research, or a commercial prospect shall be
 2 available for inspection and copying under section 3 of this
 3 chapter after negotiations with that prospect have terminated.
 4 (C) When disclosing a final offer under clause (B), the Indiana
 5 economic development corporation shall certify that the
 6 information being disclosed accurately and completely
 7 represents the terms of the final offer.
 8 (D) Notwithstanding clause (A), an incentive agreement with
 9 an incentive recipient shall be available for inspection and
 10 copying under section 3 of this chapter after the date the
 11 incentive recipient and the Indiana economic development
 12 corporation execute the incentive agreement regardless of
 13 whether negotiations are in progress with the recipient after
 14 that date regarding a modification or extension of the incentive
 15 agreement.
- 16 (6) Records that are intra-agency or interagency advisory or
 17 deliberative material, including material developed by a private
 18 contractor under a contract with a public agency, that are
 19 expressions of opinion or are of a speculative nature, and that are
 20 communicated for the purpose of decision making.
- 21 (7) Diaries, journals, or other personal notes serving as the
 22 functional equivalent of a diary or journal.
- 23 (8) Personnel files of public employees and files of applicants for
 24 public employment, except for:
- 25 (A) the name, compensation, job title, business address,
 26 business telephone number, job description, education and
 27 training background, previous work experience, or dates of
 28 first and last employment of present or former officers or
 29 employees of the agency;
- 30 (B) information relating to the status of any formal charges
 31 against the employee; and
- 32 (C) the factual basis for a disciplinary action in which final
 33 action has been taken and that resulted in the employee being
 34 suspended, demoted, or discharged.
- 35 However, all personnel file information shall be made available
 36 to the affected employee or the employee's representative. This
 37 subdivision does not apply to disclosure of personnel information
 38 generally on all employees or for groups of employees without the
 39 request being particularized by employee name.
- 40 (9) Minutes or records of hospital medical staff meetings.
- 41 (10) Administrative or technical information that would
 42 jeopardize a record keeping or security system.



- 1 (11) Computer programs, computer codes, computer filing
 2 systems, and other software that are owned by the public agency
 3 or entrusted to it and portions of electronic maps entrusted to a
 4 public agency by a utility.
- 5 (12) Records specifically prepared for discussion or developed
 6 during discussion in an executive session under IC 5-14-1.5-6.1.
 7 However, this subdivision does not apply to that information
 8 required to be available for inspection and copying under
 9 subdivision (8).
- 10 (13) The work product of the legislative services agency under
 11 personnel rules approved by the legislative council.
- 12 (14) The work product of individual members and the partisan
 13 staffs of the general assembly.
- 14 (15) The identity of a donor of a gift made to a public agency if:
 15 (A) the donor requires nondisclosure of the donor's identity as
 16 a condition of making the gift; or
 17 (B) after the gift is made, the donor or a member of the donor's
 18 family requests nondisclosure.
- 19 (16) Library or archival records:
 20 (A) which can be used to identify any library patron; or
 21 (B) deposited with or acquired by a library upon a condition
 22 that the records be disclosed only:
 23 (i) to qualified researchers;
 24 (ii) after the passing of a period of years that is specified in
 25 the documents under which the deposit or acquisition is
 26 made; or
 27 (iii) after the death of persons specified at the time of the
 28 acquisition or deposit.
- 29 However, nothing in this subdivision shall limit or affect contracts
 30 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 31 (17) The identity of any person who contacts the bureau of motor
 32 vehicles concerning the ability of a driver to operate a motor
 33 vehicle safely and the medical records and evaluations made by
 34 the bureau of motor vehicles staff or members of the driver
 35 licensing medical advisory board regarding the ability of a driver
 36 to operate a motor vehicle safely. However, upon written request
 37 to the commissioner of the bureau of motor vehicles, the driver
 38 must be given copies of the driver's medical records and
 39 evaluations.
- 40 (18) School safety and security measures, plans, and systems,
 41 including emergency preparedness plans developed under 511
 42 IAC 6.1-2-2.5.



- 1 (19) A record or a part of a record, the public disclosure of which
 2 would have a reasonable likelihood of threatening public safety
 3 by exposing a vulnerability to terrorist attack. A record described
 4 under this subdivision includes the following:
- 5 (A) A record assembled, prepared, or maintained to prevent,
 6 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 7 or an act of agricultural terrorism under IC 35-47-12-2.
 - 8 (B) Vulnerability assessments.
 - 9 (C) Risk planning documents.
 - 10 (D) Needs assessments.
 - 11 (E) Threat assessments.
 - 12 (F) Intelligence assessments.
 - 13 (G) Domestic preparedness strategies.
 - 14 (H) The location of community drinking water wells and
 15 surface water intakes.
 - 16 (I) The emergency contact information of emergency
 17 responders and volunteers.
 - 18 (J) Infrastructure records that disclose the configuration of
 19 critical systems such as communication, electrical, ventilation,
 20 water, and wastewater systems.
 - 21 (K) Detailed drawings or specifications of structural elements,
 22 floor plans, and operating, utility, or security systems, whether
 23 in paper or electronic form, of any building or facility located
 24 on an airport (as defined in IC 8-21-1-1) that is owned,
 25 occupied, leased, or maintained by a public agency, or any part
 26 of a law enforcement recording that captures information
 27 about airport security procedures, areas, or systems. A record
 28 described in this clause may not be released for public
 29 inspection by any public agency without the prior approval of
 30 the public agency that owns, occupies, leases, or maintains the
 31 airport. Both of the following apply to the public agency that
 32 owns, occupies, leases, or maintains the airport:
 - 33 (i) The public agency is responsible for determining whether
 34 the public disclosure of a record or a part of a record,
 35 including a law enforcement recording, has a reasonable
 36 likelihood of threatening public safety by exposing a
 37 security procedure, area, system, or vulnerability to terrorist
 38 attack.
 - 39 (ii) The public agency must identify a record described
 40 under item (i) and clearly mark the record as "confidential
 41 and not subject to public disclosure under
 42 IC 5-14-3-4(b)(19)(J) without approval of (insert name of



submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender that:

(A) contain personal information relating to:



- 1 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 2 (ii) a law enforcement officer (as defined in
 3 IC 35-31.5-2-185);
 4 (iii) a judge (as defined in IC 33-38-12-3);
 5 (iv) the victim of a crime; or
 6 (v) a family member of a correctional officer, law
 7 enforcement officer (as defined in IC 35-31.5-2-185), judge
 8 (as defined in IC 33-38-12-3), or victim of a crime; or
 9 (B) concern or could affect the security of a jail or correctional
 10 facility.
- 11 (24) Information concerning an individual less than eighteen (18)
 12 years of age who participates in a conference, meeting, program,
 13 or activity conducted or supervised by a state educational
 14 institution, including the following information regarding the
 15 individual or the individual's parent or guardian:
 16 (A) Name.
 17 (B) Address.
 18 (C) Telephone number.
 19 (D) Electronic mail account address.
- 20 (25) Criminal intelligence information.
- 21 (26) The following information contained in a report of unclaimed
 22 property under IC 32-34-1-26 or in a claim for unclaimed
 23 property under IC 32-34-1-36:
 24 (A) Date of birth.
 25 (B) Driver's license number.
 26 (C) Taxpayer identification number.
 27 (D) Employer identification number.
 28 (E) Account number.
- 29 (27) Except as provided in subdivision (19) and sections 5.1 and
 30 5.2 of this chapter, a law enforcement recording. However, before
 31 disclosing the recording, the public agency must comply with the
 32 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
 33 applicable.
- 34 (c) Nothing contained in subsection (b) shall limit or affect the right
 35 of a person to inspect and copy a public record required or directed to
 36 be made by any statute or by any rule of a public agency.
- 37 (d) Notwithstanding any other law, a public record that is classified
 38 as confidential, other than a record concerning an adoption or patient
 39 medical records, shall be made available for inspection and copying
 40 seventy-five (75) years after the creation of that record.
- 41 (e) Only the content of a public record may form the basis for the
 42 adoption by any public agency of a rule or procedure creating an



1 exception from disclosure under this section.

2 (f) Except as provided by law, a public agency may not adopt a rule
3 or procedure that creates an exception from disclosure under this
4 section based upon whether a public record is stored or accessed using
5 paper, electronic media, magnetic media, optical media, or other
6 information storage technology.

7 (g) Except as provided by law, a public agency may not adopt a rule
8 or procedure nor impose any costs or liabilities that impede or restrict
9 the reproduction or dissemination of any public record.

10 (h) Notwithstanding subsection (d) and section 7 of this chapter:

11 (1) public records subject to IC 5-15 may be destroyed only in
12 accordance with record retention schedules under IC 5-15; or

13 (2) public records not subject to IC 5-15 may be destroyed in the
14 ordinary course of business.

15 SECTION 13. IC 5-14-3-5.2, AS ADDED BY P.L.58-2016,
16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 5.2. (a) A public agency shall permit any
18 person to inspect or copy a law enforcement recording unless one (1)
19 or more of the following circumstances apply:

20 (1) Section 4(b)(19) of this chapter applies and the person has not
21 demonstrated that the public agency that owns, occupies, leases,
22 or maintains the airport approves the disclosure of the recording.

23 (2) The public agency finds, after due consideration of the facts
24 of the particular case, that access to or dissemination of the
25 recording:

26 (A) creates a significant risk of substantial harm to any person
27 or to the general public;

28 (B) is likely to interfere with the ability of a person to receive
29 a fair trial by creating prejudice or bias concerning the person
30 or a claim or defense presented by the person;

31 (C) may affect an ongoing investigation, if the recording is an
32 investigatory record of a law enforcement agency as defined
33 in section 2 of this chapter and notwithstanding its exclusion
34 under section 4(b)(1) of this chapter; or

35 (D) would not serve the public interest.

36 However, before permitting a person to inspect or copy the recording,
37 the public agency must comply with the obscuring provisions of
38 subsection (f); (e), if applicable.

39 (b) If a public agency denies a person the opportunity to inspect or
40 copy a law enforcement recording under subsection (a), the person may
41 petition the circuit or superior court of the county in which the law
42 enforcement recording was made for an order permitting inspection or



1 copying of a law enforcement recording. The court shall review the
2 decision of the public agency de novo and grant the order unless one

3 (1) or more of the following apply:

4 (1) If section 4(b)(19) of this chapter applies, the petitioner fails
5 to establish by a preponderance of the evidence that the public
6 agency that owns, occupies, leases, or maintains the airport
7 approves the disclosure of the recording.

8 (2) The public agency establishes by a preponderance of the
9 evidence in light of the facts of the particular case, that access to
10 or dissemination of the recording:

11 (A) creates a significant risk of substantial harm to any person
12 or to the general public;

13 (B) is likely to interfere with the ability of a person to receive
14 a fair trial by creating prejudice or bias concerning the person
15 or a claim or defense presented by the person;

16 (C) may affect an ongoing investigation, if the recording is an
17 investigatory record of a law enforcement agency, as defined
18 in section 2 of this chapter, notwithstanding its exclusion
19 under section 4 of this chapter; or

20 (D) would not serve the public interest.

21 (c) Notwithstanding section 9(i) of this chapter, a person that
22 obtains an order for inspection of or to copy a law enforcement
23 recording under this section may not be awarded attorney's fees, court
24 costs, and other reasonable expenses of litigation. The penalty
25 provisions of section 9.5 of this chapter do not apply to a petition filed
26 under this section.

27 (d) If the court grants a petition for inspection of or to copy the law
28 enforcement recording, the public agency shall disclose the recording.
29 However, before disclosing the recording, the public agency must
30 comply with the obscuring provisions of subsection (e), if applicable.

31 (e) A public agency that discloses a law enforcement recording
32 under this section:

33 (1) shall obscure:

34 (A) any information that is required to be obscured under
35 section 4(a) of this chapter; and

36 (B) depictions of:

37 (i) an individual's death or a dead body;

38 (ii) acts of severe violence that are against any individual
39 who is clearly visible and that result in serious bodily injury
40 (as defined in IC 35-31.5-2-292);

41 (iii) serious bodily injury (as defined in IC 35-31.5-2-292);

42 (iv) nudity (as defined in IC 35-49-1-5);



- 1 (v) an individual whom the public agency reasonably
 2 believes is less than eighteen (18) years of age;
 3 (vi) personal medical information;
 4 (vii) a victim of a crime, or any information identifying the
 5 victim of a crime, if the public agency finds that obscuring
 6 this information is necessary for the victim's safety; and
 7 (viii) a witness to a crime or an individual who reports a
 8 crime, or any information identifying a witness to a crime or
 9 an individual who reports a crime, if the public agency finds
 10 that obscuring this information is necessary for the safety of
 11 the witness or individual who reports a crime; and
 12 (2) may obscure:
 13 (A) any information identifying:
 14 (i) a law enforcement officer operating in an undercover
 15 capacity; or
 16 (ii) a confidential informant; and
 17 (B) any information that the public agency may withhold from
 18 disclosure under section 4(b)(2) through 4(b)(26) of this
 19 chapter.
 20 (f) A court shall expedite a proceeding filed under this section.
 21 Unless prevented by extraordinary circumstances, the court shall
 22 conduct a hearing (if required) and rule on a petition filed under this
 23 section not later than thirty (30) days after the date the petition is filed.
 24 SECTION 14. IC 5-28-6-8 IS REPEALED [EFFECTIVE UPON
 25 PASSAGE]. See: 8: (a) The corporation shall conduct an in depth
 26 assessment of Indiana's regional metropolitan areas, as determined by
 27 the corporation, and referred to as a "regional city" in this section.
 28 (b) The assessment must include an analysis of at least the following
 29 with respect to each regional city:
 30 (1) The economic potential of the regional city if certain
 31 initiatives or quality of life or other improvements are made or not
 32 made.
 33 (2) The needs of each regional city.
 34 (3) The potential of various initiatives and improvements for each
 35 regional city with a focus on determining those initiatives and
 36 improvements that will best lead to economic growth for the
 37 regional city.
 38 (4) The successful and unsuccessful attempts at regional
 39 development within and outside Indiana.
 40 (c) The staff of the corporation shall prepare and submit a report to
 41 the board before October 1, 2014. The report must include the
 42 following:



- 1 (1) Findings of the assessment.
- 2 (2) Recommendations on addressing the needs of each regional
- 3 city, including any initiatives and quality of life or other
- 4 improvements that could be made and that will best lead to
- 5 economic growth for the regional city.
- 6 (3) Recommendations on options for financing any recommended
- 7 initiatives and improvements by using a combination of public
- 8 and private investment and financing that includes participation
- 9 by financial institutions, private enterprise, local government, and
- 10 state government.
- 11 SECTION 15. IC 6-1.1-12-37, AS AMENDED BY P.L.203-2016,
- 12 SECTION 4, AND AS AMENDED BY P.L.197-2016, SECTION 12,
- 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 14 [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The following
- 15 definitions apply throughout this section:
- 16 (1) "Dwelling" means any of the following:
- 17 (A) Residential real property improvements that an individual
- 18 uses as the individual's residence, including a house or garage.
- 19 (B) A mobile home that is not assessed as real property that an
- 20 individual uses as the individual's residence.
- 21 (C) A manufactured home that is not assessed as real property
- 22 that an individual uses as the individual's residence.
- 23 (2) "Homestead" means an individual's principal place of
- 24 residence:
- 25 (A) that is located in Indiana;
- 26 (B) that:
- 27 (i) the individual owns;
- 28 (ii) the individual is buying under a contract; recorded in the
- 29 county recorder's office, that provides that the individual is
- 30 to pay the property taxes on the residence, and that obligates
- 31 the owner to convey title to the individual upon completion
- 32 of all of the individual's contract obligations;
- 33 (iii) the individual is entitled to occupy as a
- 34 tenant-stockholder (as defined in 26 U.S.C. 216) of a
- 35 cooperative housing corporation (as defined in 26 U.S.C.
- 36 216); or
- 37 (iv) is a residence described in section 17.9 of this chapter
- 38 that is owned by a trust if the individual is an individual
- 39 described in section 17.9 of this chapter; and
- 40 (C) that consists of a dwelling and the real estate, not
- 41 exceeding one (1) acre, that immediately surrounds that
- 42 dwelling.



- 1 Except as provided in subsection (k), the term does not include
 2 property owned by a corporation, partnership, limited liability
 3 company, or other entity not described in this subdivision.
- 4 (b) Each year a homestead is eligible for a standard deduction from
 5 the assessed value of the homestead for an assessment date. Except as
 6 provided in subsection (p), the deduction provided by this section
 7 applies to property taxes first due and payable for an assessment date
 8 only if an individual has an interest in the homestead described in
 9 subsection (a)(2)(B) on:
- 10 (1) the assessment date; or
 11 (2) any date in the same year after an assessment date that a
 12 statement is filed under subsection (e) or section 44 of this
 13 chapter, if the property consists of real property.
- 14 If more than one (1) individual or entity qualifies property as a
 15 homestead under subsection (a)(2)(B) for an assessment date, only one
 16 (1) standard deduction from the assessed value of the homestead may
 17 be applied for the assessment date. Subject to subsection (c), the
 18 auditor of the county shall record and make the deduction for the
 19 individual or entity qualifying for the deduction.
- 20 (c) Except as provided in section 40.5 of this chapter, the total
 21 amount of the deduction that a person may receive under this section
 22 for a particular year is the lesser of:
- 23 (1) sixty percent (60%) of the assessed value of the real property,
 24 mobile home not assessed as real property, or manufactured home
 25 not assessed as real property; or
 26 (2) forty-five thousand dollars (\$45,000).
- 27 (d) A person who has sold real property, a mobile home not assessed
 28 as real property, or a manufactured home not assessed as real property
 29 to another person under a contract that provides that the contract buyer
 30 is to pay the property taxes on the real property, mobile home, or
 31 manufactured home may not claim the deduction provided under this
 32 section with respect to that real property, mobile home, or
 33 manufactured home.
- 34 (e) Except as provided in sections 17.8 and 44 of this chapter and
 35 subject to section 45 of this chapter, an individual who desires to claim
 36 the deduction provided by this section must file a certified statement ~~in~~
 37 ~~duplicate~~, on forms prescribed by the department of local government
 38 finance, with the auditor of the county in which the homestead is
 39 located. The statement must include:
- 40 (1) the parcel number or key number of the property and the name
 41 of the city, town, or township in which the property is located;
 42 (2) the name of any other location in which the applicant or the



1 applicant's spouse owns, is buying, or has a beneficial interest in
 2 residential real property;

3 (3) the names of:

4 (A) the applicant and the applicant's spouse (if any):

5 (i) as the names appear in the records of the United States
 6 Social Security Administration for the purposes of the
 7 issuance of a Social Security card and Social Security
 8 number; or

9 (ii) that they use as their legal names when they sign their
 10 names on legal documents;

11 if the applicant is an individual; or

12 (B) each individual who qualifies property as a homestead
 13 under subsection (a)(2)(B) and the individual's spouse (if any):

14 (i) as the names appear in the records of the United States
 15 Social Security Administration for the purposes of the
 16 issuance of a Social Security card and Social Security
 17 number; or

18 (ii) that they use as their legal names when they sign their
 19 names on legal documents;

20 if the applicant is not an individual; and

21 (4) either:

22 (A) the last five (5) digits of the applicant's Social Security
 23 number and the last five (5) digits of the Social Security
 24 number of the applicant's spouse (if any); or

25 (B) if the applicant or the applicant's spouse (if any) does not
 26 have a Social Security number, any of the following for that
 27 individual:

28 (i) The last five (5) digits of the individual's driver's license
 29 number.

30 (ii) The last five (5) digits of the individual's state
 31 identification card number.

32 (iii) If the individual does not have a driver's license or a
 33 state identification card, the last five (5) digits of a control
 34 number that is on a document issued to the individual by the
 35 ~~federal~~ United States government. ~~and determined by the~~
 36 ~~department of local government finance to be acceptable.~~

37 If a form or statement provided to the county auditor under this section,
 38 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or
 39 part or all of the Social Security number of a party or other number
 40 described in subdivision (4)(B) of a party, the telephone number and
 41 the Social Security number or other number described in subdivision
 42 (4)(B) included are confidential. The statement may be filed in person



1 or by mail. If the statement is mailed, the mailing must be postmarked
 2 on or before the last day for filing. The statement applies for that first
 3 year and any succeeding year for which the deduction is allowed. With
 4 respect to real property, the statement must be completed and dated in
 5 the calendar year for which the person desires to obtain the deduction
 6 and filed with the county auditor on or before January 5 of the
 7 immediately succeeding calendar year. With respect to a mobile home
 8 that is not assessed as real property, the person must file the statement
 9 during the twelve (12) months before March 31 of the year for which
 10 the person desires to obtain the deduction.

11 (f) If an individual who is receiving the deduction provided by this
 12 section or who otherwise qualifies property for a deduction under this
 13 section:

14 (1) changes the use of the individual's property so that part or all
 15 of the property no longer qualifies for the deduction under this
 16 section; or

17 (2) is no longer eligible for a deduction under this section on
 18 another parcel of property because:

19 (A) the individual would otherwise receive the benefit of more
 20 than one (1) deduction under this chapter; or

21 (B) the individual maintains the individual's principal place of
 22 residence with another individual who receives a deduction
 23 under this section;

24 the individual must file a certified statement with the auditor of the
 25 county, notifying the auditor of the change of use, not more than sixty
 26 (60) days after the date of that change. An individual who fails to file
 27 the statement required by this subsection is liable for any additional
 28 taxes that would have been due on the property if the individual had
 29 filed the statement as required by this subsection plus a civil penalty
 30 equal to ten percent (10%) of the additional taxes due. The civil penalty
 31 imposed under this subsection is in addition to any interest and
 32 penalties for a delinquent payment that might otherwise be due. One
 33 percent (1%) of the total civil penalty collected under this subsection
 34 shall be transferred by the county to the department of local
 35 government finance for use by the department in establishing and
 36 maintaining the homestead property data base under subsection (i) and,
 37 to the extent there is money remaining, for any other purposes of the
 38 department. This amount becomes part of the property tax liability for
 39 purposes of this article.

40 (g) The department of local government finance *shall* may adopt
 41 rules or guidelines concerning the application for a deduction under
 42 this section.



1 (h) This subsection does not apply to property in the first year for
 2 which a deduction is claimed under this section if the sole reason that
 3 a deduction is claimed on other property is that the individual or
 4 married couple maintained a principal residence at the other property
 5 on the *March 1* assessment date in the same year in which an
 6 application for a deduction is filed under this section or, if the
 7 application is for a homestead that is assessed as personal property, on
 8 the *March 1* assessment date in the immediately preceding year and the
 9 individual or married couple is moving the individual's or married
 10 couple's principal residence to the property that is the subject of the
 11 application. Except as provided in subsection (n), the county auditor
 12 may not grant an individual or a married couple a deduction under this
 13 section if:

14 (1) the individual or married couple, for the same year, claims the
 15 deduction on two (2) or more different applications for the
 16 deduction; and

17 (2) the applications claim the deduction for different property.

18 (i) The department of local government finance shall provide secure
 19 access to county auditors to a homestead property data base that
 20 includes access to the homestead owner's name and the numbers
 21 required from the homestead owner under subsection (e)(4) for the sole
 22 purpose of verifying whether an owner is wrongly claiming a deduction
 23 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, ~~or~~ or
 24 IC 6-3.6-5 (*after December 31, 2016*).

25 (j) A county auditor may require an individual to provide evidence
 26 proving that the individual's residence is the individual's principal place
 27 of residence as claimed in the certified statement filed under subsection
 28 (e). The county auditor may limit the evidence that an individual is
 29 required to submit to a state income tax return, a valid driver's license,
 30 or a valid voter registration card showing that the residence for which
 31 the deduction is claimed is the individual's principal place of residence.
 32 The department of local government finance shall work with county
 33 auditors to develop procedures to determine whether a property owner
 34 that is claiming a standard deduction or homestead credit is not eligible
 35 for the standard deduction or homestead credit because the property
 36 owner's principal place of residence is outside Indiana.

37 (k) As used in this section, "homestead" includes property that
 38 satisfies each of the following requirements:

39 (1) The property is located in Indiana and consists of a dwelling
 40 and the real estate, not exceeding one (1) acre, that immediately
 41 surrounds that dwelling.

42 (2) The property is the principal place of residence of an



- 1 individual.
- 2 (3) The property is owned by an entity that is not described in
- 3 subsection (a)(2)(B).
- 4 (4) The individual residing on the property is a shareholder,
- 5 partner, or member of the entity that owns the property.
- 6 (5) The property was eligible for the standard deduction under
- 7 this section on March 1, 2009.
- 8 (l) If a county auditor terminates a deduction for property described
- 9 in subsection (k) with respect to property taxes that are:
- 10 (1) imposed for an assessment date in 2009; and
- 11 (2) first due and payable in 2010;
- 12 on the grounds that the property is not owned by an entity described in
- 13 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
- 14 the taxpayer provides proof that the property is eligible for the
- 15 deduction in accordance with subsection (k) and that the individual
- 16 residing on the property is not claiming the deduction for any other
- 17 property.
- 18 (m) For assessment dates after 2009, the term "homestead" includes:
- 19 (1) a deck or patio;
- 20 (2) a gazebo; or
- 21 (3) another residential yard structure, as defined in rules *that may*
- 22 *be* adopted by the department of local government finance (other
- 23 than a swimming pool);
- 24 that is assessed as real property and attached to the dwelling.
- 25 (n) A county auditor shall grant an individual a deduction under this
- 26 section regardless of whether the individual and the individual's spouse
- 27 claim a deduction on two (2) different applications and each
- 28 application claims a deduction for different property if the property
- 29 owned by the individual's spouse is located outside Indiana and the
- 30 individual files an affidavit with the county auditor containing the
- 31 following information:
- 32 (1) The names of the county and state in which the individual's
- 33 spouse claims a deduction substantially similar to the deduction
- 34 allowed by this section.
- 35 (2) A statement made under penalty of perjury that the following
- 36 are true:
- 37 (A) That the individual and the individual's spouse maintain
- 38 separate principal places of residence.
- 39 (B) That neither the individual nor the individual's spouse has
- 40 an ownership interest in the other's principal place of
- 41 residence.
- 42 (C) That neither the individual nor the individual's spouse has,



1 for that same year, claimed a standard or substantially similar
 2 deduction for any property other than the property maintained
 3 as a principal place of residence by the respective individuals.
 4 A county auditor may require an individual or an individual's spouse to
 5 provide evidence of the accuracy of the information contained in an
 6 affidavit submitted under this subsection. The evidence required of the
 7 individual or the individual's spouse may include state income tax
 8 returns, excise tax payment information, property tax payment
 9 information, driver license information, and voter registration
 10 information.

11 (o) If:
 12 (1) a property owner files a statement under subsection (e) to
 13 claim the deduction provided by this section for a particular
 14 property; and
 15 (2) the county auditor receiving the filed statement determines
 16 that the property owner's property is not eligible for the deduction;
 17 the county auditor shall inform the property owner of the county
 18 auditor's determination in writing. If a property owner's property is not
 19 eligible for the deduction because the county auditor has determined
 20 that the property is not the property owner's principal place of
 21 residence, the property owner may appeal the county auditor's
 22 determination to the county property tax assessment board of appeals
 23 as provided in IC 6-1.1-15. The county auditor shall inform the
 24 property owner of the owner's right to appeal to the county property tax
 25 assessment board of appeals when the county auditor informs the
 26 property owner of the county auditor's determination under this
 27 subsection.

28 (p) An individual is entitled to the deduction under this section for
 29 a homestead for a particular assessment date if:

30 (1) either:
 31 (A) the individual's interest in the homestead as described in
 32 subsection (a)(2)(B) is conveyed to the individual after the
 33 assessment date, but within the calendar year in which the
 34 assessment date occurs; or
 35 (B) the individual contracts to purchase the homestead after
 36 the assessment date, but within the calendar year in which the
 37 assessment date occurs;
 38 (2) on the assessment date:
 39 (A) the property on which the homestead is currently located
 40 was vacant land; or
 41 (B) the construction of the dwelling that constitutes the
 42 homestead was not completed; *and*



- 1 (3) either:
- 2 (A) the individual files the certified statement required by
- 3 subsection (e); *on or before December 31 of the calendar year*
- 4 *in which the assessment date occurs to claim the deduction*
- 5 *under this section;* or
- 6 (B) a sales disclosure form that meets the requirements of
- 7 section 44 of this chapter is submitted to the county assessor
- 8 on or before December 31 of the calendar year for the
- 9 individual's purchase of the homestead. *and*
- 10 ~~(4) the individual files with the county auditor on or before~~
- 11 ~~December 31 of the calendar year in which the assessment date~~
- 12 ~~occurs a statement that:~~
- 13 ~~(A) lists any other property for which the individual would~~
- 14 ~~otherwise receive a deduction under this section for the~~
- 15 ~~assessment date; and~~
- 16 ~~(B) cancels the deduction described in clause (A) for that~~
- 17 ~~property.~~
- 18 An individual who satisfies the requirements of subdivisions (1)
- 19 through ~~(4)~~ (3) is entitled to the deduction under this section for the
- 20 homestead for the assessment date, even if on the assessment date the
- 21 property on which the homestead is currently located was vacant land
- 22 or the construction of the dwelling that constitutes the homestead was
- 23 not completed. The county auditor shall apply the deduction for the
- 24 assessment date and for the assessment date in any later year in which
- 25 the homestead remains eligible for the deduction. A homestead that
- 26 qualifies for the deduction under this section as provided in this
- 27 subsection is considered a homestead for purposes of section 37.5 of
- 28 this chapter and IC 6-1.1-20.6. *The county auditor shall cancel the*
- 29 *deduction under this section for any property that is located in the*
- 30 *county and is listed on the statement filed by the individual under*
- 31 *subdivision (4). If the property listed on the statement filed under*
- 32 *subdivision (4) is located in another county, the county auditor who*
- 33 *receives the statement shall forward the statement to the county*
- 34 *auditor of that other county; and the county auditor of that other*
- 35 *county shall cancel the deduction under this section for that property.*
- 36 (q) This subsection applies to an application for the deduction
- 37 provided by this section that is filed for an assessment date occurring
- 38 after December 31, 2013. Notwithstanding any other provision of this
- 39 section, an individual buying a mobile home that is not assessed as real
- 40 property or a manufactured home that is not assessed as real property
- 41 under a contract providing that the individual is to pay the property
- 42 taxes on the mobile home or manufactured home is not entitled to the



1 deduction provided by this section unless the parties to the contract
2 comply with IC 9-17-6-17.

3 (r) This subsection:

4 (1) applies to an application for the deduction provided by this
5 section that is filed for an assessment date occurring after
6 December 31, 2013; and

7 (2) does not apply to an individual described in subsection (q).

8 The owner of a mobile home that is not assessed as real property or a
9 manufactured home that is not assessed as real property must attach a
10 copy of the owner's title to the mobile home or manufactured home to
11 the application for the deduction provided by this section.

12 (s) For assessment dates after 2013, the term "homestead" includes
13 property that is owned by an individual who:

14 (1) is serving on active duty in any branch of the armed forces of
15 the United States;

16 (2) was ordered to transfer to a location outside Indiana; and

17 (3) was otherwise eligible, without regard to this subsection, for
18 the deduction under this section for the property for the
19 assessment date immediately preceding the transfer date specified
20 in the order described in subdivision (2).

21 For property to qualify under this subsection for the deduction provided
22 by this section, the individual described in subdivisions (1) through (3)
23 must submit to the county auditor a copy of the individual's transfer
24 orders or other information sufficient to show that the individual was
25 ordered to transfer to a location outside Indiana. The property continues
26 to qualify for the deduction provided by this section until the individual
27 ceases to be on active duty, the property is sold, or the individual's
28 ownership interest is otherwise terminated, whichever occurs first.
29 Notwithstanding subsection (a)(2), the property remains a homestead
30 regardless of whether the property continues to be the individual's
31 principal place of residence after the individual transfers to a location
32 outside Indiana. *The property continues to qualify as a homestead*
33 *under this subsection if the property is leased while the individual is*
34 *away from Indiana and is serving on active duty, if the individual has*
35 *lived at the property at any time during the past ten (10) years.*
36 ~~However,~~ *Otherwise,* the property ceases to qualify as a homestead
37 under this subsection if the property is leased while the individual is
38 away from Indiana. Property that qualifies as a homestead under this
39 subsection shall also be construed as a homestead for purposes of
40 section 37.5 of this chapter.

41 SECTION 16. IC 6-1.1-18.5-13, AS AMENDED BY P.L.203-2016,
42 SECTION 10, AND AS AMENDED BY P.L.197-2016, SECTION 15,



1 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) With respect to an
 3 appeal filed under section 12 of this chapter, the department may find
 4 that a civil taxing unit should receive any one (1) or more of the
 5 following types of relief:

6 (1) Permission to the civil taxing unit to increase its levy in excess
 7 of the limitations established under section 3 of this chapter, if in
 8 the judgment of the department the increase is reasonably
 9 necessary due to increased costs of the civil taxing unit resulting
 10 from annexation, consolidation, or other extensions of
 11 governmental services by the civil taxing unit to additional
 12 geographic areas. ~~or persons.~~ With respect to annexation,
 13 consolidation, or other extensions of governmental services in a
 14 calendar year, if those increased costs are incurred by the civil
 15 taxing unit in that calendar year and more than one (1)
 16 immediately succeeding calendar year, the unit may appeal under
 17 section 12 of this chapter for permission to increase its levy under
 18 this subdivision based on those increased costs in any of the
 19 following:

20 (A) The first calendar year in which those costs are incurred.

21 (B) One (1) or more of the immediately succeeding four (4)
 22 calendar years.

23 *(2) A levy increase may not be granted under this subdivision for*
 24 *property taxes first due and payable after December 31, 2008.*
 25 *Permission to the civil taxing unit to increase its levy in excess of*
 26 *the limitations established under section 3 of this chapter, if the*
 27 *local government tax control board finds that the civil taxing unit*
 28 *needs the increase to meet the civil taxing unit's share of the costs*
 29 *of operating a court established by statute enacted after*
 30 *December 31, 1973. Before recommending such an increase, the*
 31 *local government tax control board shall consider all other*
 32 *revenues available to the civil taxing unit that could be applied*
 33 *for that purpose. The maximum aggregate levy increases that the*
 34 *local government tax control board may recommend for a*
 35 *particular court equals the civil taxing unit's estimate of the unit's*
 36 *share of the costs of operating a court for the first full calendar*
 37 *year in which it is in existence. For purposes of this subdivision,*
 38 *costs of operating a court include:*

39 *(A) the cost of personal services (including fringe benefits);*

40 *(B) the cost of supplies; and*

41 *(C) any other cost directly related to the operation of the*
 42 *court.*



1 ~~(2)~~ (2) Permission to the civil taxing unit to increase its levy in
 2 excess of the limitations established under section 3 of this
 3 chapter, if the department finds that the quotient determined
 4 under STEP SIX of the following formula is equal to or greater
 5 than one and two-hundredths (1.02):

6 STEP ONE: Determine the three (3) calendar years that most
 7 immediately precede the ensuing calendar year and in which
 8 a statewide general reassessment of real property under
 9 IC 6-1.1-4-4 does not first become effective.

10 STEP TWO: Compute separately, for each of the calendar
 11 years determined in STEP ONE, the quotient (rounded to the
 12 nearest ten-thousandth (0.0001)) of the sum of the civil taxing
 13 unit's total assessed value of all taxable property and:

14 (i) for a particular calendar year before 2007, the total
 15 assessed value of property tax deductions in the unit under
 16 IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular
 17 calendar year; or

18 (ii) for a particular calendar year after 2006, the total
 19 assessed value of property tax deductions that applied in the
 20 unit under IC 6-1.1-12-42 in 2006 plus for a particular
 21 calendar year after 2009, the total assessed value of property
 22 tax deductions that applied in the unit under
 23 IC 6-1.1-12-37.5 in 2008;

24 divided by the sum determined under this STEP for the
 25 calendar year immediately preceding the particular calendar
 26 year.

27 STEP THREE: Divide the sum of the three (3) quotients
 28 computed in STEP TWO by three (3).

29 STEP FOUR: Compute separately, for each of the calendar
 30 years determined in STEP ONE, the quotient (rounded to the
 31 nearest ten-thousandth (0.0001)) of the sum of the total
 32 assessed value of all taxable property in all counties and:

33 (i) for a particular calendar year before 2007, the total
 34 assessed value of property tax deductions in all counties
 35 under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the
 36 particular calendar year; or

37 (ii) for a particular calendar year after 2006, the total
 38 assessed value of property tax deductions that applied in all
 39 counties under IC 6-1.1-12-42 in 2006 plus for a particular
 40 calendar year after 2009, the total assessed value of property
 41 tax deductions that applied in the unit under
 42 IC 6-1.1-12-37.5 in 2008;



- 1 divided by the sum determined under this STEP for the
 2 calendar year immediately preceding the particular calendar
 3 year.
- 4 STEP FIVE: Divide the sum of the three (3) quotients
 5 computed in STEP FOUR by three (3).
- 6 STEP SIX: Divide the STEP THREE amount by the STEP
 7 FIVE amount.
- 8 The civil taxing unit may increase its levy by a percentage not
 9 greater than the percentage by which the STEP THREE amount
 10 exceeds the percentage by which the civil taxing unit may
 11 increase its levy under section 3 of this chapter based on the
 12 assessed value growth quotient determined under section 2 of this
 13 chapter.
- 14 *(4) A levy increase may not be granted under this subdivision for*
 15 *property taxes first due and payable after December 31, 2008.*
 16 *Permission to the civil taxing unit to increase its levy in excess of*
 17 *the limitations established under section 3 of this chapter, if the*
 18 *local government tax control board finds that the civil taxing unit*
 19 *needs the increase to pay the costs of furnishing fire protection*
 20 *for the civil taxing unit through a volunteer fire department. For*
 21 *purposes of determining a township's need for an increased levy,*
 22 *the local government tax control board shall not consider the*
 23 *amount of money borrowed under IC 36-6-6-14 during the*
 24 *immediately preceding calendar year. However, any increase in*
 25 *the amount of the civil taxing unit's levy recommended by the*
 26 *local government tax control board under this subdivision for the*
 27 *ensuing calendar year may not exceed the lesser of:*
- 28 *(A) ten thousand dollars (\$10,000); or*
 29 *(B) twenty percent (20%) of:*
- 30 *(i) the amount authorized for operating expenses of a*
 31 *volunteer fire department in the budget of the civil taxing*
 32 *unit for the immediately preceding calendar year; plus*
 33 *(ii) the amount of any additional appropriations authorized*
 34 *during that calendar year for the civil taxing unit's use in*
 35 *paying operating expenses of a volunteer fire department*
 36 *under this chapter; minus*
 37 *(iii) the amount of money borrowed under IC 36-6-6-14*
 38 *during that calendar year for the civil taxing unit's use in*
 39 *paying operating expenses of a volunteer fire department.*
- 40 *(5) A levy increase may not be granted under this subdivision for*
 41 *property taxes first due and payable after December 31, 2008.*
 42 *Permission to a civil taxing unit to increase its levy in excess of*



1 *the limitations established under section 3 of this chapter in order*
 2 *to raise revenues for pension payments and contributions the civil*
 3 *taxing unit is required to make under IC 36-8. The maximum*
 4 *increase in a civil taxing unit's levy that may be recommended*
 5 *under this subdivision for an ensuing calendar year equals the*
 6 *amount, if any, by which the pension payments and contributions*
 7 *the civil taxing unit is required to make under IC 36-8 during the*
 8 *ensuing calendar year exceeds the product of one and one-tenth*
 9 *(1.1) multiplied by the pension payments and contributions made*
 10 *by the civil taxing unit under IC 36-8 during the calendar year*
 11 *that immediately precedes the ensuing calendar year. For*
 12 *purposes of this subdivision, "pension payments and*
 13 *contributions made by a civil taxing unit" does not include that*
 14 *part of the payments or contributions that are funded by*
 15 *distributions made to a civil taxing unit by the state:*

16 *(6) A levy increase may not be granted under this subdivision for*
 17 *property taxes first due and payable after December 31, 2008.*
 18 *Permission to increase its levy in excess of the limitations*
 19 *established under section 3 of this chapter if the local government*
 20 *tax control board finds that:*

21 *(A) the township's township assistance ad valorem property*
 22 *tax rate is less than one and sixty-seven hundredths cents*
 23 *(\$0.0167) per one hundred dollars (\$100) of assessed*
 24 *valuation; and*

25 *(B) the township needs the increase to meet the costs of*
 26 *providing township assistance under IC 12-20 and*
 27 *IC 12-30-4.*

28 *The maximum increase that the board may recommend for a*
 29 *township is the levy that would result from an increase in the*
 30 *township's township assistance ad valorem property tax rate of*
 31 *one and sixty-seven hundredths cents (\$0.0167) per one hundred*
 32 *dollars (\$100) of assessed valuation minus the township's ad*
 33 *valorem property tax rate per one hundred dollars (\$100) of*
 34 *assessed valuation before the increase.*

35 *(7) A levy increase may not be granted under this subdivision for*
 36 *property taxes first due and payable after December 31, 2008.*
 37 *Permission to a civil taxing unit to increase its levy in excess of*
 38 *the limitations established under section 3 of this chapter if:*

39 *(A) the increase has been approved by the legislative body of*
 40 *the municipality with the largest population where the civil*
 41 *taxing unit provides public transportation services; and*

42 *(B) the local government tax control board finds that the civil*



1 *taxing unit needs the increase to provide adequate public*
 2 *transportation services.*
 3 *The local government tax control board shall consider tax rates*
 4 *and levies in civil taxing units of comparable population, and the*
 5 *effect (if any) of a loss of federal or other funds to the civil taxing*
 6 *unit that might have been used for public transportation*
 7 *purposes. However, the increase that the board may recommend*
 8 *under this subdivision for a civil taxing unit may not exceed the*
 9 *revenue that would be raised by the civil taxing unit based on a*
 10 *property tax rate of one cent (\$.01) per one hundred dollars*
 11 *(\$100) of assessed valuation.*
 12 *(8) A levy increase may not be granted under this subdivision for*
 13 *property taxes first due and payable after December 31, 2008.*
 14 *Permission to a civil taxing unit to increase the unit's levy in*
 15 *excess of the limitations established under section 3 of this*
 16 *chapter if the local government tax control board finds that:*
 17 *(A) the civil taxing unit is:*
 18 *(i) a county having a population of more than one hundred*
 19 *seventy thousand (170,000) but less than one hundred*
 20 *seventy-five thousand (175,000);*
 21 *(ii) a city having a population of more than sixty-five*
 22 *thousand (65,000) but less than seventy thousand (70,000);*
 23 *(iii) a city having a population of more than twenty-nine*
 24 *thousand five hundred (29,500) but less than twenty-nine*
 25 *thousand six hundred (29,600);*
 26 *(iv) a city having a population of more than thirteen*
 27 *thousand four hundred fifty (13,450) but less than thirteen*
 28 *thousand five hundred (13,500); or*
 29 *(v) a city having a population of more than eight thousand*
 30 *seven hundred (8,700) but less than nine thousand (9,000);*
 31 *and*
 32 *(B) the increase is necessary to provide funding to undertake*
 33 *removal (as defined in IC 13-11-2-187) and remedial action*
 34 *(as defined in IC 13-11-2-185) relating to hazardous*
 35 *substances (as defined in IC 13-11-2-98) in solid waste*
 36 *disposal facilities or industrial sites in the civil taxing unit*
 37 *that have become a menace to the public health and welfare.*
 38 *The maximum increase that the local government tax control*
 39 *board may recommend for such a civil taxing unit is the levy that*
 40 *would result from a property tax rate of six and sixty-seven*
 41 *hundredths cents (\$.0667) for each one hundred dollars (\$100)*
 42 *of assessed valuation. For purposes of computing the ad valorem*



1 *property tax levy limit imposed on a civil taxing unit under*
 2 *section 3 of this chapter; the civil taxing unit's ad valorem*
 3 *property tax levy for a particular year does not include that part*
 4 *of the levy imposed under this subdivision. In addition, a property*
 5 *tax increase permitted under this subdivision may be imposed for*
 6 *only two (2) calendar years.*

7 *(9) A levy increase may not be granted under this subdivision for*
 8 *property taxes first due and payable after December 31, 2008.*
 9 *Permission for a county:*

10 *(A) having a population of more than eighty thousand*
 11 *(80,000) but less than ninety thousand (90,000) to increase the*
 12 *county's levy in excess of the limitations established under*
 13 *section 3 of this chapter; if the local government tax control*
 14 *board finds that the county needs the increase to meet the*
 15 *county's share of the costs of operating a jail or juvenile*
 16 *detention center; including expansion of the facility; if the jail*
 17 *or juvenile detention center is opened after December 31,*
 18 *1991;*

19 *(B) that operates a county jail or juvenile detention center that*
 20 *is subject to an order that:*

- 21 *(i) was issued by a federal district court; and*
 22 *(ii) has not been terminated;*

23 *(C) that operates a county jail that fails to meet:*

- 24 *(i) American Correctional Association Jail Construction*
 25 *Standards; and*
 26 *(ii) Indiana jail operation standards adopted by the*
 27 *department of correction; or*

28 *(D) that operates a juvenile detention center that fails to meet*
 29 *standards equivalent to the standards described in clause (C)*
 30 *for the operation of juvenile detention centers.*

31 *Before recommending an increase, the local government tax*
 32 *control board shall consider all other revenues available to the*
 33 *county that could be applied for that purpose. An appeal for*
 34 *operating funds for a jail or a juvenile detention center shall be*
 35 *considered individually; if a jail and juvenile detention center are*
 36 *both opened in one (1) county. The maximum aggregate levy*
 37 *increases that the local government tax control board may*
 38 *recommend for a county equals the county's share of the costs of*
 39 *operating the jail or a juvenile detention center for the first full*
 40 *calendar year in which the jail or juvenile detention center is in*
 41 *operation.*

42 *(10) A levy increase may not be granted under this subdivision*



1 *for property taxes first due and payable after December 31, 2008.*
 2 *Permission for a township to increase its levy in excess of the*
 3 *limitations established under section 3 of this chapter, if the local*
 4 *government tax control board finds that the township needs the*
 5 *increase so that the property tax rate to pay the costs of*
 6 *furnishing fire protection for a township, or a portion of a*
 7 *township, enables the township to pay a fair and reasonable*
 8 *amount under a contract with the municipality that is furnishing*
 9 *the fire protection. However, for the first time an appeal is*
 10 *granted the resulting rate increase may not exceed fifty percent*
 11 *(50%) of the difference between the rate imposed for fire*
 12 *protection within the municipality that is providing the fire*
 13 *protection to the township and the township's rate. A township is*
 14 *required to appeal a second time for an increase under this*
 15 *subdivision if the township wants to further increase its rate.*
 16 *However, a township's rate may be increased to equal but may*
 17 *not exceed the rate that is used by the municipality. More than*
 18 *one (1) township served by the same municipality may use this*
 19 *appeal.*

20 *(11) Permission to a city having a population of more than*
 21 *thirty-one thousand five hundred (31,500) but less than thirty-one*
 22 *thousand seven hundred twenty-five (31,725) to increase its levy*
 23 *in excess of the limitations established under section 3 of this*
 24 *chapter if:*

25 *(A) an appeal was granted to the city under this section to*
 26 *reallocate property tax replacement credits under IC 6-3.5-1.1*
 27 *(repealed) in 1998, 1999, and 2000; and*

28 *(B) the increase has been approved by the legislative body of*
 29 *the city; and the legislative body of the city has by resolution*
 30 *determined that the increase is necessary to pay normal*
 31 *operating expenses.*

32 *The maximum amount of the increase is equal to the amount of*
 33 *property tax replacement credits under IC 6-3.5-1.1 (repealed)*
 34 *that the city petitioned under this section to have reallocated in*
 35 *2001 for a purpose other than property tax relief.*

36 ~~(12)~~ (3) *A levy increase may be granted under this subdivision*
 37 *only for property taxes first due and payable after December 31,*
 38 *2008. Permission to a civil taxing unit to increase its levy in*
 39 *excess of the limitations established under section 3 of this*
 40 *chapter if the civil taxing unit cannot carry out its governmental*
 41 *functions for an ensuing calendar year under the levy limitations*
 42 *imposed by section 3 of this chapter due to a natural disaster, an*



1 accident, or another unanticipated emergency.

2 *(13) Permission to Jefferson County to increase its levy in excess*
 3 *of the limitations established under section 3 of this chapter if the*
 4 *department finds that the county experienced a property tax*
 5 *revenue shortfall that resulted from an erroneous estimate of the*
 6 *effect of the supplemental deduction under IC 6-1.1-12-37.5 on*
 7 *the county's assessed valuation. An appeal for a levy increase*
 8 *under this subdivision may not be denied because of the amount*
 9 *of cash balances in county funds. The maximum increase in the*
 10 *county's levy that may be approved under this subdivision is three*
 11 *hundred thousand dollars (\$300,000).*

12 (b) The department of local government finance shall increase the
 13 maximum permissible ad valorem property tax levy under section 3 of
 14 this chapter for the city of Goshen for 2012 and thereafter by an
 15 amount equal to the greater of zero (0) or the result of:

16 (1) the city's total pension costs in 2009 for the 1925 police
 17 pension fund (IC 36-8-6) and the 1937 firefighters' pension fund
 18 (IC 36-8-7); minus

19 (2) the sum of:

20 (A) the total amount of state funds received in 2009 by the city
 21 and used to pay benefits to members of the 1925 police
 22 pension fund (IC 36-8-6) or the 1937 firefighters' pension fund
 23 (IC 36-8-7); plus

24 (B) any previous permanent increases to the city's levy that
 25 were authorized to account for the transfer to the state of the
 26 responsibility to pay benefits to members of the 1925 police
 27 pension fund (IC 36-8-6) and the 1937 firefighters' pension
 28 fund (IC 36-8-7).

29 *(c) In calendar year 2013, the department of local government*
 30 *finance shall allow a township to increase its maximum permissible ad*
 31 *valorem property tax levy in excess of the limitations established under*
 32 *section 3 of this chapter, if the township:*

33 *(1) petitions the department for the levy increase on a form*
 34 *prescribed by the department; and*

35 *(2) submits proof of the amount borrowed in 2012 or 2013, but*
 36 *not both, under IC 36-6-6-14 to furnish fire protection for the*
 37 *township or a part of the township.*

38 *The maximum increase in a township's levy that may be allowed under*
 39 *this subsection is the amount borrowed by the township under*
 40 *IC 36-6-6-14 in the year for which proof was submitted under*
 41 *subdivision (2). An increase allowed under this subsection applies to*
 42 *property taxes first due and payable after December 31, 2013.*



1 SECTION 17. IC 6-1.1-24-7, AS AMENDED BY P.L.187-2016,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 7. (a) When real property is sold under this
 4 chapter, the purchaser at the sale shall immediately pay the amount of
 5 the bid to the county treasurer. The county treasurer shall apply the
 6 payment in the following manner:

7 (1) First, to the taxes, special assessments, penalties, and costs
 8 described in section 5(e) of this chapter.

9 (2) Second, to other delinquent property taxes in the manner
 10 provided in IC 6-1.1-23-5(b). ~~and~~

11 (3) Third, to a separate "tax sale surplus fund".

12 (b) For any tract or item of real property for which a tax sale
 13 certificate is sold under this chapter, if taxes or special assessments, or
 14 both, become due on the tract or item of real property during the period
 15 of redemption specified under IC 6-1.1-25-4, the county treasurer may
 16 pay the taxes or special assessments, or both, on the tract or item of real
 17 property from the tax sale surplus held in the name of the taxpayer, if
 18 any, after the taxes or special assessments become due.

19 (c) The:

20 (1) owner of record of the real property at the time the real
 21 property was certified for sale under this chapter and before the
 22 issuance of a tax deed; or

23 (2) tax sale purchaser or purchaser's assignee, upon redemption
 24 of the tract or item of real property;

25 may file a verified claim for money which is deposited in the tax sale
 26 surplus fund. If the claim is approved by the county auditor and the
 27 county treasurer, the county auditor shall issue a warrant to the
 28 claimant for the amount due.

29 (d) If the person who claims money deposited in the tax sale surplus
 30 fund under subsection (c) is:

31 (1) a person who has a contract or agreement described under
 32 section 7.5 of this chapter with a person described in subsection

33 (c)(1); or

34 (2) a person who acts as an executor, attorney-in-fact, or legal
 35 guardian of a person described in subsection (c)(1);

36 the county auditor may issue a warrant to the person only as directed
 37 by the court having jurisdiction over the tax sale of the parcel for which
 38 the surplus claim is made.

39 (e) A court may direct the issuance of a warrant only:

40 (1) on petition by the claimant;

41 (2) within three (3) years after the date of sale of the parcel in the
 42 tax sale; and



- 1 (3) in the case of a petitioner to whom subsection (d)(1) applies,
 2 if the petitioner has satisfied the requirements of section 7.5 of
 3 this chapter.
- 4 (f) Unless the redemption period specified under IC 6-1.1-25 has
 5 been extended under federal bankruptcy law, an amount deposited in
 6 the tax sale surplus fund shall be transferred by the county auditor to
 7 the county general fund and may not be disbursed under subsection (c)
 8 if it is not claimed within the three (3) year period after the date of its
 9 receipt.
- 10 (g) If an amount applied to taxes under this section is later paid out
 11 of the county general fund to the purchaser or the purchaser's successor
 12 due to the invalidity of the sale, all the taxes shall be reinstated and
 13 recharged to the tax duplicate and collected in the same manner as if
 14 the property had not been offered for sale.
- 15 (h) When a refund is made to any purchaser or purchaser's successor
 16 by reason of the invalidity of a sale, the county auditor shall, at the
 17 December settlement immediately following the refund, deduct the
 18 amount of the refund from the gross collections in the taxing district in
 19 which the land lies and shall pay that amount into the county general
 20 fund.
- 21 SECTION 18. IC 6-1.1-24-17, AS AMENDED BY P.L.187-2016,
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 17. (a) For purposes of this section, in a
 24 county containing a consolidated city, "county executive" refers to the
 25 board of commissioners of the county as provided in IC 36-3-3-10.
- 26 (b) As used in this section, "nonprofit entity" means an organization
 27 exempt from federal income taxation under 26 U.S.C. 501(c)(3).
- 28 (c) The county executive may by resolution:
- 29 (1) identify tax sale certificates issued under section 6 of this
 30 chapter that the county executive desires to assign to one (1) or
 31 more nonprofit entities; and
- 32 (2) set a date, time, and place for a public hearing to consider the
 33 assignment of the tax sale certificates to the nonprofit entities.
- 34 (d) Except as otherwise provided in subsection (e), notice of the tax
 35 sale certificates identified under subsection (c) and the date, time, and
 36 place for the hearing on the proposed transfer of the tax sale certificates
 37 on the list shall be published in accordance with IC 5-3-1. The notice
 38 must include a description of the properties associated with the tax sale
 39 certificates being considered for assignment by:
- 40 (1) parcel number;
- 41 (2) legal description; and
- 42 (3) street address or other common description.



1 The notice must specify that the county executive will hear any
2 opposition to the proposed assignments.

3 (e) For tax sale certificates that are not assigned when initially
4 identified for assignment under this section, the county executive may
5 omit from the notice the descriptions of the tax sale certificates and the
6 properties associated with the tax sale certificates identified under
7 subsection (c) if:

8 (1) the county executive includes in the notice a statement that the
9 descriptions of those tax sale certificates and the tracts or items of
10 real property associated with the tax sale certificates are available
11 on the Internet web site of the county government or the county
12 government's contractor and the information may be obtained ~~in~~
13 ~~an alternative form~~ from the county executive in an alternative
14 form upon request in accordance with section 3.4 of this chapter;
15 and

16 (2) the descriptions of those tax sale certificates and the tracts or
17 items of real property associated with the tax sale certificates are
18 made available on the Internet web site of the county government
19 or the county government's contractor and may be obtained from
20 the county executive in an alternative form upon request in
21 accordance with section 3.4 of this chapter.

22 (f) After the hearing set under subsection (c), the county executive
23 shall by resolution make a final determination concerning:

24 (1) the tax sale certificates that are to be assigned to a nonprofit
25 entity;

26 (2) the nonprofit entity to which each tax sale certificate is to be
27 assigned; and

28 (3) the terms and conditions of the assignment.

29 (g) If a county executive assigns a tax sale certificate to a nonprofit
30 entity under this section, the period of redemption of the real property
31 under IC 6-1.1-25 expires one hundred twenty (120) days after the date
32 of the assignment to the nonprofit entity. If a nonprofit entity takes
33 assignment of a tax sale certificate under this section, the nonprofit
34 entity acquires the same rights and obligations as a purchaser of a tax
35 sale certificate under section 6.1 of this chapter.

36 SECTION 19. IC 6-1.1-28-0.4, AS ADDED BY P.L.207-2016,
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 0.4. (a) The fiscal bodies of the counties that
39 establish a multiple county property tax assessment board of appeals
40 under section 0.1 of this chapter shall adopt substantially similar
41 ordinances to appoint the members of the multiple county property tax
42 assessment board of appeals subject to the qualifications and



1 requirements set forth in section 0.2 of this chapter.

2 (b) The term of a member of a multiple county property tax
3 assessment board of appeals appointed under this section:

4 (1) is one (1) year; and

5 (2) begins January 1.

6 A member is eligible for reappointment.

7 (c) If:

8 (1) the term of a member of a multiple county property tax
9 assessment board of appeals appointed under this section expires;

10 (2) the member is not reappointed as provided in subsection (a);

11 (b); and

12 (3) a successor is not appointed as provided in subsection (a);

13 the term of the member continues until a successor is appointed.

14 SECTION 20. IC 6-1.1-30-17, AS AMENDED BY P.L.197-2016,
15 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 17. (a) Except as provided in subsection (c)
17 and subject to subsection (d), the department of state revenue and the
18 auditor of state shall, when requested by the department of local
19 government finance, withhold a percentage of the distributions of local
20 income tax revenue under IC 6-3.6-9, if:

21 (1) the county assessor has not transmitted to the department of
22 local government finance by October 1 of the year in which the
23 distribution is scheduled to be made the data for all townships in
24 the county required to be transmitted under IC 6-1.1-4-25;

25 (2) the county auditor has not paid a bill for services under
26 IC 6-1.1-4-31.5 to the department of local government finance in
27 a timely manner;

28 (3) the county assessor has not forwarded to the department of
29 local government finance in a timely manner sales disclosure
30 form data under IC 6-1.1-5.5-3;

31 (4) the county auditor has not forwarded to the department of
32 local government finance the duplicate copies of all approved
33 exemption applications required to be forwarded by that date
34 under IC 6-1.1-11-8(a);

35 (5) by the date the distribution is scheduled to be made, the
36 county auditor has not sent a certified statement required to be
37 sent by that date under IC 6-1.1-17-1 to the department of local
38 government finance;

39 (6) the county does not maintain a certified computer system that
40 meets the requirements of IC 6-1.1-31.5-3.5;

41 (7) the county auditor has not transmitted the data described in
42 IC 36-2-9-20 to the department of local government finance in the



1 form and on the schedule specified by IC 36-2-9-20;
 2 (8) the county has not established a parcel index numbering
 3 system under ~~50 IAC 23-8-1~~ **50 IAC 26-8-1** in a timely manner;
 4 (9) a county official has not provided other information to the
 5 department of local government finance in a timely manner as
 6 required by the department of local government finance; or
 7 (10) the department of local government finance incurs additional
 8 costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to
 9 issue tax statements within the time frame specified in
 10 IC 6-1.1-22.6-18(b) for each year that the county experienced
 11 delayed property taxes (as defined in IC 6-1.1-22.6-2) before the
 12 year in which the county qualifies as a covered county.

13 The percentage to be withheld is the percentage determined by the
 14 department of local government finance. However, the percentage
 15 withheld for a reason stated in subdivision (10) may not exceed the
 16 percentage needed to reimburse the department of local government
 17 finance for the costs incurred by the department of local government
 18 finance to take the actions necessary to permit a covered county (as
 19 defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior
 20 year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the
 21 time frame specified in IC 6-1.1-22.6-18(b). The county governmental
 22 taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall
 23 reimburse the department of local government finance for these
 24 expenses. The amount withheld under subdivision (10) reduces only
 25 the amount that would otherwise be distributed to the county
 26 governmental taxing unit of a covered county (as defined in
 27 IC 6-1.1-22.6-1) and not money distributable to any other political
 28 subdivision. The withholding of an amount under subdivision (10) does
 29 not relieve the county government of a covered county (as defined in
 30 IC 6-1.1-22.6-1) from making bond or lease payments that would
 31 otherwise be paid from withheld amounts or providing property tax
 32 credits that would otherwise be provided under IC 6-3.6 from withheld
 33 amounts. Subdivision (10) does not apply to any county other than a
 34 covered county (as defined in IC 6-1.1-22.6-1).

35 (b) Except as provided in subsection (e), money not distributed for
 36 the reasons stated in subsection (a) shall be distributed to the county
 37 when the department of local government finance determines that the
 38 failure to:

39 (1) provide information; or
 40 (2) pay a bill for services;
 41 has been corrected.

42 (c) The restrictions on distributions under subsection (a) do not



1 apply if the department of local government finance determines that the
2 failure to:

- 3 (1) provide information; or
4 (2) pay a bill for services;

5 in a timely manner is justified by unusual circumstances.

6 (d) The department of local government finance shall give the
7 county auditor at least thirty (30) days notice in writing before the
8 department of state revenue or the auditor of state withholds a
9 distribution under subsection (a).

10 (e) Money not distributed for the reason stated in subsection (a)(2)
11 may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money
12 deposited under this subsection is not subject to distribution under
13 subsection (b).

14 (f) This subsection applies to a county that will not receive a
15 distribution of local income tax revenue under IC 6-3.6-9. At the
16 request of the department of local government finance, an amount
17 permitted to be withheld under subsection (a) may be withheld from
18 any state revenues that would otherwise be distributed to the county or
19 one (1) or more taxing units in the county.

20 SECTION 21. IC 6-1.1-36-17, AS AMENDED BY P.L.203-2016,
21 SECTION 15, AND AS AMENDED BY P.L.197-2016, SECTION 23,
22 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) As used in this section,
24 "nonreverting fund" refers to a nonreverting fund established under
25 subsection ~~(c)~~: (d).

26 (b) *Each If a county auditor ~~that~~ makes a determination that*
27 *property was not eligible for a standard deduction under IC 6-1.1-12-37*
28 *in a particular year within three (3) years after the date on which taxes*
29 *for the particular year are first due, the county auditor may issue a*
30 *notice of taxes, interest, and penalties due to the owner that improperly*
31 *received the standard deduction and include a statement that the*
32 *payment is to be made payable to the county auditor. The additional*
33 *taxes and civil penalties that result from the removal of the deduction,*
34 *if any, are imposed for property taxes first due and payable for an*
35 *assessment date occurring before the earlier of the date of the notation*
36 *made under subsection (c)(2)(A) or the date a notice of an ineligible*
37 *homestead lien is recorded under subsection (e)(2) in the office of the*
38 *county recorder. The notice must require full payment of the amount*
39 *owed within:*

- 40 (1) *one (1) year with no penalties and interest, if:*
41 (A) *the taxpayer did not comply with the requirement to return*
42 *the homestead verification form under IC 6-1.1-22-8.1(b)(9)*



- 1 *(expired January 1, 2015); and*
 2 *(B) the county auditor allowed the taxpayer to receive the*
 3 *standard deduction in error; or*
 4 *(2) thirty (30) days, if subdivision (1) does not apply.*

5 *With respect to property subject to a determination made under this*
 6 *subsection that is owned by a bona fide purchaser without knowledge*
 7 *of the determination, no lien attaches for any additional taxes and civil*
 8 *penalties that result from the removal of the deduction.*

9 *(c) If a county auditor issues a notice of taxes, interest, and*
 10 *penalties due to an owner under subsection (b), the county auditor*
 11 *shall:*

- 12 (1) notify the county treasurer of the determination; and
 13 (2) do one (1) or more of the following:
 14 (A) Make a notation on the tax duplicate that the property is
 15 ineligible for the standard deduction and indicate the date the
 16 notation is made.
 17 (B) Record a notice of an ineligible homestead lien under
 18 subsection ~~(d)(2)~~ (e)(2).

19 *The county auditor shall issue a notice of taxes, interest, and penalties*
 20 *due to the owner that improperly received the standard deduction and*
 21 *include a statement that the payment is to be made payable to the*
 22 *county auditor. The notice must require full payment of the amount*
 23 *owed within thirty (30) days. The additional taxes and civil penalties*
 24 *that result from the removal of the deduction, if any, are imposed for*
 25 *property taxes first due and payable for an assessment date occurring*
 26 *before the earlier of the date of the notation made under subdivision*
 27 *(2)(A) or the date a notice of an ineligible homestead lien is recorded*
 28 *under subsection ~~(d)(2)~~ in the office of the county recorder. With*
 29 *respect to property subject to a determination made under this*
 30 *subsection that is owned by a bona fide purchaser without knowledge*
 31 *of the determination, no lien attaches for any additional taxes and civil*
 32 *penalties that result from the removal of the deduction.*

33 ~~(c)~~ (d) Each county auditor shall establish a nonreverting fund.
 34 Upon collection of the adjustment in tax due (and any interest and
 35 penalties on that amount) after the termination of a deduction or credit
 36 as specified in subsection (b), the county treasurer shall deposit that
 37 amount:

- 38 (1) in the nonreverting fund, if the county contains a consolidated
 39 city; or
 40 (2) if the county does not contain a consolidated city:
 41 (A) in the nonreverting fund, to the extent that the amount
 42 collected, after deducting the direct cost of any contract,



1 including contract related expenses, under which the
 2 contractor is required to identify homestead deduction
 3 eligibility, does not cause the total amount deposited in the
 4 nonreverting fund under this subsection for the year during
 5 which the amount is collected to exceed one hundred thousand
 6 dollars (\$100,000); or

7 (B) in the county general fund, to the extent that the amount
 8 collected exceeds the amount that may be deposited in the
 9 nonreverting fund under clause (A).

10 ~~(d)~~ (e) Any part of the amount due under subsection (b) that is not
 11 collected by the due date is subject to collection under one (1) or more
 12 of the following:

13 (1) After being placed on the tax duplicate for the affected
 14 property and collected in the same manner as other property taxes.

15 (2) Through a notice of an ineligible homestead lien recorded in
 16 the county recorder's office without charge.

17 The adjustment in tax due (and any interest and penalties on that
 18 amount) after the termination of a deduction or credit as specified in
 19 subsection (b) shall be deposited as specified in subsection ~~(c)~~ (d) only
 20 in the first year in which that amount is collected. Upon the collection
 21 of the amount due under subsection (b) or the release of a lien recorded
 22 under subdivision (2), the county auditor shall submit the appropriate
 23 documentation to the county recorder, who shall amend the information
 24 recorded under subdivision (2) without charge to indicate that the lien
 25 has been released or the amount has been paid in full.

26 ~~(e)~~ (f) The amount to be deposited in the nonreverting fund or the
 27 county general fund under subsection ~~(c)~~ (d) includes adjustments in
 28 the tax due as a result of the termination of deductions or credits
 29 available only for property that satisfies the eligibility for a standard
 30 deduction under IC 6-1.1-12-37, including the following:

31 (1) Supplemental deductions under IC 6-1.1-12-37.5.

32 (2) Homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-1-1-26,~~
 33 ~~IC 6-3.5-6-13, IC 6-3.5-6-32, IC 6-3.5-7-13.1, or IC 6-3.5-7-26,~~
 34 ~~IC 6-3.6-5, IC 6-3.6-11-3,~~ or any other law.

35 (3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or
 36 IC 6-1.1-20.6-8.5.

37 Any amount paid that exceeds the amount required to be deposited
 38 under subsection ~~(c)(1)~~ (d)(1) or ~~(c)(2)~~ (d)(2) shall be distributed as
 39 property taxes.

40 ~~(f)~~ (g) Money deposited under subsection ~~(c)(1)~~ (d)(1) or ~~(c)(2)~~
 41 (d)(2) shall be treated as miscellaneous revenue. Distributions shall be
 42 made from the nonreverting fund established under this section upon



1 appropriation by the county fiscal body and shall be made only for the
2 following purposes:

3 (1) Fees and other costs incurred by the county auditor to discover
4 property that is eligible for a standard deduction under
5 IC 6-1.1-12-37.

6 (2) Other expenses of the office of the county auditor.

7 The amount of deposits in a reverting fund, the balance of a
8 nonreverting fund, and expenditures from a reverting fund may not be
9 considered in establishing the budget of the office of the county auditor
10 or in setting property tax levies that will be used in any part to fund the
11 office of the county auditor.

12 SECTION 22. IC 6-3-4-12, AS AMENDED BY P.L.181-2016,
13 SECTION 27, AND AS AMENDED BY P.L.197-2016, SECTION 26,
14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Every partnership shall,
16 at the time that the partnership pays or credits amounts to any of its
17 nonresident partners on account of their distributive shares of
18 partnership income, for a taxable year of the partnership, deduct and
19 retain therefrom the amount prescribed in the withholding instructions
20 referred to in section 8 of this chapter. Such partnership so paying or
21 crediting any nonresident partner:

22 (1) shall be liable to the state of Indiana for the payment of the tax
23 required to be deducted and retained under this section and shall
24 not be liable to such partner for the amount deducted from such
25 payment or credit and paid over in compliance or intended
26 compliance with this section; and

27 (2) shall make return of and payment to the department monthly
28 whenever the amount of tax due under IC 6-3 and ~~IC 6-3.5~~
29 *IC 6-3.6* exceeds an aggregate amount of fifty dollars (\$50) per
30 month with such payment due on the thirtieth day of the following
31 month, unless an earlier date is specified by section 8.1 of this
32 chapter.

33 Where the aggregate amount due under IC 6-3 and ~~IC 6-3.5~~ *IC 6-3.6*
34 does not exceed fifty dollars (\$50) per month, then such partnership
35 shall make return and payment to the department quarterly, on such
36 dates and in such manner as the department shall prescribe, of the
37 amount of tax which, under IC 6-3 and ~~IC 6-3.5~~ *IC 6-3.6*, it is required
38 to withhold.

39 (b) Every partnership shall, at the time of each payment made by it
40 to the department pursuant to this section, deliver to the department a
41 return upon such form as shall be prescribed by the department
42 showing the total amounts paid or credited to its nonresident partners,



1 the amount deducted therefrom in accordance with the provisions of
 2 this section, and such other information as the department may require.
 3 Every partnership making the deduction and retention provided in this
 4 section shall furnish to its nonresident partners annually, but not later
 5 than the fifteenth day of the third month after the end of its taxable
 6 year, a record of the amount of tax deducted and retained from such
 7 partners on forms to be prescribed by the department.

8 (c) All money deducted and retained by the partnership, as provided
 9 in this section, shall immediately upon such deduction be the money of
 10 the state of Indiana and every partnership which deducts and retains
 11 any amount of money under the provisions of IC 6-3 shall hold the
 12 same in trust for the state of Indiana and for payment thereof to the
 13 department in the manner and at the times provided in IC 6-3. Any
 14 partnership may be required to post a surety bond in such sum as the
 15 department shall determine to be appropriate to protect the state of
 16 Indiana with respect to money deducted and retained pursuant to this
 17 section.

18 (d) The provisions of IC 6-8.1 relating to additions to tax in case of
 19 delinquency and penalties shall apply to partnerships subject to the
 20 provisions of this section, and for these purposes any amount deducted,
 21 or required to be deducted and remitted to the department under this
 22 section, shall be considered to be the tax of the partnership, and with
 23 respect to such amount it shall be considered the taxpayer.

24 (e) Amounts deducted from payments or credits to a nonresident
 25 partner during any taxable year of the partnership in accordance with
 26 the provisions of this section shall be considered to be in part payment
 27 of the tax imposed on such nonresident partner for the nonresident
 28 partner's taxable year within or with which the partnership's taxable
 29 year ends. A return made by the partnership under subsection (b) shall
 30 be accepted by the department as evidence in favor of the nonresident
 31 partner of the amount so deducted for the nonresident partner's
 32 distributive share.

33 (f) This section shall in no way relieve any nonresident partner from
 34 the nonresident partner's obligations of filing a return or returns at the
 35 time required under IC 6-3 or ~~IC 6-3.5~~, IC 6-3.6, and any unpaid tax
 36 shall be paid at the time prescribed by section 5 of this chapter.

37 (g) Instead of the reporting periods required under subsection (a),
 38 the department may permit a partnership to file one (1) return and
 39 payment each year if the partnership pays or credits amounts to its
 40 nonresident partners only one (1) time each year. The return and
 41 payment are due on or before the fifteenth day of the fourth month after
 42 the end of the year. However, if a partnership is permitted an extension



1 to file its income tax return under IC 6-8.1-6-1, the return and payment
 2 due under this subsection shall be allowed the same treatment as an
 3 extended income tax return with respect to due dates, interest, and
 4 penalties under IC 6-8.1-6-1.

5 *(h) If a partnership fails to withhold and pay any amount of tax*
 6 *required to be withheld under this section and thereafter the tax is paid*
 7 *by the partners, the amounts of tax as paid by the partners shall not be*
 8 *collected from the partnership but it may not be relieved from liability*
 9 *for interest or penalty otherwise due in respect to the failure to*
 10 *withhold under IC 6-8.1-10.*

11 ~~(i)~~ *(i)* A partnership shall file a composite adjusted gross income tax
 12 return on behalf of all nonresident partners. The composite return must
 13 include each nonresident partner regardless of whether or not the
 14 nonresident partner has other Indiana source income.

15 ~~(j)~~ *(j)* If a partnership does not include all nonresident partners in the
 16 composite return, the partnership is subject to the penalty imposed
 17 under IC 6-8.1-10-2.1(j).

18 ~~(k)~~ *(k)* For taxable years beginning after December 31, 2013, the
 19 department may not impose a late payment penalty on a partnership for
 20 the failure to file a return, pay the full amount of the tax shown on the
 21 partnership's return, or pay the deficiency of the withholding taxes due
 22 under this section if the partnership pays the department before the
 23 fifteenth day of the fourth month after the end of the partnership's
 24 taxable year at least:

25 (1) eighty percent (80%) of the withholding tax due for the
 26 current year; or

27 (2) one hundred percent (100%) of the withholding tax due for the
 28 preceding year.

29 ~~(l)~~ *(l)* Notwithstanding subsection (a) or ~~(i)~~ *(i)*, a pass through
 30 entity is not required to withhold tax or file a composite adjusted gross
 31 income tax return for a nonresident member if the entity:

32 (1) is a publicly traded partnership as defined by Section 7704(b)
 33 of the Internal Revenue Code;

34 (2) meets the exception for partnerships under Section 7704(c) of
 35 the Internal Revenue Code; and

36 (3) has agreed to file an annual information return reporting the
 37 name, address, taxpayer identification number, and other
 38 information requested by the department of each unit holder.

39 The department may issue written guidance explaining circumstances
 40 under which limited partnerships or limited liability companies owned
 41 by a publicly traded partnership may be excluded from the withholding
 42 requirements of this section.



1 ~~(j)~~ (m) Notwithstanding subsection ~~(j)~~; (k), a partnership is subject
 2 to a late payment penalty for the failure to file a return, pay the full
 3 amount of the tax shown on the partnership's return, or pay the
 4 deficiency of the withholding taxes due under this section for any
 5 amounts of withholding tax, including any interest under IC 6-8.1-10-1,
 6 reported or paid after the due date of the return, as adjusted by any
 7 extension under IC 6-8.1-6-1.

8 ~~(m)~~ (n) For purposes of this section, a "nonresident partner" is:

- 9 (1) an individual who does not reside in Indiana;
 10 (2) a trust that does not reside in Indiana;
 11 (3) an estate that does not reside in Indiana;
 12 (4) a partnership not domiciled in Indiana;
 13 (5) a C corporation not domiciled in Indiana; or
 14 (6) an S corporation not domiciled in Indiana.

15 SECTION 23. IC 6-3.5-5-9.5, AS ADDED BY P.L.211-2007,
 16 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 9.5. (a) This section applies to a wheel tax
 18 adopted after June 30, 2007.

19 (b) An owner of one (1) or more commercial vehicles paying an
 20 apportioned registration to the state under the International Registration
 21 Plan that is required to pay a wheel tax shall pay an apportioned wheel
 22 tax calculated by dividing in-state actual miles by total fleet miles
 23 generated during the preceding year. If in-state miles are estimated for
 24 purposes of proportional registration, these miles are divided by total
 25 actual and estimated fleet miles. The apportioned wheel tax under this
 26 section shall be paid at the same time and in the same manner as the
 27 commercial ~~motor~~ vehicle excise tax under IC 6-6-5.5.

28 (c) A voucher from the department of state revenue showing
 29 payment of the wheel tax may be accepted by the bureau of motor
 30 vehicles in lieu of the payment required under section 9 of this chapter.

31 SECTION 24. IC 6-3.6-6-3, AS AMENDED BY P.L.180-2016,
 32 SECTION 17, AND AS AMENDED BY P.L.197-2016, SECTION 47,
 33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 3. Revenue raised from a tax
 35 imposed under this chapter shall be treated as follows:

36 (1) *If an ordinance described in section 2.5 of this chapter is in*
 37 *effect in a county, to make a distribution to the county equal to*
 38 *the amount of revenue generated by the rate imposed under*
 39 *section 2.5 of this chapter.*

40 ~~(j)~~ (2) *After making the distribution described in subdivision (1),*
 41 *if any, to make distributions to school corporations and civil*
 42 *taxing units in counties that formerly imposed a tax under*



1 IC 6-3.5-1.1 (*repealed*). The revenue categorized from the *first*
 2 *next* twenty-five hundredths percent (0.25%) of the rate for a
 3 former tax adopted under IC 6-3.5-1.1 (*repealed*) shall be
 4 allocated to school corporations and civil taxing units. The
 5 amount of the allocation to a school corporation or civil taxing
 6 unit shall be determined using the allocation amounts for civil
 7 taxing units and school corporations in the ~~*determination*~~ county.
 8 ~~(2)~~ (3) After making the distributions described in subdivisions
 9 (1) and (2), the remaining revenue shall be treated as additional
 10 revenue (referred to as "additional revenue" in this chapter).
 11 Additional revenue may not be considered by the department of
 12 local government finance in determining:

13 (A) any taxing unit's maximum permissible property tax levy
 14 limit under IC 6-1.1-18.5; or

15 (B) the approved property tax rate for any fund.

16 *In the case of a civil taxing unit that has pledged the tax from*
 17 *additional revenue for the payment of bonds, leases, or other*
 18 *obligations as reported by the civil taxing unit under IC 5-1-18,*
 19 *the adopting body may not, under section 4 of this chapter,*
 20 *reduce the proportional allocation of the additional revenue that*
 21 *was allocated in the preceding year if the reduction for that year*
 22 *would result in an amount less than the amount necessary for the*
 23 *payment of bonds, leases, or other obligations payable or*
 24 *required to be deposited in a sinking fund or other reserve in that*
 25 *year for the bonds, leases, or other obligations for which the tax*
 26 *from additional revenue has been pledged.*

27 SECTION 25. IC 6-3.6-6-11, AS AMENDED BY P.L.180-2016,
 28 SECTION 18, AND AS AMENDED BY P.L.197-2016, SECTION 54,
 29 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in
 31 this chapter and IC 6-3.6-11, this section applies to an allocation of
 32 certified shares in all counties.

33 (b) Subject to this chapter, any civil taxing unit that imposes an ad
 34 valorem property tax in the county that has a tax rate in effect under
 35 this chapter is eligible for an allocation under this chapter.

36 (c) A school corporation is not a civil taxing unit for the purpose of
 37 receiving an allocation of certified shares under this chapter. The
 38 distributions to school corporations and civil taxing units in counties
 39 that formerly imposed a tax under IC 6-3.5-1.1 (*repealed*) as provided
 40 in section ~~3(1)~~ 3(2) of this chapter is not considered an allocation of
 41 certified shares. A school corporation's allocation amount for purposes
 42 of section ~~3(1)~~ 3(2) of this chapter shall be determined under section



1 12 of this chapter.

2 (d) A county solid waste management district (as defined in
3 IC 13-11-2-47) or a joint solid waste management district (as defined
4 in IC 13-11-2-113) is not a civil taxing unit for the purpose of receiving
5 an allocation of certified shares under this chapter unless a majority of
6 the members of each of the county fiscal bodies of the counties within
7 the district passes a resolution approving the distribution.

8 (e) A resolution passed by a county fiscal body under subsection (d)
9 may:

- 10 (1) expire on a date specified in the resolution; or
11 (2) remain in effect until the county fiscal body revokes or
12 rescinds the resolution.

13 SECTION 26. IC 6-3.6-6-20, AS AMENDED BY P.L.180-2016,
14 SECTION 20, AND AS AMENDED BY P.L.197-2016, SECTION 55,
15 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) *This section does not*
17 *apply to distributions of revenue under section 9 of this chapter.*

18 ~~(a)~~ (b) *This section applies only to the following:*

19 (1) *Any allocation or distribution of revenue under section ~~3(1)~~*
20 **3(2)** *of this chapter that is made on the basis of property tax*
21 *levies in counties that formerly imposed a tax under IC 6-3.5-1.1*
22 *(before its repeal January 1, 2017).*

23 (2) *Any allocation or distribution of revenue under section ~~3(2)~~ or*
24 *3(3) of this chapter that is made on the basis of property tax levies*
25 *in counties that formerly imposed a tax under IC 6-3.5-6 (before*
26 *its repeal January 1, 2017).*

27 (c) *Subject to subsection (b), if a school corporation or civil taxing*
28 *unit of an adopting county does not impose a property tax levy that is*
29 *first due and payable in a calendar year in which revenue under section*
30 *~~3(2)~~ 3(2) or ~~3~~ 3(3) of this chapter is being allocated or distributed, that*
31 *school corporation or civil taxing unit is entitled to receive a part of the*
32 *revenue under section ~~3(1)~~ or 3(2) or 3(3) of this chapter (as*
33 *appropriate) to be distributed within the county. The fractional amount*
34 *that such a school corporation or civil taxing unit is entitled to receive*
35 *each month during that calendar year equals the product of the*
36 *following:*

37 (1) *The amount of revenue under section ~~3(2)~~ 3(2) or ~~3~~ 3(3) of*
38 *this chapter to be distributed on the basis of property tax levies*
39 *during that month; multiplied by*

40 (2) *A fraction. The numerator of the fraction equals the budget of*
41 *that school corporation or civil taxing unit for that calendar year.*
42 *The denominator of the fraction equals the aggregate budgets of*



- 1 all school corporations or civil taxing units of that county for that
2 calendar year.
- 3 ~~(b)~~ (d) *Subject to subsection (b)*, if for a calendar year a school
4 corporation or civil taxing unit is allocated a part of a county's revenue
5 under section ~~3(2)~~ **3(2)** or ~~3~~ 3(3) of this chapter by subsection ~~(a)~~ (c),
6 the calculations used to determine the shares of revenue of all other
7 school corporations and civil taxing units under section ~~3(2)~~ **3(2)** or ~~3~~
8 3(3) of this chapter (as appropriate) shall be changed each month for
9 that same year by reducing the amount of revenue to be distributed by
10 the amount of revenue under section ~~3(2)~~ **3(2)** or ~~3~~ 3(3) of this chapter
11 allocated under subsection ~~(a)~~ (c) for that same month. The department
12 of local government finance shall make any adjustments required by
13 this subsection and provide them to the appropriate county auditors.
- 14 SECTION 27. IC 6-3.6-9-17, AS ADDED BY P.L.126-2016,
15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 17. (a) As used in this section, "fiscal body"
17 has the meaning set forth in IC 36-1-2-6.
- 18 (b) This section refers to a county's trust account maintained under
19 the former local income tax laws set forth in IC 6-3.5-1.1, IC 6-3.5-6,
20 and IC 6-3.5-7 (**all as repealed January 1, 2017**).
- 21 (c) Before May 1, 2016, the budget agency shall make a one (1)
22 time special distribution to each county having a positive balance in the
23 county's trust account as of December 31, 2014.
- 24 (d) The amount of the special distribution from a county's trust
25 account is one hundred percent (100%) of the balance in the county's
26 trust account as of December 31, 2014, as determined by the budget
27 agency.
- 28 (e) Before May 1, 2016, the budget agency and **the** department of
29 local government **finance** shall do the following:
- 30 (1) For any county having a positive balance in the county's trust
31 account as of December 31, 2014, determine the amount of the
32 trust account balance as of December 31, 2014 (referred to as the
33 county's trust balance amount).
- 34 (2) Determine each taxing unit's share of the county's trust
35 balance amount (referred to as the taxing unit's allocation
36 amount), using the following allocation method for each former
37 tax:
- 38 (A) For county adjusted gross income taxes (IC 6-3.5-1.1)
39 (**repealed**) as follows:
- 40 (i) First, the taxing units that would have received property
41 tax replacement credits shall be allocated that part of the
42 county's allocation amount that would have been considered



- 1 property tax replacements under IC 6-3.5-1.1 **(repealed)**.
 2 (ii) The remaining amount of the county's allocation amount
 3 shall be allocated in the same manner as certified shares
 4 under IC 6-3.5-1.1 **(repealed)**.
 5 (B) For county option income taxes (IC 6-3.5-6) **(repealed)**,
 6 the county's allocation amount shall be allocated in the same
 7 manner as certified shares under IC 6-3.5-6 **(repealed)**.
 8 (C) For county economic development income taxes, the
 9 county's allocation amount shall be allocated in the same
 10 manner as a certified distribution under IC 6-3.5-7-12(b)
 11 **(repealed)** or IC 6-3.5-7-12(c) **(repealed)**, whichever applies.
 12 (f) Before May 1, 2016, the budget agency and the department of
 13 local government finance shall jointly determine and provide to the
 14 county auditor the following:
 15 (1) The county's trust balance amount.
 16 (2) Each taxing unit's allocation amount.
 17 (g) Before June 1, 2016, the county auditor shall distribute to each
 18 taxing unit an amount equal to the taxing unit's allocation amount.
 19 (h) Money distributed to a county, city, or town may be expended
 20 only upon an appropriation by the county's, city's, or town's fiscal body
 21 as follows:
 22 (1) At least seventy-five percent (75%) of the special distribution
 23 must be:
 24 (A) used exclusively by the county, city, or town for:
 25 (i) engineering, land acquisition, construction, resurfacing,
 26 maintenance, restoration, or rehabilitation of both local and
 27 arterial road and street systems;
 28 (ii) the payment of principal and interest on bonds sold
 29 primarily to finance road, street, or thoroughfare projects;
 30 (iii) any local costs required to undertake a recreational or
 31 reservoir road project under IC 8-23-5;
 32 (iv) the purchase, rental, or repair of highway equipment;
 33 (v) providing a match for a grant from the local road and
 34 bridge matching grant fund under IC 8-23-30; or
 35 (vi) capital projects for aviation related property or facilities,
 36 including capital projects of a board of aviation
 37 commissioners established under IC 8-22-2 or an airport
 38 authority established under IC 8-22-3-1; or
 39 (B) deposited in the county's, city's, or town's rainy day fund
 40 established under IC 36-1-8-5.1. The money deposited in a
 41 rainy day fund under this clause may not be appropriated from
 42 the rainy day fund or transferred to another fund under



1 IC 36-1-8-5.1(g), unless the money will be used exclusively
2 for purposes set forth in clause (A).

3 (2) The remaining part of the special distribution may be used by
4 the county, city, or town for any of the purposes of the county,
5 city, or town.

6 The amount received by a taxing unit that is not a county, city, or town
7 shall be deposited in the taxing unit's rainy day fund established under
8 IC 36-1-8-5.1.

9 SECTION 28. IC 6-3.6-10-7, AS AMENDED BY P.L.188-2016,
10 SECTION 7, AND AS AMENDED BY P.L.197-2016, SECTION 68,
11 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The general assembly
13 finds that counties and municipalities in Indiana have a need to foster
14 economic development, the development of new technology, and
15 industrial and commercial growth. The general assembly finds that it
16 is necessary and proper to provide an alternative method for counties
17 and municipalities to foster the following:

- 18 (1) Economic development.
19 (2) The development of new technology.
20 (3) Industrial and commercial growth.
21 (4) Employment opportunities.
22 (5) The diversification of industry and commerce.

23 The fostering of economic development and the development of new
24 technology under this section or section 8 of this chapter for the benefit
25 of the general public, including industrial and commercial enterprises,
26 is a public purpose.

27 (b) The fiscal bodies of two (2) or more counties or municipalities
28 may, by resolution, do the following:

- 29 (1) Determine that part or all **of** the revenue described in section
30 2 of this chapter should be combined to foster:
31 (A) economic development;
32 (B) the development of new technology; and
33 (C) industrial and commercial growth.

34 (2) Establish a regional venture capital fund.
35 (c) Each unit participating in a regional venture capital fund
36 established under subsection (b) may deposit the following in the fund:

- 37 (1) Revenues described in section 2 of this chapter.
38 (2) The proceeds of public or private grants.

39 (d) A regional venture capital fund shall be administered by a
40 governing board. The expenses of administering the fund shall be paid
41 from money in the fund. The governing board shall invest the money
42 in the fund not currently needed to meet the obligations of the fund in



1 the same manner as other public money may be invested. Interest that
 2 accrues from these investments shall be deposited into the fund. The
 3 fund is subject to audit by the state board of accounts *under IC 5-11-1*.
 4 The fund must bear the full costs of the audit.

5 (e) The fiscal body of each participating unit shall approve an
 6 interlocal agreement created under IC 36-1-7 establishing the terms for
 7 the administration of the regional venture capital fund. The terms must
 8 include the following:

- 9 (1) The membership of the governing board.
- 10 (2) The amount of each unit's contribution to the fund.
- 11 (3) The procedures and criteria under which the governing board
 12 may loan or grant money from the fund.
- 13 (4) The procedures for the dissolution of the fund and for the
 14 distribution of money remaining in the fund at the time of the
 15 dissolution.

16 (f) An interlocal agreement made by the participating units under
 17 subsection (e) must provide that:

- 18 (1) each of the participating units is represented by at least one (1)
 19 member of the governing board; and
- 20 (2) the membership of the governing board is established on a
 21 bipartisan basis so that the number of the members of the
 22 governing board who are members of one (1) political party may
 23 not exceed the number of members of the governing board
 24 required to establish a quorum.

25 (g) A majority of the governing board constitutes a quorum, and the
 26 concurrence of a majority of the governing board is necessary to
 27 authorize any action.

28 (h) An interlocal agreement made by the participating units under
 29 subsection (e) must be submitted to the Indiana economic development
 30 corporation for approval before the participating units may contribute
 31 to the fund.

32 (i) A majority of members of a governing board of a regional
 33 venture capital fund established under this section must have at least
 34 five (5) years of experience in business, finance, or venture capital.

35 (j) The governing board of the fund may loan or grant money from
 36 the fund to a private or public entity if the governing board finds that
 37 the loan or grant will be used by the borrower or grantee for at least one
 38 (1) of the following economic development purposes:

- 39 (1) To promote significant employment opportunities for the
 40 residents of the units participating in the regional venture capital
 41 fund.
- 42 (2) To attract a major new business enterprise to a participating



- 1 unit.
- 2 (3) To develop, retain, or expand a significant business enterprise
- 3 in a participating unit.
- 4 (k) The expenditures of a borrower or grantee of money from a
- 5 regional venture capital fund that are considered to be for an economic
- 6 development purpose include expenditures for any of the following:
- 7 (1) Research and development of technology.
- 8 (2) Job training and education.
- 9 (3) Acquisition of property interests.
- 10 (4) Infrastructure improvements.
- 11 (5) New buildings or structures.
- 12 (6) Rehabilitation, renovation, or enlargement of buildings or
- 13 structures.
- 14 (7) Machinery, equipment, and furnishings.
- 15 (8) Funding small business development with respect to:
- 16 (A) prototype products or processes;
- 17 (B) marketing studies to determine the feasibility of new
- 18 products or processes; or
- 19 (C) business plans for the development and production of new
- 20 products or processes.
- 21 SECTION 29. IC 6-4.1-7-4, AS AMENDED BY P.L.190-2016,
- 22 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 UPON PASSAGE]: Sec. 4. (a) After the appraiser, if any, appointed
- 24 under section 3 of this chapter files an appraisal report, the probate
- 25 court shall redetermine the inheritance tax due with respect to the
- 26 property interests transferred by the resident decedent. In making the
- 27 redetermination, the court shall follow the same procedures:
- 28 (1) the court is required to follow under IC 6-4.1-5-9,
- 29 IC 6-4.1-5-10, and IC 6-4.1-5-11 when making an original
- 30 inheritance tax determination, in the case of an inheritance tax
- 31 return filed before April 1, 2016; or
- 32 (2) the department of state revenue is required to follow under
- 33 ~~IC 6-4.1-5-9~~, **IC 6-4.1-5-8**, IC 6-4.1-5-10, and IC 6-4.1-5-11
- 34 when making an original inheritance tax determination, in the
- 35 case of an inheritance tax return filed after March 31, 2016.
- 36 (b) The probate court's redetermination of the inheritance tax due
- 37 supersedes:
- 38 (1) the court's original determination; or
- 39 (2) an original determination by the department of state revenue;
- 40 whichever is applicable. The court shall file a copy of the
- 41 redetermination with the clerk of the court.
- 42 SECTION 30. IC 6-8.1-1-1, AS AMENDED BY P.L.198-2016,



1 SECTION 57, AND AS AMENDED BY P.L.197-2016, SECTION 74,
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)]: Sec. 1. "Listed
 4 taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3
 5 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the
 6 riverboat wagering tax (IC 4-33-13); the slot machine wagering tax
 7 (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross
 8 income tax (IC 6-2.1) (repealed); the utility receipts and utility services
 9 use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the
 10 adjusted gross income tax (IC 6-3); the supplemental net income tax
 11 (IC 6-3-8) (repealed); the county adjusted gross income tax
 12 (IC 6-3.5-1.1) (*repealed*); the county option income tax (IC 6-3.5-6)
 13 (*repealed*); the county economic development income tax (IC 6-3.5-7)
 14 (*repealed*); *the local income tax (IC 6-3.6)*; the auto rental excise tax
 15 (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax
 16 (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax
 17 (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement
 18 under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation
 19 fuel excise tax (IC 6-6-13); the commercial vehicle excise tax
 20 (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck
 21 campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6)
 22 (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2);
 23 the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the
 24 hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5);
 25 the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes
 26 (IC 6-9); the various food and beverage taxes (IC 6-9); the county
 27 admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee
 28 (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3
 29 and ~~IC 9-30~~; *IC 9-20-18*); the fees and penalties assessed for
 30 overweight vehicles (IC 9-20-4 and ~~IC 9-30~~; *IC 9-20-18*); and any
 31 other tax or fee that the department is required to collect or administer.

32 SECTION 31. IC 7.1-3-9.5-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Application. The
 34 commission may issue a supplemental caterer's permit only to a person
 35 who is, and continues to be, the holder of a three-way permit and who
 36 desires to sell, on a temporary basis only, alcoholic beverages for ~~on~~
 37 **premise on-premises** consumption at locations other than ~~his the~~
 38 **person's** licensed premises.

39 SECTION 32. IC 7.1-3-9.5-3, AS AMENDED BY P.L.153-2015,
 40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 3. The holder of a supplemental caterer's
 42 permit is entitled to purchase alcoholic beverages only from a permittee



1 entitled to sell to ~~him~~ **the holder** under this title. Except as provided in
 2 IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a supplemental caterer's
 3 permit is entitled to sell alcoholic beverages only for ~~on premise~~
 4 **on-premises** consumption at those locations approved by the
 5 commission and at times lawful under ~~his~~ **the holder's** retailers'
 6 permits. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder
 7 of a supplemental caterer's permit is not entitled to sell alcoholic
 8 beverages at wholesale, nor for carry-out or at-home delivery.

9 SECTION 33. IC 7.1-3-12-5, AS AMENDED BY P.L.214-2016,
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 5. (a) The holder of a farm winery permit:

12 (1) is entitled to manufacture wine and to bottle wine produced by
 13 the permit holder's farm winery;

14 (2) is entitled to serve complimentary samples of the winery's
 15 wine on the licensed premises or an outside area that is
 16 contiguous to the licensed premises as approved by the
 17 commission if each employee who serves wine on the licensed
 18 premises:

19 (A) holds an ~~employee~~ **employee's** permit under
 20 IC 7.1-3-18-9; and

21 (B) completes a server training program approved by the
 22 commission;

23 (3) is entitled to sell the winery's wine on the licensed premises to
 24 consumers either by the glass, or by the bottle, or both;

25 (4) is entitled to sell the winery's wine to consumers by the bottle
 26 at a farmers' market that is operated on a nonprofit basis;

27 (5) is entitled to sell wine by the bottle or by the case to a person
 28 who is the holder of a permit to sell wine at wholesale;

29 (6) is exempt from the provisions of IC 7.1-3-14;

30 (7) is entitled to advertise the name and address of any retailer or
 31 dealer who sells wine produced by the permit holder's winery;

32 (8) for wine described in IC 7.1-1-2-3(a)(4):

33 (A) may allow transportation to and consumption of the wine
 34 on the licensed premises; and

35 (B) may not sell, offer to sell, or allow the sale of the wine on
 36 the licensed premises;

37 (9) is entitled to purchase and sell bulk wine as set forth in this
 38 chapter;

39 (10) is entitled to sell wine as authorized by this section for
 40 carryout on Sunday; and

41 (11) is entitled to sell and ship the farm winery's wine to a person
 42 located in another state in accordance with the laws of the other



1 state.
 2 (b) With the approval of the commission, a holder of a permit under
 3 this chapter may conduct business at not more than three (3) additional
 4 locations that are separate from the winery. At the additional locations,
 5 the holder of a permit may conduct any business that is authorized at
 6 the first location, except for the manufacturing or bottling of wine.

7 (c) With the approval of the commission, a holder of a permit under
 8 this chapter may:
 9 (1) individually; or
 10 (2) with other permit holders under this chapter, holders of artisan
 11 distiller's permits, holders of a brewer's permits issued under
 12 IC 7.1-3-2-2(b), or any combination of holders described in this
 13 subdivision;

14 participate in a trade show or an exposition at which products of each
 15 permit holder participant are displayed, promoted, and sold. The
 16 commission may not grant approval under this subsection to a holder
 17 of a permit under this chapter for more than forty-five (45) days in a
 18 calendar year.

19 SECTION 34. IC 7.1-3-20-18.7, AS ADDED BY P.L.214-2016,
 20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 18.7. (a) This section applies to the premises
 22 of a hotel that is owned by an accredited college or university (as
 23 described in IC 24-4-11-2).

24 (b) Subject to subsection (c), the holder of a ~~retailer~~ **retailer's**
 25 permit that is issued for the premises of a hotel may sell or dispense,
 26 for ~~on premise~~ **on-premises** consumption only, alcoholic beverages, for
 27 which the permittee holds the appropriate permit, from a:

- 28 (1) nonpermanent bar located on an outside patio or terrace; or
 29 (2) service window located on the licensed premises that opens to
 30 an outside patio or terrace;

31 that is contiguous to the main building of the licensed premises of the
 32 hotel.

33 (c) The holder of a ~~retailer~~ **retailer's** permit that is issued for the
 34 premises of a hotel may sell or dispense alcoholic beverages as
 35 provided under subsection (b) only if all the following conditions are
 36 met:

- 37 (1) The patio or terrace area described in subsection (b) is:
 38 (A) part of the licensed premises; and
 39 (B) clearly delineated and completely enclosed on all sides by
 40 a fence, rail, wall, or hedge that is at least four (4) feet in
 41 height.
 42 (2) Access to the nonpermanent bar or service window is limited



1 by a barrier that reasonably deters free access by minors to the bar
2 or window.

3 (3) A conspicuous sign is posted by the barrier described in
4 subdivision (2) that states that minors are not allowed to cross the
5 barrier to enter the area near the nonpermanent bar or service
6 window.

7 SECTION 35. IC 7.1-3-20-27, AS ADDED BY P.L.133-2016,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 27. (a) This section applies to the premises of
10 a restaurant.

11 (b) Subject to subsection (c), the holder of a ~~retailer~~ **retailer's**
12 permit that is issued for the premises of a restaurant may sell or
13 dispense, for ~~on premise~~ **on-premises** consumption only, alcoholic
14 beverages, for which the permittee holds the appropriate permit, from
15 a service window located on the licensed premises that opens to an
16 outside patio or terrace that is contiguous to the main building of the
17 licensed premises of the restaurant.

18 (c) The holder of a ~~retailer~~ **retailer's** permit that is issued for the
19 premises of a restaurant may sell or dispense alcoholic beverages as
20 provided under subsection (b) only if all the following conditions are
21 met:

22 (1) The patio or terrace area described in subsection (b) is:

23 (A) part of the licensed premises; and

24 (B) clearly delineated and completely enclosed on all sides by
25 a barrier that is at least eighteen (18) inches in height.

26 (2) Access to the service window is limited by a barrier that
27 reasonably deters free access by minors to the window.

28 (3) A conspicuous sign is posted by the barrier described in
29 subdivision (2) that states that minors are not allowed to cross the
30 barrier to enter the area near the service window.

31 SECTION 36. IC 7.1-3-23-20.5, AS AMENDED BY P.L.13-2016,
32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 20.5. (a) As used in this section, "adult
34 entertainment" means adult oriented entertainment in which performers
35 disrobe or perform in an unclothed state for entertainment.

36 (b) This section applies to the holder of a retailer's permit that
37 provides adult entertainment on the licensed premises.

38 (c) The holder of a retailer's permit that provides adult entertainment
39 on the licensed premises shall do the following:

40 (1) Require a performer who provides adult entertainment on the
41 licensed premises to provide proof of age by at least one (1) form
42 of government issued identification, including a:



- 1 (A) state issued driver's license;
 2 (B) state issued identification card; or
 3 (C) passport;
 4 showing the performer to be at least eighteen (18) years of age.
 5 (2) Require a performer who provides adult entertainment on the
 6 licensed premises to provide proof of legal residency in the
 7 United States by means of:
 8 (A) a birth certificate;
 9 (B) a Social Security card;
 10 (C) a passport;
 11 (D) valid documentary evidence described in IC 9-24-9-2.5; or
 12 (E) other valid documentary evidence issued by the United
 13 States demonstrating that the performer is entitled to reside in
 14 the United States.
 15 (3) Take a photograph of each adult entertainer who auditions to
 16 provide adult entertainment at the licensed premises at the time
 17 of the audition and retain the photograph for at least three (3)
 18 years after:
 19 (A) the date of the audition; or
 20 (B) the last day on which the performer provides adult
 21 entertainment at the licensed premises;
 22 whichever is later. A photograph taken under this subdivision
 23 **must only may** show **only** the adult entertainer's facial features.
 24 (4) Require all performers and other employees of the retail
 25 permit holder to sign a document approved by the commission to
 26 acknowledge their awareness of the problem of human trafficking.
 27 (5) Display human trafficking awareness posters in at least two
 28 (2) of the following locations on the licensed premises:
 29 (A) The office of the manager of the licensed premises.
 30 (B) The locker room used by performers or other employees.
 31 (C) The break room used by performers or other employees.
 32 Posters displayed under this subdivision must describe human
 33 trafficking, state indicators of human trafficking (such as
 34 restricted freedom of movement and signs of physical abuse), set
 35 forth hotline telephone numbers for law enforcement, and be
 36 approved by the commission.
 37 (6) Cooperate with any law enforcement investigation concerning
 38 allegations of a violation of this section.
 39 (d) The commission may revoke, suspend, or refuse to renew the
 40 permit issued for the licensed premises if the holder fails to comply
 41 with subsection (c).
 42 (e) In determining whether to revoke, suspend, or refuse to renew



1 the permit issued for a licensed premises under subsection (d), the
2 commission may consider:

3 (1) the extent to which the permit holder has cooperated with any
4 law enforcement investigation as required by subsection (c)(6);
5 and

6 (2) whether the permit holder has provided training to performers
7 who provide adult entertainment at the permit holder's licensed
8 premises and other employees of the licensed premises through a
9 program that:

10 (A) is designed to increase the awareness of human trafficking
11 and assist victims of human trafficking; and

12 (B) has been approved by:

13 (i) a department of the United States government; or

14 (ii) a nationwide association made up of operators who run
15 adult entertainment establishments.

16 SECTION 37. IC 8-1-30.3-6, AS AMENDED BY P.L.98-2016,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: Sec. 6. For purposes of section 5(c)(2) of this
19 chapter, a distressed utility is not furnishing or maintaining adequate,
20 efficient, safe, and reasonable service and facilities if the commission
21 finds one (1) or more of the following:

22 (1) The distressed utility violated one (1) or more state or federal
23 statutory or regulatory requirements in a manner that the
24 commission determines affects the safety, adequacy, efficiency,
25 or reasonableness of its services or facilities.

26 (2) The distressed utility has inadequate financial, managerial, or
27 technical ability or expertise.

28 (3) The distressed utility fails to provide water in sufficient
29 amounts, that is palatable, or at adequate volume or pressure.

30 (4) The distressed utility, due to necessary improvements to its
31 plant or distribution or collection system or operations, is unable
32 to furnish and maintain adequate service to its customers at rates
33 equal to or less than those of the **public acquiring** utility
34 **company**.

35 (5) The distressed utility:

36 (A) is municipally owned utility property of a municipally
37 owned utility that serves fewer than five thousand (5,000)
38 customers; and

39 (B) is being sold under IC 8-1.5-2-6.1.

40 (6) Any other facts that the commission determines demonstrate
41 the distressed utility's inability to furnish or maintain adequate,
42 efficient, safe, or reasonable service or facilities.



1 SECTION 38. IC 8-2.1-19.1-8, AS ADDED BY P.L.175-2015,
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 8. (a) Not later than July 15, 2015, a TNC
 4 driver, or a TNC on the TNC driver's behalf, shall maintain primary
 5 motor vehicle insurance that meets the following requirements:

6 (1) The motor vehicle insurance is issued:

7 (A) by an insurance company that holds a certificate of
 8 authority to do insurance business in Indiana under
 9 IC 27-1-3-20; or

10 (B) through a surplus lines producer licensed under
 11 IC 27-1-15.8.

12 (2) The language of the motor vehicle insurance policy:

13 (A) recognizes that the driver is a TNC driver or otherwise
 14 uses the personal vehicle to transport passengers for
 15 compensation; and

16 (B) covers the driver while the driver is:

17 (i) logged on to the TNC's digital network; or

18 (ii) engaged in a prearranged ride.

19 (3) The motor vehicle insurance must meet the following
 20 coverage requirements while a TNC driver is logged on to the
 21 TNC's digital network, but is not engaged in a prearranged ride:

22 (A) Primary motor vehicle liability insurance in an amount
 23 equal to at least:

24 (i) fifty thousand dollars (\$50,000) per person for death and
 25 bodily injury;

26 (ii) one hundred thousand dollars (\$100,000) per incident
 27 for death and bodily injury; and

28 (iii) twenty-five thousand dollars (\$25,000) per incident for
 29 property damage.

30 (B) The insurance required by clause (A) may be provided by
 31 any of the following:

32 (i) Motor vehicle insurance maintained by the TNC driver.

33 (ii) Motor vehicle insurance maintained by the TNC.

34 (iii) Motor vehicle insurance maintained by any combination
 35 of **persons or entities under** items (i) and (ii).

36 (4) The motor vehicle insurance must meet the following
 37 coverage requirements while a TNC driver is engaged in a
 38 prearranged ride:

39 (A) Primary motor vehicle liability insurance in an amount
 40 equal to at least one million dollars (\$1,000,000) per incident
 41 for death, bodily injury, and property damage.

42 (B) The insurance required by clause (A) may be provided by



- 1 any of the following:
- 2 (i) Motor vehicle insurance maintained by the TNC driver.
- 3 (ii) Motor vehicle insurance maintained by the TNC.
- 4 (iii) Motor vehicle insurance maintained by any combination
- 5 of **persons or entities under** items (i) and (ii).
- 6 (b) If motor vehicle insurance maintained by a TNC driver as
- 7 described in subsection (a) lapses or does not provide the required
- 8 coverage:
- 9 (1) motor vehicle insurance maintained by the TNC must provide
- 10 the required coverage beginning with the first dollar of a claim;
- 11 and
- 12 (2) the insurance company that issues the motor vehicle insurance
- 13 described in subdivision (1) has a duty to defend the claim
- 14 described in subdivision (1).
- 15 (c) Coverage under motor vehicle insurance maintained by a TNC
- 16 may not be dependent on a personal motor vehicle insurance company's
- 17 first denying a claim for coverage under a personal motor vehicle
- 18 insurance policy, nor may a personal motor vehicle insurance company
- 19 be required to first deny a claim.
- 20 (d) A motor vehicle insurance policy that meets the coverage
- 21 requirements of subsection (a) satisfies the financial responsibility
- 22 requirement of IC 9-25 while the driver of the personal vehicle is:
- 23 ~~(A)~~ (1) logged on to the TNC's digital network; or
- 24 ~~(B)~~ (2) engaged in a prearranged ride.
- 25 (e) A TNC driver shall do the following:
- 26 (1) At all times during which the TNC driver uses a personal
- 27 vehicle in connection with a TNC's digital network, carry proof of
- 28 the coverage required by subsection (a).
- 29 (2) In the event of an accident, upon request, provide to directly
- 30 interested parties, motor vehicle insurance companies, and
- 31 investigating law enforcement officers:
- 32 (A) the proof described in subdivision (1); and
- 33 (B) a disclosure of whether the TNC driver was:
- 34 (i) logged on to the TNC's digital network; or
- 35 (ii) engaged in a prearranged ride;
- 36 at the time of the accident.
- 37 Information provided under this subdivision may be provided in
- 38 electronic form under IC 27-1-43-3, as applicable.
- 39 (f) If a TNC's motor vehicle insurance provides comprehensive
- 40 coverage or collision coverage for a claim for repair to a personal
- 41 vehicle, the TNC shall direct the insurance company to make the claim
- 42 payment:



1 (1) directly to the person that repairs the personal vehicle as
 2 payment in full for the completed repairs; or

3 (2) jointly to:

4 (A) the owner of; and

5 (B) any primary lienholder on;
 6 the personal vehicle.

7 SECTION 39. IC 8-23-10-0.5, AS ADDED BY P.L.144-2016,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 0.5. (a) The definitions in IC 5-16-13 apply
 10 to this section.

11 (b) For purposes of IC 5-16-13-10(c) and this section, a contractor
 12 must be qualified under this chapter before doing any work on a public
 13 works project that is the construction, improvement, alteration, repair,
 14 or maintenance of a **highway, street, or** road (as defined by
 15 IC 8-23-1-23) ~~highway, street,~~ or alley.

16 (c) Notwithstanding the applicability date specified in
 17 IC 5-16-13-10(c) and subject to subsection (d), the requirement that a
 18 contractor must be qualified under this chapter before doing any work
 19 on a public works project applies to a public works contract awarded
 20 after December 31, 2016.

21 (d) This subsection applies to a public works project awarded after
 22 December 31, 2016, by a local unit. A contractor in any contractor tier
 23 is not required to be qualified under this chapter before doing any work
 24 on a public works project awarded by a local unit whenever:

25 (1) the total amount of the contract awarded to the contractor for
 26 work on the public works project is less than three hundred
 27 thousand dollars (\$300,000); and

28 (2) the local unit complies with IC 36-1-12 in awarding the
 29 contract for the public works project.

30 SECTION 40. IC 9-24-2.5-7, AS AMENDED BY P.L.164-2006,
 31 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 7. If a manager or an employee
 33 transmits paper copies of registration applications by hand delivery
 34 under section ~~6(†)~~ **6(a)(1)** of this chapter, the county voter registration
 35 office shall provide the manager or employee with a receipt for the
 36 forms. The receipt must state the date and time of delivery and the
 37 printed name and signature of the person who received the forms.

38 SECTION 41. IC 9-30-16-3.5, AS ADDED BY P.L.41-2016,
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 3.5. (a) If a court imposes a suspension of
 41 driving privileges under IC 9-21-5-11(f), the court may stay the
 42 suspension and grant a specialized driving privilege as set forth in this



1 section.

2 (b) Specialized driving privileges granted under this section shall be
3 granted for sixty (60) days, or the remainder of the sixty (60) **day**
4 period of suspension as set forth in IC 9-30-13-9(b)(2) if a petition for
5 specialized driving privileges is filed **as in the manner** set forth **in**
6 **under** section ~~3(g)~~ **3(b)** of this chapter.

7 (c) Specialized driving privileges granted under this section:

- 8 (1) must be determined by a court; and
9 (2) are limited to restricting the individual to being allowed to
10 operate a motor vehicle between the place of employment of the
11 individual and the individual's residence.

12 (d) An individual who has been granted specialized driving
13 privileges under this section shall:

- 14 (1) maintain proof of future financial responsibility insurance
15 during the period of specialized driving privileges;
16 (2) carry a copy of the order granting specialized driving
17 privileges or have the order in the vehicle being operated by the
18 individual;
19 (3) produce the copy of the order granting specialized driving
20 privileges upon the request of a police officer; and
21 (4) carry a validly issued driver's license.

22 (e) An individual who holds a commercial driver's license and has
23 been granted specialized driving privileges under this chapter may not,
24 for the duration of the suspension for which the specialized driving
25 privileges are sought, operate a motor vehicle that requires the
26 individual to hold a commercial driver's license to operate the motor
27 vehicle.

28 (f) An individual who seeks specialized driving privileges must file
29 a petition for specialized driving privileges in each court that has
30 ordered or imposed a suspension of the individual's driving privileges.
31 Each petition must:

- 32 (1) be verified by the petitioner;
33 (2) state the petitioner's age, date of birth, and address;
34 (3) state the grounds for relief and the relief sought;
35 (4) be filed in a circuit or superior court; and
36 (5) be served on the bureau and the prosecuting attorney.

37 A prosecuting attorney shall appear on behalf of the bureau to respond
38 to a petition filed under this subsection.

39 SECTION 42. IC 10-17-9-8, AS AMENDED BY P.L.197-2011,
40 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 8. (a) Each member, the estate of a deceased
42 member, or the estate of a member under guardianship is liable for the



1 costs of maintenance of the member in an amount up to one hundred
 2 percent (100%) of the daily per capita cost of personal services and all
 3 other operating expenses for the preceding fiscal year. The per capita
 4 charge may be adjusted to reflect the level of care provided.

5 (b) The level of care must be as consistent as possible with:

6 (1) the care category of the facility in which the member is
 7 placed;

8 (2) the rules of the ~~Indiana health facilities, home health care, and~~
 9 ~~hospice council state department of health~~ adopted under
 10 IC 16-28; and

11 (3) the applicable code of the federal government covering
 12 reimbursement from the United States Department of Veterans'
 13 Affairs or another department of the federal government.

14 (c) The liability created for the costs of maintenance of a member
 15 constitutes a lien upon the real property of the member if the lien is
 16 recorded as provided in this chapter. The lien has priority over all liens
 17 subsequently acquired.

18 SECTION 43. IC 11-8-8-1.8, AS ADDED BY P.L.119-2008,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 1.8. As used in this chapter, "social
 21 networking web site username" means an identifier or profile that
 22 allows a person to create, use, or modify a social networking web site,
 23 as defined in ~~IC 35-42-4-12~~. **IC 35-31.5-2-307.**

24 SECTION 44. IC 12-7-2-34, AS AMENDED BY P.L.53-2014,
 25 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 34. "Commission" means the following:

27 (1) For purposes of IC 12-10-2, the meaning set forth in
 28 IC 12-10-2-1.

29 (2) For purposes of IC 12-12-2, the meaning set forth in
 30 IC 12-12-2-1.

31 (3) For purposes of IC 12-13-14, the meaning set forth in
 32 IC 12-13-14-1.

33 ~~(4) For purposes of IC 12-15-46-2, the meaning set forth in~~
 34 ~~IC 12-15-46-2(a).~~

35 ~~(5)~~ **(4)** For purposes of IC 12-28-1, the meaning set forth in
 36 IC 12-28-1-3.

37 SECTION 45. IC 12-7-2-35, AS AMENDED BY P.L.87-2016,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 35. "Committee" means the following:

40 (1) For purposes of IC 12-15-33, the meaning set forth in
 41 IC 12-15-33-1.

42 (2) For purposes of IC 12-17.2-3.6, the meaning set forth in



- 1 IC 12-17.2-3.6-1.
 2 ~~(3) For purposes of IC 12-21-4.5, the meaning set forth in~~
 3 ~~IC 12-21-4.5-1.~~
 4 SECTION 46. IC 12-7-2-41.2 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 41.2. "Contracting state", for**
 7 **purposes of IC 12-11-14, has the meaning set forth in**
 8 **IC 12-11-14-4.**
 9 SECTION 47. IC 12-7-2-69, AS AMENDED BY P.L.13-2013,
 10 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 69. (a) "Division", except as provided in
 12 subsections (b) and (c), refers to any of the following:
 13 (1) The division of disability and rehabilitative services
 14 established by IC 12-9-1-1.
 15 (2) The division of aging established by IC 12-9.1-1-1.
 16 (3) The division of family resources established by IC 12-13-1-1.
 17 (4) The division of mental health and addiction established by
 18 IC 12-21-1-1.
 19 (b) The term refers to the following:
 20 (1) For purposes of the following statutes, the division of
 21 disability and rehabilitative services established by IC 12-9-1-1:
 22 (A) IC 12-9.
 23 (B) IC 12-11.
 24 (C) IC 12-12.
 25 (D) IC 12-12.5.
 26 (E) IC 12-12.7.
 27 ~~(F) IC 12-15-46-2.~~
 28 ~~(G)~~ **(F)** IC 12-28-5.
 29 (2) For purposes of the following statutes, the division of aging
 30 established by IC 12-9.1-1-1:
 31 (A) IC 12-9.1.
 32 (B) IC 12-10.
 33 (C) IC 12-10.5.
 34 (3) For purposes of the following statutes, the division of family
 35 resources established by IC 12-13-1-1:
 36 (A) IC 12-13.
 37 (B) IC 12-14.
 38 (C) IC 12-15.
 39 (D) IC 12-16.
 40 (E) IC 12-17.2.
 41 (F) IC 12-18.
 42 (G) IC 12-19.



- 1 (H) IC 12-20.
 2 (4) For purposes of the following statutes, the division of mental
 3 health and addiction established by IC 12-21-1-1:
 4 (A) IC 12-21.
 5 (B) IC 12-22.
 6 (C) IC 12-23.
 7 (D) IC 12-25.
 8 (c) With respect to a particular state institution, the term refers to
 9 the division whose director has administrative control of and
 10 responsibility for the state institution.
 11 (d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term
 12 refers to the division whose director has administrative control of and
 13 responsibility for the appropriate state institution.
 14 SECTION 48. IC 12-7-2-82.4 IS REPEALED [EFFECTIVE UPON
 15 PASSAGE]. Sec. 82.4. "Family planning services", for purposes of
 16 IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(a).
 17 SECTION 49. IC 12-7-2-85.1 IS REPEALED [EFFECTIVE UPON
 18 PASSAGE]. Sec. 85.1. "Fertilization", for purposes of IC 12-15-46-1,
 19 has the meaning set forth in IC 12-15-46-1(b).
 20 SECTION 50. IC 12-7-2-168 IS REPEALED [EFFECTIVE UPON
 21 PASSAGE]. Sec. 168. "Respite care" means, for purposes of
 22 IC 12-10-5, temporary care or supervision of an individual with
 23 Alzheimer's disease or a related senile dementia that is provided
 24 because the individual's family or caretaker is temporarily unable or
 25 unavailable to provide needed care.
 26 SECTION 51. IC 12-7-2-186.2 IS REPEALED [EFFECTIVE
 27 UPON PASSAGE]. Sec. 186.2. "State plan amendment", for purposes
 28 of IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(c).
 29 SECTION 52. IC 12-7-2-190 IS REPEALED [EFFECTIVE UPON
 30 PASSAGE]. Sec. 190. "Task force", for purposes of IC 12-10-5, has the
 31 meaning set forth in IC 12-10-5-1.
 32 SECTION 53. IC 12-7-2-199.8 IS REPEALED [EFFECTIVE
 33 UPON PASSAGE]. Sec. 199.8. As used in IC 12-15-46-2, "waiver" has
 34 the meaning set forth in IC 12-15-46-2(c).
 35 SECTION 54. IC 12-10-6-5, AS AMENDED BY P.L.197-2011,
 36 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 5. (a) An individual who is determined under
 38 section 2.1(a)(2) of this chapter to be incapable of residing in the
 39 individual's own home because of mental illness may be admitted to a
 40 home or facility that provides residential care to the extent that money
 41 is available for the care.
 42 (b) Within thirty (30) days after an individual with a mental illness



1 is placed in a home or facility that provides residential care, a
2 comprehensive care plan must be developed for the individual.

3 (c) The residential care facility, in cooperation with the community
4 mental health center or an individual's managed care provider (as
5 defined in IC 12-7-2-127(b)) serving the area in which the residential
6 care facility is located, shall develop the comprehensive care plan for
7 the individual. The plan must include the following:

8 (1) Psychosocial rehabilitation services that are provided within
9 the community.

10 (2) A comprehensive range of activities to meet multiple levels of
11 need, including the following:

12 (A) Recreational and socialization activities.

13 (B) Social skills.

14 (C) Educational, training, occupational, and work programs.

15 (D) Opportunities for progression into less restrictive and
16 more independent living arrangements.

17 (3) Appropriate alternate placement if the individual's needs
18 cannot be met by the facility.

19 (d) The ~~Indiana health facilities; home health care; and hospice~~
20 **council state department of health** shall, in coordination with the
21 division of mental health and addiction and the division, adopt rules
22 under IC 4-22-2 to govern:

23 (1) residential care; and

24 (2) the comprehensive care plan;

25 provided to individuals with a mental illness who reside under this
26 chapter in a home or facility that provides residential care.

27 SECTION 55. IC 12-11-2.1-1, AS AMENDED BY P.L.197-2011,
28 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 1. (a) The bureau shall determine whether or
30 not an individual has a developmental disability. For individuals for
31 whom there is not enough current information available to make a
32 determination of eligibility, the bureau shall use the results of a
33 diagnostic assessment in determining whether an individual has a
34 developmental disability. A diagnostic assessment must include the
35 following:

36 (1) Diagnostic information concerning the individual's
37 functioning level and medical and habilitation needs.

38 (2) All information necessary for the use of the office of Medicaid
39 policy and planning, the ~~Indiana health facilities; home health~~
40 **care; and hospice council; state department of health**, and the
41 division.

42 (3) The use of all appropriate assessments conducted under rules



1 adopted under IC 16-28.

2 (b) An individual who is found not to have a developmental
3 disability may appeal the bureau's finding under IC 4-21.5.

4 (c) If an individual is determined to have a developmental disability,
5 the office shall determine whether the individual meets the appropriate
6 federal level of care requirements.

7 SECTION 56. IC 12-15-2-13, AS AMENDED BY P.L.278-2013,
8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 13. (a) A pregnant woman:

10 (1) who is not described in 42 U.S.C. 1396a(a)(10)(A)(i); and

11 (2) whose family income does not exceed the income level
12 established in subsection (b);

13 is eligible to receive Medicaid.

14 (b) A pregnant woman described in this section is eligible to receive
15 Medicaid, subject to subsections (c) and (d) and 42 U.S.C. 1396a et
16 seq., if her family income does not exceed two hundred percent (200%)
17 of the federal income poverty level for the same size family.

18 (c) Medicaid made available to a pregnant woman described in this
19 section is limited to medical assistance for services related to
20 pregnancy, including prenatal, delivery, and postpartum services, and
21 to other conditions that may complicate pregnancy.

22 (d) Medicaid is available to a pregnant woman described in this
23 section for the duration of the pregnancy and for the sixty (60) day
24 postpartum period that begins on the last day of the pregnancy, without
25 regard to any change in income of the family of which she is a member
26 during that time.

27 ~~(e) The office may apply a resource standard in determining the~~
28 ~~eligibility of a pregnant woman described in this section. This~~
29 ~~subsection expires December 31, 2013.~~

30 SECTION 57. IC 12-15-2-14, AS AMENDED BY P.L.278-2013,
31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 14. (a) An individual:

33 (1) who is less than nineteen (19) years of age;

34 (2) who is not described in ~~42 U.S.C. 1396a(a)(10)(A)(i);~~ **42**
35 **U.S.C. 1396a(a)(10)(A)(i);** and

36 (3) whose family income does not exceed the income level
37 established in subsection (b);

38 is eligible to receive Medicaid.

39 (b) An individual described in this section is eligible to receive
40 Medicaid, subject to 42 U.S.C. 1396a et seq., if the individual's family
41 income does not exceed one hundred fifty percent (150%) of the
42 federal income poverty level for the same size family.



1 (e) ~~The office may apply a resource standard in determining the~~
 2 ~~eligibility of an individual described in this section. This subsection~~
 3 ~~expires December 31, 2013.~~

4 SECTION 58. IC 12-15-5-14, AS ADDED BY P.L.87-2016,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 14. (a) As used in this section, "advanced
 7 practice nurse" means:

- 8 (1) a nurse practitioner; or
 9 (2) a clinical nurse specialist;

10 who is a registered nurse licensed under IC 25-23 and qualified to
 11 practice nursing in a specialty role based upon the additional
 12 knowledge and skill gained through a formal organized program of
 13 study and clinical experience, or the equivalent as determined by the
 14 Indiana state board of nursing.

15 (b) As used in this section, "office" includes the following:

- 16 (1) The office of the secretary of family and social services.
 17 (2) A managed care organization that has contracted with the
 18 office of Medicaid policy and planning under this article.
 19 (3) A person that has contracted with a managed care organization
 20 described in subdivision (2).

21 (c) The office shall reimburse eligible Medicaid claims for the
 22 following services provided by an advanced practice nurse employed
 23 by a community mental health center if the services are part of the
 24 advanced practice nurse's scope of practice:

- 25 (1) Mental health services.
 26 (2) Behavioral health services.
 27 (3) Substance ~~use~~ **abuse** treatment.
 28 (4) Primary care services.
 29 (5) Evaluation and management services for inpatient or
 30 outpatient psychiatric treatment.
 31 (6) Prescription drugs.

32 (d) The office shall include an advanced practice nurse as an
 33 eligible provider for the supervision of a plan of treatment for a
 34 patient's outpatient mental health or substance abuse treatment
 35 services, if the supervision is in the advanced practice nurse's scope of
 36 practice, education, and training.

37 (e) This section:

- 38 (1) may not be construed to expand an advanced practice nurse's
 39 scope of practice; and
 40 (2) is subject to IC 25-23-1-19.4(c) and applies only if the service
 41 is included in the ~~advance~~ **advanced** practice nurse's practice
 42 agreement with a collaborating physician.



1 SECTION 59. IC 12-15-5-15, AS ADDED BY P.L.87-2016,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 15. (a) This section is effective upon approval
 4 by the federal government of the office's Medicaid state plan
 5 amendment to implement the requirements of this section. The office
 6 shall submit the Medicaid state plan amendment not later than
 7 December 1, 2016.

8 (b) As used in this section, "office" includes the following:

9 (1) The office of the secretary of family and social services.

10 (2) A managed care organization that has contracted with the
 11 office of Medicaid policy and planning under this article.

12 (3) A person that has contracted with a managed care organization
 13 described in subdivision (2).

14 (c) The office shall authorize Medicaid reimbursement for eligible
 15 Medicaid services provided by a student ~~who~~ **if**:

16 (1) **the student** is currently enrolled in a graduate or postgraduate
 17 degree level:

18 (A) medical;

19 (B) nursing;

20 (C) mental health;

21 (D) behavioral health; or

22 (E) addiction treatment;

23 accredited college or university program;

24 (2) **the student** has been approved by the college or university to
 25 work as an intern or practicum student at a community mental
 26 health center under the direct supervision of a licensed
 27 professional who holds a master's degree or doctoral level degree
 28 related to the area of study; and

29 (3) the services being provided by the student are within the scope
 30 of practice of the supervising practitioner.

31 (d) Medicaid claims for eligible Medicaid services provided under
 32 this section must be submitted by the supervising practitioner. Only one

33 (1) Medicaid claim may be submitted per episode of care.

34 (e) A community mental health center that allows intern and
 35 practicum students to provide services under this section shall have a
 36 policy and procedure for the intern and practicum students to receive
 37 supervision and a method for documenting the supervision provided.

38 SECTION 60. IC 12-15-46 IS REPEALED [EFFECTIVE UPON
 39 PASSAGE]. (Medicaid Waivers and State Plan Amendments).

40 SECTION 61. IC 12-17.2-7.2-8, AS ADDED BY P.L.202-2014,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 8. (a) The office shall determine:



- 1 (1) which applicants shall be awarded a grant; and
 2 (2) subject to subsection (b) and to the availability of funding, the
 3 amount of each grant.

4 (b) At least ten percent (10%) but not more than fifty percent (50%)
 5 of the tuition for eligible children under the pilot program during the
 6 state fiscal year must be paid from donations, gifts, grants, bequests,
 7 and other funds received from a private entity or person, from the
 8 United States government, or from other sources (excluding funds from
 9 a grant provided under this chapter and excluding other state funding).
 10 The office may receive and administer grants on behalf of the pilot
 11 program. The grants shall be distributed by the office to fulfill the
 12 requirements of this subsection.

13 (c) The amount of a grant made under the pilot program to an
 14 eligible child:

- 15 (1) must equal at least two thousand five hundred dollars (\$2,500)
 16 during the state fiscal year; and
 17 (2) may not exceed six thousand eight hundred dollars (\$6,800)
 18 during the state fiscal year.

19 (d) The total amount of grants provided from the funding under
 20 section 9(a) of this chapter (**before its repeal**) that are awarded under
 21 the pilot program in a state fiscal year may not exceed ten million
 22 dollars (\$10,000,000).

23 SECTION 62. IC 12-17.2-7.2-9 IS REPEALED [EFFECTIVE
 24 UPON PASSAGE]. Sec. 9: (a) The pilot program, including the
 25 longitudinal study under section 12 of this chapter, must be funded
 26 from one (1) or both of the following:

27 (1) After review by the budget committee and approval by the
 28 budget agency; from Child Care and Development Fund (CCDF)
 29 grant funding received from the United States government that is
 30 designated by the budget agency as available for funding the pilot
 31 program.

32 (2) After review by the budget committee and approval by the
 33 budget agency; from amounts reverted in a state fiscal year from
 34 funds appropriated to the divisions, departments, and bureaus
 35 administered by the office that are designated by the budget
 36 agency as available for funding the pilot program.

37 This subsection expires June 30, 2015.

38 (b) The amounts necessary to make the grants and pay the expenses
 39 of the longitudinal study under section 12 of this chapter from funds
 40 designated under subsection (a) are appropriated from the sources
 41 described in subsection (a) for the state fiscal year beginning July 1,
 42 2014, and ending June 30, 2015, for the purposes of the pilot program.



1 SECTION 63. IC 12-17.2-7.2-12, AS ADDED BY P.L.202-2014,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 12. (a) The office shall carry out a
 4 longitudinal study of students who participate in the pilot program to
 5 determine the achievement levels of those students in kindergarten and
 6 later grades.

7 (b) The longitudinal study must include a comparison of test and
 8 assessment results in grade 3 of:

- 9 (1) the eligible children who participated in the pilot program;
 10 and
 11 (2) a control group determined by the office that consists of
 12 children who did not participate in the pilot program.

13 (c) The office may, after consulting with the state board of
 14 education, enter into a contract with one (1) or more persons to carry
 15 out the longitudinal study under this section. The office may expend
 16 not more than one million dollars (\$1,000,000) from the funds
 17 appropriated under section 9 of this chapter (**repealed**) to carry out the
 18 longitudinal study. The amount expended to carry out the longitudinal
 19 study under this section is in addition to the ten million dollar
 20 (\$10,000,000) limit under section 8(d) of this chapter on the amount of
 21 grants under the pilot program in a state fiscal year.

22 SECTION 64. IC 12-20-16-3.5, AS ADDED BY P.L.134-2016,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 3.5. (a) This section applies only to a
 25 township assistance recipient who has prepaid service.

26 (b) As used in this section, "electric service provider" means a
 27 corporation organized under:

- 28 (1) IC 8-1-13; or
 29 (2) IC 23-17 that:
 30 (A) is an electric cooperative; and
 31 (B) has at least one (1) member that is a corporation organized
 32 under IC 8-1-13.

33 (c) As used in this section, "prepaid service" refers to a payment
 34 option offered by an electric service provider in which payments for
 35 electric usage are charged against a prepaid credit balance in a service
 36 account as electric service is rendered.

37 (d) As used in this section, "recipient" means a township assistance
 38 recipient.

39 (e) As used in this section, "service account" means a customer or
 40 member account with an electric service provider.

41 (f) Notwithstanding IC 12-20-20-1 or any other law, if the
 42 requirements of this section are met, a township trustee and an electric



- 1 service provider may do the following:
- 2 (1) A township trustee may deposit township assistance funds into
- 3 a service account to create a credit balance.
- 4 (2) An electric service provider may pay a recipient's electric
- 5 usage charges with the deposited township assistance funds as
- 6 those electric usage charges are incurred. However, any personal
- 7 funds that are present in the service account at the time the
- 8 township assistance funds are deposited must be used to pay any
- 9 electric usage charges first, before the use of township assistance
- 10 funds.
- 11 (g) An electric service provider shall do the following:
- 12 (1) Hold any funds deposited under subsection (f)(1) in a
- 13 fiduciary capacity for the township trustee. The township trustee
- 14 is the beneficiary of any township assistance funds remaining:
- 15 (A) at the close of business:
- 16 (i) on the day that a service account is terminated; or
- 17 (ii) on the next business day, if the service account is
- 18 terminated after the close of normal business hours; or
- 19 (B) at the close of business:
- 20 (i) on the day a request is received by the electric service
- 21 provider from the township trustee for remittance of the
- 22 funds; or
- 23 (ii) on the next business day, if the request for remittance
- 24 occurs after the close of normal business hours.
- 25 (2) Remit any funds remaining in a service account or terminated
- 26 service account not later than fifteen (15) business days after:
- 27 (A) the service account is terminated as set forth in
- 28 subdivision (1)(A); or
- 29 (B) the electric service provider receives a request for
- 30 remittance from the township trustee as set forth in subdivision
- 31 (1)(B).
- 32 (h) For any month that:
- 33 (1) an electric service provider receives or expends township
- 34 assistance funds provided by a township trustee; or
- 35 (2) a service account has a remaining balance of township
- 36 assistance funds, including any balance of township assistance
- 37 funds remaining in an individual service account for any prior
- 38 months;
- 39 the electric service provider shall provide the township trustee with a
- 40 monthly accounting statement not later than fifteen (15) business days
- 41 following the last calendar day of the month. A monthly accounting
- 42 statement must detail the receipt and expenditure of funds from service



1 accounts during that month and any balances remaining in individual
2 service accounts.

3 (i) This section may not be interpreted as requiring an electric
4 service provider to:

5 (1) remit to a township trustee more funds than are available in a
6 service account at the close of business on the day that:

7 (A) a service account is terminated as set forth in subsection
8 (g)(1)(A); or

9 (B) the electric service provider receives a request for
10 remittance as set forth in **subsection (g)(1)(B)**; or

11 (2) maintain separate service accounts or account numbers for
12 township assistance funds.

13 (j) The funds deposited into a service account may be used only to
14 pay for a recipient's electric usage, including any facility charges, and
15 may not be used to pay administrative charges, equipment,
16 maintenance, repair, disconnection fees, delinquent bills, or any other
17 charge.

18 (k) If the electric service provider refunds charges paid from the
19 service account, or repays any remaining credit balance in the service
20 account, the refund or repayment shall be paid directly to the township
21 trustee.

22 (l) During any calendar month, the township trustee may deposit
23 township assistance funds in the service account only to the extent that
24 the credit balance in the service account does not exceed the charges
25 incurred by the recipient during the immediately preceding calendar
26 month.

27 SECTION 65. IC 12-20-25-39, AS AMENDED BY P.L.197-2016,
28 SECTION 107, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: Sec. 39. The proceeds of the local
30 income tax imposed under this chapter shall be deposited by the
31 treasurer of state on behalf of the county into a separate ~~county~~ local
32 income tax account. The money in the account shall be disbursed as
33 provided in section 38(b) of this chapter.

34 SECTION 66. IC 13-13-7.1-3, AS ADDED BY P.L.53-2014,
35 SECTION 119, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 3. The term of a member
37 appointed to the panel is two (2) years. However, an appointing
38 authority may replace a member at any time during the member's term.
39 ~~Notwithstanding this section, the initial members of the panel are the~~
40 ~~members serving on the advisory compliance panel established by~~
41 ~~IC 13-13-7-2 (before its repeal) on March 15, 2014. The terms of the~~
42 ~~initial legislative members of the panel appointed under~~



1 ~~IC 13-13-7-3(b)(1) (before its repeal) and IC 13-13-7-3(b)(2) (before~~
 2 ~~its repeal) expire on the earlier of the following:~~

3 ~~(1) The date the two (2) year appointment would have expired~~
 4 ~~under IC 13-13-7-4 (before its repeal):~~

5 ~~(2) December 31, 2014.~~

6 ~~If subdivision (1) applies, a legislative member appointed under section~~
 7 ~~2(1) or 2(2) of this chapter before January 1, 2015, to succeed the~~
 8 ~~initial legislative member expires December 31, 2014.~~

9 SECTION 67. IC 13-18-3-2.1, AS AMENDED BY P.L.112-2016,
 10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 2.1. (a) If:

12 (1) a discharge results from an activity for which:

13 (A) an NPDES permit subject to IC 13-15-4-1(a)(2)(B),
 14 IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or

15 (B) a modification or renewal of a permit referred to in one (1)
 16 of the sections referred to in ~~subdivision (1)~~; **clause (A)**;

17 is sought; and

18 (2) the permit application or application to modify or renew the
 19 permit proposes a new or increased discharge that would result in
 20 a significant lowering of water quality as defined in
 21 IC 13-18-3-2(1)(1);

22 the deadline for the department to complete the antidegradation review
 23 under 40 CFR 131.12 and 40 CFR Part 132, Appendix E with respect
 24 to the discharge is the deadline for the commissioner to approve or
 25 deny the NPDES permit application under IC 13-15-4-1.

26 (b) The commissioner may extend for cause for not more than ninety
 27 (90) days the deadline under subsection (a) for the department to
 28 complete the antidegradation review.

29 SECTION 68. IC 14-16-1-18, AS AMENDED BY P.L.198-2016,
 30 SECTION 640, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) A dealer shall maintain
 32 in safe operating condition all vehicles rented, leased, or furnished by
 33 the dealer. The dealer or the dealer's agents or employees shall explain
 34 the operation of a vehicle being rented, leased, or furnished. If the
 35 dealer or the dealer's agent or employee believes the person to whom
 36 the vehicle is to be rented, leased, or furnished is not competent to
 37 operate the vehicle with safety to the person or others, the dealer or the
 38 dealer's agent or employee shall refuse to rent, lease, or furnish the
 39 vehicle.

40 (b) A dealer renting, leasing, or furnishing a vehicle shall carry a
 41 policy of liability insurance subject to minimum limits, exclusive of
 42 interest and costs, with respect to the vehicle as follows:



- 1 (1) Twenty thousand dollars (\$20,000) for bodily injury to or
 2 death of one (1) person in any one (1) accident.
- 3 (2) Subject to the limit for one (1) person, forty thousand dollars
 4 (\$40,000) for bodily injury to or death of at least two (2) persons
 5 in any one (1) accident.
- 6 (3) Ten thousand dollars (\$10,000) for injury to or destruction of
 7 property of others in any one (1) accident.
- 8 (c) In the alternative, a dealer may demand and must be shown proof
 9 that the person renting, leasing, or being furnished a vehicle carries a
 10 liability policy of at least the type and coverage specified in subsection
 11 (b).
- 12 (d) A dealer:
- 13 (1) shall prepare an application for a certificate of title as required
 14 by IC 9-17-2-1 for a purchaser of an off-road vehicle and shall
 15 submit the application for the certificate of title in the format
 16 required by IC 9-17-2-2 to the bureau of motor vehicles; and
 17 (2) may charge a processing fee for this service that may not
 18 exceed ten dollars (\$10).
- 19 (e) This subsection does not apply to an off-road vehicle that is at
 20 least five (5) model years old. After January 1, 2008, a dealer may not
 21 have on its ~~premise premises~~ an off-road vehicle that does not have a
 22 certificate of:
- 23 (1) origin from its manufacturer; or
 24 (2) title issued by;
 25 (A) the bureau of motor vehicles or its equivalent in another
 26 state; or
 27 (B) a foreign country.
- 28 SECTION 69. IC 14-22-38-4, AS AMENDED BY P.L.89-2016,
 29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that
 31 involves:
- 32 (1) unlawfully taking or possessing a deer or wild turkey;
 33 (2) taking or possessing a deer or wild turkey by illegal methods
 34 or with illegal devices; or
 35 (3) except as provided in ~~subsections subsection~~ (c), ~~and (d)~~;
 36 selling, offering to sell, purchasing, or offering to purchase a deer
 37 or wild turkey or a part of a deer or wild turkey;
 38 the court may order the person to reimburse the state five hundred
 39 dollars (\$500) for the first violation and one thousand dollars (\$1,000)
 40 for each subsequent violation.
- 41 (b) The money shall be deposited in the conservation officers fish
 42 and wildlife fund. This penalty is in addition to any other penalty under



- 1 the law.
- 2 (c) Notwithstanding section 6 of this chapter, if a properly tagged
- 3 deer is brought to a meat processing facility and the owner of the deer:
- 4 (1) fails to pick up the processed deer within a reasonable time;
- 5 or
- 6 (2) notifies the meat processing facility that the owner does not
- 7 want the processed deer;
- 8 the deer meat may be given away by the meat processing facility to
- 9 another person. The meat processing facility may charge the person
- 10 receiving the deer meat a reasonable and customary processing fee.
- 11 (d) In addition to being liable for the reimbursement required under
- 12 subsection (a), a person who recklessly, knowingly, or intentionally
- 13 violates subsection (a)(1) or (a)(2) while using or possessing:
- 14 (1) a sound suppressor designed for use with or on a firearm,
- 15 commonly called a silencer; or
- 16 (2) a device used as a silencer;
- 17 commits unlawful hunting while using or possessing a silencer, a Class
- 18 C misdemeanor.
- 19 SECTION 70. IC 16-18-2-112 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 112. "Emergency
- 21 medical technician", for purposes of IC 16-31, means an individual
- 22 who is certified under ~~this article~~ **IC 16-31** to provide basic life support
- 23 at the scene of an accident, illness, or during transport.
- 24 SECTION 71. IC 16-31-3-14, AS AMENDED BY P.L.59-2016,
- 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 UPON PASSAGE]: Sec. 14. (a) A person holding a certificate or
- 27 license issued under this article must comply with the applicable
- 28 standards and rules established under this article. A certificate holder
- 29 or license holder is subject to disciplinary sanctions under subsection
- 30 (b) if the department of homeland security determines that the
- 31 certificate holder or license holder:
- 32 (1) engaged in or knowingly cooperated in fraud or material
- 33 deception in order to obtain a certificate or license, including
- 34 cheating on a certification or licensure examination;
- 35 (2) engaged in fraud or material deception in the course of
- 36 professional services or activities;
- 37 (3) advertised services or goods in a false or misleading manner;
- 38 (4) falsified or knowingly allowed another person to falsify
- 39 attendance records or certificates of completion of continuing
- 40 education courses required under this article or rules adopted
- 41 under this article;
- 42 (5) is convicted of a crime, if the act that resulted in the



- 1 conviction has a direct bearing on determining if the certificate
 2 holder or license holder should be entrusted to provide emergency
 3 medical services;
- 4 (6) is convicted of violating IC 9-19-14.5;
- 5 (7) fails to comply and maintain compliance with or violates any
 6 applicable provision, standard, or other requirement of this article
 7 or rules adopted under this article;
- 8 (8) continues to practice if the certificate holder or license holder
 9 becomes unfit to practice due to:
- 10 (A) professional incompetence that includes the undertaking
 11 of professional activities that the certificate holder or license
 12 holder is not qualified by training or experience to undertake;
- 13 (B) failure to keep abreast of current professional theory or
 14 practice;
- 15 (C) physical or mental disability; or
- 16 (D) addiction to, abuse of, or dependency on alcohol or other
 17 drugs that endanger the public by impairing the certificate
 18 holder's or license holder's ability to practice safely;
- 19 (9) engages in a course of lewd or immoral conduct in connection
 20 with the delivery of services to the public;
- 21 (10) allows the certificate holder's or license holder's name or a
 22 certificate or license issued under this article to be used in
 23 connection with a person who renders services beyond the scope
 24 of that person's training, experience, or competence;
- 25 (11) is subjected to disciplinary action in another state or
 26 jurisdiction on grounds similar to those contained in this chapter.
 27 For purposes of this subdivision, a certified copy of a record of
 28 disciplinary action constitutes prima facie evidence of a
 29 disciplinary action in another jurisdiction;
- 30 (12) assists another person in committing an act that would
 31 constitute a ground for disciplinary sanction under this chapter;
 32 or
- 33 (13) allows a certificate or license issued by the commission to
 34 be:
- 35 (A) used by another person; or
- 36 (B) displayed to the public when the certificate or license is
 37 expired, inactive, invalid, revoked, or suspended.
- 38 (b) The department of homeland security may issue an order under
 39 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 40 the department of homeland security determines that a certificate
 41 holder or license holder is subject to disciplinary sanctions under
 42 subsection (a):



- 1 (1) Revocation of a certificate holder's certificate or license
 2 holder's license for a period not to exceed seven (7) years.
 3 (2) Suspension of a certificate holder's certificate or license
 4 holder's license for a period not to exceed seven (7) years.
 5 (3) Censure of a certificate holder or license holder.
 6 (4) Issuance of a letter of reprimand.
 7 (5) Assessment of a civil penalty against the certificate holder or
 8 license holder in accordance with the following:
 9 (A) The civil penalty may not exceed five hundred dollars
 10 (\$500) per day per violation.
 11 (B) If the certificate holder or license holder fails to pay the
 12 civil penalty within the time specified by the department of
 13 homeland security, the department of homeland security may
 14 suspend the certificate holder's certificate or license holder's
 15 license without additional proceedings.
 16 (6) Placement of a certificate holder or license holder on
 17 probation status and requirement of the certificate holder or
 18 license holder to:
 19 (A) report regularly to the department of homeland security
 20 upon the matters that are the basis of probation;
 21 (B) limit practice to those areas prescribed by the department
 22 of homeland security;
 23 (C) continue or renew professional education approved by the
 24 department of homeland security until a satisfactory degree of
 25 skill has been attained in those areas that are the basis of the
 26 probation; or
 27 (D) perform or refrain from performing any acts, including
 28 community restitution or service without compensation, that
 29 the department of homeland security considers appropriate to
 30 the public interest or to the rehabilitation or treatment of the
 31 certificate holder or license holder.
 32 The department of homeland security may withdraw or modify
 33 this probation if the department of homeland security finds after
 34 a hearing that the deficiency that required disciplinary action is
 35 remedied or that changed circumstances warrant a modification
 36 of the order.
 37 (c) If an applicant or a certificate holder or license holder has
 38 engaged in or knowingly cooperated in fraud or material deception to
 39 obtain a certificate or license, including cheating on the certification or
 40 licensure examination, the department of homeland security may
 41 rescind the certificate or license if it has been granted, void the
 42 examination or other fraudulent or deceptive material, and prohibit the



1 applicant from reapplying for the certificate or license for a length of
2 time established by the department of homeland security.

3 (d) The department of homeland security may deny certification or
4 licensure to an applicant who would be subject to disciplinary sanctions
5 under subsection (b) if that person were a certificate holder or license
6 holder, has had disciplinary action taken against the applicant or the
7 applicant's certificate or license to practice in another state or
8 jurisdiction, or has practiced without a certificate or license in violation
9 of the law. A certified copy of the record of disciplinary action is
10 conclusive evidence of the other jurisdiction's disciplinary action.

11 (e) The department of homeland security may order a certificate
12 holder or license holder to submit to a reasonable physical or mental
13 examination if the certificate holder's or license holder's physical or
14 mental capacity to practice safely and competently is at issue in a
15 disciplinary proceeding. Failure to comply with a department of
16 homeland security order to submit to a physical or mental examination
17 makes a certificate holder or license holder liable to temporary
18 suspension under subsection (i).

19 (f) Except as provided under subsection (a), subsection (g), and
20 section 14.5 of this chapter, a certificate or license may not be denied,
21 revoked, or suspended because the applicant, certificate holder, or
22 license holder has been convicted of an offense. The acts from which
23 the applicant's, certificate holder's, or license holder's conviction
24 resulted may be considered as to whether the applicant or certificate
25 holder or license holder should be entrusted to serve the public in a
26 specific capacity.

27 (g) The department of homeland security may deny, suspend, or
28 revoke a certificate or license issued under this article if the individual
29 who holds or is applying for the certificate or license is convicted of
30 any of the following:

- 31 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 32 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 33 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 34 (4) Fraudulently obtaining a controlled substance under
35 IC 35-48-4-7(c).
- 36 (5) Manufacture of paraphernalia as a Class D felony (for a crime
37 committed before July 1, 2014) or Level 6 felony (for a crime
38 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 39 (6) Dealing in paraphernalia as a Class D felony (for a crime
40 committed before July 1, 2014) or Level 6 felony (for a crime
41 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 42 (7) Possession of paraphernalia as a Class D felony (for a crime



- 1 committed before July 1, 2014) or Level 6 felony (for a crime
 2 committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before**
 3 **its amendment on July 1, 2015).**
- 4 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 5 D felony (for a crime committed before July 1, 2014) or Level 6
 6 felony (for a crime committed after June 30, 2014) under
 7 IC 35-48-4-11.
- 8 (9) Possession of a synthetic drug or synthetic drug lookalike
 9 substance as a Class D felony (for a crime committed before July
 10 1, 2014) or Level 6 felony (for a crime committed after June 30,
 11 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its
 12 amendment in 2013).
- 13 (10) Maintaining a common nuisance under IC 35-48-4-13
 14 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 15 controlled substance.
- 16 (11) An offense relating to registration, labeling, and prescription
 17 forms under IC 35-48-4-14.
- 18 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 19 in this section.
- 20 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 21 this section.
- 22 (14) An offense in any other jurisdiction in which the elements of
 23 the offense for which the conviction was entered are substantially
 24 similar to the elements of an offense described in this section.
- 25 (h) A decision of the department of homeland security under
 26 subsections (b) through (g) may be appealed to the commission under
 27 IC 4-21.5-3-7.
- 28 (i) The department of homeland security may temporarily suspend
 29 a certificate holder's certificate or license holder's license under
 30 IC 4-21.5-4 before a final adjudication or during the appeals process if
 31 the department of homeland security finds that a certificate holder or
 32 license holder would represent a clear and immediate danger to the
 33 public's health, safety, or property if the certificate holder or license
 34 holder were allowed to continue to practice.
- 35 (j) On receipt of a complaint or information alleging that a person
 36 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
 37 or is engaging in a practice that is subject to disciplinary sanctions
 38 under this chapter, the department of homeland security must initiate
 39 an investigation against the person.
- 40 (k) The department of homeland security shall conduct a factfinding
 41 investigation as the department of homeland security considers proper
 42 in relation to the complaint.



1 (l) The department of homeland security may reinstate a certificate
 2 or license that has been suspended under this section if the department
 3 of homeland security is satisfied that the applicant is able to practice
 4 with reasonable skill, competency, and safety to the public. As a
 5 condition of reinstatement, the department of homeland security may
 6 impose disciplinary or corrective measures authorized under this
 7 chapter.

8 (m) The department of homeland security may not reinstate a
 9 certificate or license that has been revoked under this chapter.

10 (n) The department of homeland security must be consistent in the
 11 application of sanctions authorized in this chapter. Significant
 12 departures from prior decisions involving similar conduct must be
 13 explained in the department of homeland security's findings or orders.

14 (o) A certificate holder may not surrender the certificate holder's
 15 certificate, and a license holder may not surrender the license holder's
 16 license, without the written approval of the department of homeland
 17 security, and the department of homeland security may impose any
 18 conditions appropriate to the surrender or reinstatement of a
 19 surrendered certificate or license.

20 (p) For purposes of this section, "certificate holder" means a person
 21 who holds:

- 22 (1) an unlimited certificate;
- 23 (2) a limited or probationary certificate; or
- 24 (3) an inactive certificate.

25 (q) For purposes of this section, "license holder" means a person
 26 who holds:

- 27 (1) an unlimited license;
- 28 (2) a limited or probationary license; or
- 29 (3) an inactive license.

30 SECTION 72. IC 16-31-3-25, AS ADDED BY P.L.64-2013,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 25. (a) An individual who meets the following
 33 qualifications may operate as a tactical emergency medicine provider:

- 34 (1) Is an emergency medical technician, an advanced emergency
 35 medical technician, or a paramedic.
- 36 (2) Is employed by:
 - 37 (A) a law enforcement agency; or
 - 38 (B) an emergency medical services agency established by
 39 IC 16-31-5-1 that has an agreement with a law enforcement
 40 agency;
- 41 to provide retrieval and field medical treatment to victims of
 42 violent confrontations.



1 (3) Has successfully completed an accredited educational training
 2 program in tactical emergency medicine that meets the core
 3 curriculum requirements approved by the commission. However,
 4 the commission may approve a program provided by:

5 (A) a military, naval, or air service of the armed forces of the
 6 United States;

7 (B) a program accredited by a federal or state governmental
 8 agency; or

9 (C) a program provided by the National Association of
 10 Emergency Medical Technicians that is accredited by the
 11 Continuing Education Coordinating Board for Emergency
 12 Medical Services;

13 that substantially meets the core curriculum requirements
 14 approved by the commission.

15 (b) An individual who meets the requirements set forth in
 16 subsection (a) may practice emergency medicine according to the
 17 individual's scope of training and as approved by the medical director
 18 of the law enforcement agency or an emergency medical services
 19 agency supervising the individual.

20 (c) A law enforcement agency or an emergency medical services
 21 agency established by IC 16-31-5-1 that has an agreement with a law
 22 enforcement agency to operate under this section must be certified as
 23 a provider organization by the commission.

24 (d) The commission shall adopt rules under IC 4-22-2 to implement
 25 this section.

26 (e) ~~Before August 31, 2013, the commission shall adopt emergency~~
 27 ~~rules in the manner provided under IC 4-22-2-37.1 to implement this~~
 28 ~~section. The emergency rules must incorporate the following:~~

29 (1) ~~Criteria for basic and advanced life support personnel to~~
 30 ~~function as tactical medical support for law enforcement agencies~~
 31 ~~as adopted by the commission under IC 4-22-7-7 in nonrule~~
 32 ~~policy statement EMS-02-2002 adopted on March 15, 2002.~~

33 (2) ~~Tactical emergency medical support core curriculum~~
 34 ~~requirements approved by the commission on September 13,~~
 35 ~~2007.~~

36 ~~This subsection expires on the earlier of the date a permanent rule to~~
 37 ~~implement this section is adopted under IC 4-22-2 or June 30, 2014.~~

38 SECTION 73. IC 16-34-3-2, AS AMENDED BY P.L.213-2016,
 39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 2. (a) A pregnant woman who has an abortion
 41 under this article has the right to determine the final disposition of the
 42 aborted fetus.



1 (b) After receiving the notification and information required by
 2 ~~IC 16-34-2-1.1(2)(H)~~ **IC 16-34-2-1.1(a)(2)(H)** and
 3 ~~IC 16-34-2-1.1(2)(I)~~, **IC 16-34-2-1.1(a)(2)(I)**, the pregnant woman
 4 shall inform the abortion clinic or the health care facility:

5 (1) in writing; and

6 (2) on a form prescribed by the state department;
 7 of the pregnant woman's decision for final disposition of the aborted
 8 fetus before the aborted fetus may be discharged from the abortion
 9 clinic or the health care facility.

10 (c) If the pregnant woman is a minor, the abortion clinic or health
 11 care facility shall obtain parental consent in the disposition of the
 12 aborted fetus unless the minor has received a waiver of parental
 13 consent under IC 16-34-2-4.

14 (d) The abortion clinic or the health care facility shall document the
 15 pregnant woman's decision concerning disposition of the aborted fetus
 16 in the pregnant woman's medical record.

17 SECTION 74. IC 20-20-8-8, AS AMENDED BY P.L.127-2016,
 18 SECTION 4, AND AS AMENDED BY P.L.179-2016, SECTION 1, IS
 19 CORRECTED AND AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include
 21 the following information:

22 (1) Student enrollment.

23 (2) Graduation rate (as defined in IC 20-26-13-6) and the
 24 graduation rate excluding students that receive a graduation
 25 waiver under IC 20-32-4-4.

26 (3) Attendance rate.

27 (4) The following test scores, including the number and
 28 percentage of students meeting academic standards:

29 (A) All state standardized assessment scores.

30 (B) Scores for assessments under IC 20-32-5-21, if
 31 appropriate.

32 (C) For a freeway school, scores on a locally adopted
 33 assessment program, if appropriate.

34 (5) Average class size.

35 (6) The school's performance category or designation of school
 36 improvement assigned under IC 20-31-8.

37 (7) The number and percentage of students in the following
 38 groups or programs:

39 (A) Alternative education, if offered.

40 (B) Career and technical education.

41 (C) Special education.

42 (D) High ability.



- 1 ~~(E)~~ *Remediation.*
 2 ~~(F)~~ (E) Limited English language proficiency.
 3 ~~(G)~~ (F) Students receiving free or reduced price lunch under
 4 the national school lunch program.
 5 ~~(H)~~ *School flex program, if offered.*
 6 (8) Advanced placement, including the following:
 7 (A) For advanced placement tests, the percentage of students:
 8 (i) scoring three (3), four (4), and five (5); and
 9 (ii) taking the test.
 10 (B) For the Scholastic Aptitude Test:
 11 (i) *the average* test scores for all students taking the test;
 12 (ii) *the average* test scores for students completing the
 13 academic honors diploma program; and
 14 (iii) the percentage of students taking the test.
 15 (9) Course completion, including the number and percentage of
 16 students completing the following programs:
 17 (A) Academic honors diploma.
 18 (B) Core 40 curriculum.
 19 (C) Career and technical programs.
 20 ~~(10) The percentage of grade 8 students enrolled in algebra I.~~
 21 ~~(H)~~ (10) The percentage of graduates considered college and
 22 career ready in a manner prescribed by the state board.
 23 ~~(I)~~ (11) School safety, including:
 24 (A) the number of students receiving suspension or expulsion
 25 for the possession of alcohol, drugs, or weapons;
 26 (B) the number of incidents reported under IC 20-33-9; and
 27 (C) the number of bullying incidents reported under
 28 IC 20-34-6 by category.
 29 ~~(J)~~ (12) Financial information and various school cost factors
 30 ~~including the following:~~ *required to be provided to the office of*
 31 *management and budget under IC 20-42.5-3-5.*
 32 ~~(A) Expenditures per pupil.~~
 33 ~~(B) Average teacher salary.~~
 34 ~~(C) Remediation funding.~~
 35 ~~(14) Interdistrict and intradistrict student mobility rates, if that~~
 36 ~~information is available.~~
 37 ~~(K)~~ (13) The number and percentage of each of the following
 38 within the school corporation:
 39 (A) Teachers who are certificated employees (as defined in
 40 IC 20-29-2-4).
 41 (B) Teachers who teach the subject area for which the teacher
 42 is certified and holds a license.



- 1 (C) Teachers with national board certification.
 2 ~~(16)~~ (14) The percentage of grade 3 students reading at grade 3
 3 level.
 4 ~~(17)~~ (15) The number of students expelled, *including the number*
 5 *participating in other recognized education programs during*
 6 *their expulsion*, including the percentage of students expelled by
 7 race, grade, gender, free or reduced price lunch status, and
 8 eligibility for special education.
 9 ~~(18)~~ (16) Chronic absenteeism, which includes the number of
 10 students who have been absent from school for ten percent (10%)
 11 or more of a school year for any reason.
 12 ~~(19)~~ (17) Habitual truancy, which includes the number of students
 13 who have been absent ten (10) days or more from school within
 14 a school year without being excused or without being absent
 15 under a parental request that has been filed with the school.
 16 ~~(20)~~ (18) The number of students who have dropped out of
 17 school, including the reasons for dropping out, including the
 18 percentage of students who have dropped out by race, grade,
 19 gender, free or reduced price lunch status, and eligibility for
 20 special education.
 21 ~~(21)~~ (19) The number of out of school suspensions assigned,
 22 including the percentage of students suspended by race, grade,
 23 gender, free or reduced price lunch status, and eligibility for
 24 special education.
 25 ~~(22)~~ (20) The number of in school suspensions assigned,
 26 including the percentage of students suspended by race, grade,
 27 gender, free or reduced price lunch status, and eligibility for
 28 special education.
 29 ~~(23)~~ (21) The number of student work permits revoked.
 30 ~~(24)~~ (22) The number of students receiving an international
 31 baccalaureate diploma.
 32 (b) *Section 3(a) of this chapter does not apply to the publication of*
 33 *information required under this subsection. This subsection applies to*
 34 *schools, including charter schools, located in a county having a*
 35 *consolidated city, including schools located in excluded cities (as*
 36 *defined in IC 36-3-1-7). A separate report including the information*
 37 *reported under subsection (a) must be disaggregated by race, grade,*
 38 *gender, free or reduced price lunch status, and eligibility for special*
 39 *education and must be made available on the Internet as provided in*
 40 *section 3(b) of this chapter.*
 41 SECTION 75. IC 20-20-42-1, AS ADDED BY P.L.136-2016,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 1. As used in this chapter, "board" refers to
 2 the out of school time learning advisory board established by section
 3 64 of this chapter.

4 SECTION 76. IC 20-20-42-4, AS ADDED BY P.L.136-2016,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 4. (a) The out of school time learning advisory
 7 board is established to recommend to the department and the general
 8 assembly procedures, policies, funding levels, and eligibility criteria for
 9 out of school time programs.

10 (b) The board is composed of at least the following members:

11 (1) The state superintendent or the state superintendent's
 12 designee, who serves as chairperson of the board.

13 (2) The secretary of the family and social services administration
 14 or the secretary's designee.

15 (3) The commissioner of the department of workforce
 16 development or the commissioner's designee.

17 (4) The commissioner of the commission for higher education or
 18 the commissioner's designee.

19 (5) A direct services provider appointed by the secretary of the
 20 family and social services administration.

21 (6) The following individuals appointed by the state
 22 superintendent:

23 (A) A direct services provider.

24 (B) A superintendent who is nominated by a statewide
 25 association of public school superintendents.

26 (C) A principal who is nominated by a statewide association
 27 of school principals.

28 (D) A governing body member who is nominated by a
 29 statewide association of school boards.

30 (E) A teacher who is nominated by the largest statewide
 31 teachers' association.

32 (F) A teacher who is nominated by the second largest
 33 statewide teachers' association.

34 (G) A member of a statewide afterschool program network
 35 who is nominated by the network.

36 (H) A member of a statewide parents' organization who is
 37 nominated by the organization.

38 Additional members may be appointed by the state superintendent or
 39 the secretary of the family and social services administration. In
 40 addition, the board may consult with other individuals who are not
 41 members of the board.

42 (c) The board shall meet at least two (2) times each year. The



- 1 chairperson may call additional meetings.
- 2 (d) The department shall provide staff for the board.
- 3 (e) In making recommendations to the department and the general
4 assembly, the board shall consider at least the following:
- 5 (1) Existing data and research concerning best practices for out of
6 school **time** programs.
- 7 (2) Current and proposed future access to, quality of, and
8 affordability of out of school **time** programs.
- 9 (3) Collaboration between agencies and coordination of existing
10 resources.
- 11 (4) The need for out of school **time** programs to address college
12 and career readiness and academic standards.
- 13 (5) Existing statutory and regulatory provisions and the possibility
14 of recommending amendments to statutes and rules.
- 15 (f) The board shall make an initial report to the general assembly
16 and the legislative council not later than November 1, 2016. The report
17 must be in an electronic format under IC 5-14-6.
- 18 (g) This section expires June 30, 2019.
- 19 SECTION 77. IC 20-24-7-2, AS AMENDED BY P.L.119-2016,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 2. The department shall distribute state tuition
22 support distributions, and in the case of an adult high school (as
23 defined in IC 20-24-1-2.3), funding provided in the state biennial
24 budget for adult high schools, to the organizer. The department shall
25 make a distribution under this ~~subsection~~ **section** at the same time and
26 in the same manner as the department makes a distribution of state
27 tuition support under IC 20-43-2 to other school corporations.
- 28 SECTION 78. IC 20-26-5-11, AS AMENDED BY P.L.65-2016,
29 SECTION 10, AND AS AMENDED BY P.L.106-2016, SECTION 5,
30 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies to:
- 32 (1) a school corporation;
33 (2) a charter school; and
34 (3) an entity:
- 35 (A) with which the school corporation contracts for services;
36 and
37 (B) that has employees who are likely to have direct, ongoing
38 contact with children within the scope of the employees'
39 employment.
- 40 (b) A school corporation, charter school, or entity may use
41 information obtained under section 10 of this chapter concerning an
42 individual's conviction for one (1) of the following offenses as grounds



- 1 to not employ or contract with the individual:
- 2 (1) Murder (IC 35-42-1-1).
- 3 (2) Causing suicide (IC 35-42-1-2).
- 4 (3) Assisting suicide (IC 35-42-1-2.5).
- 5 (4) Voluntary manslaughter (IC 35-42-1-3).
- 6 (5) Reckless homicide (IC 35-42-1-5).
- 7 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from
- 8 the date the individual was discharged from probation,
- 9 imprisonment, or parole, whichever is later.
- 10 (7) Aggravated battery (IC 35-42-2-1.5).
- 11 (8) Kidnapping (IC 35-42-3-2).
- 12 (9) Criminal confinement (IC 35-42-3-3).
- 13 (10) A sex offense under IC 35-42-4.
- 14 (11) Carjacking (IC 35-42-5-2) (repealed).
- 15 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed
- 16 from the date the individual was discharged from probation,
- 17 imprisonment, or parole, whichever is later.
- 18 (13) Incest (IC 35-46-1-3).
- 19 (14) Neglect of a dependent as a Class B felony (for a crime
- 20 committed before July 1, 2014) or a Level 1 felony or Level 3
- 21 felony (for a crime committed after June 30, 2014)
- 22 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the
- 23 date the individual was discharged from probation, imprisonment,
- 24 or parole, whichever is later.
- 25 (15) Child selling (IC 35-46-1-4(d)).
- 26 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),
- 27 unless ten (10) years have elapsed from the date the individual
- 28 was discharged from probation, imprisonment, or parole,
- 29 whichever is later.
- 30 (17) An offense involving a weapon under IC 35-47 or
- 31 IC 35-47.5, unless ten (10) years have elapsed from the date the
- 32 individual was discharged from probation, imprisonment, or
- 33 parole, whichever is later.
- 34 (18) An offense relating to controlled substances under
- 35 IC 35-48-4, unless ten (10) years have elapsed from the date the
- 36 individual was discharged from probation, imprisonment, or
- 37 parole, whichever is later.
- 38 (19) An offense relating to material or a performance that is
- 39 harmful to minors or obscene under IC 35-49-3, unless ten (10)
- 40 years have elapsed from the date the individual was discharged
- 41 from probation, imprisonment, or parole, whichever is later.
- 42 (20) An offense relating to operating a motor vehicle while



1 intoxicated under IC 9-30-5, unless five (5) years have elapsed
 2 from the date the individual was discharged from probation,
 3 imprisonment, or parole, whichever is later.

4 *(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years*
 5 *have elapsed from the date the individual was discharged from*
 6 *probation, imprisonment, or parole, whichever is latest.*

7 ~~(21)~~ (22) An offense that is substantially equivalent to any of the
 8 offenses listed in this subsection in which the judgment of
 9 conviction was entered under the law of any other jurisdiction.

10 (c) An individual employed by a school corporation, charter school,
 11 or an entity described in subsection (a) shall notify the governing body
 12 of the school corporation, if during the course of the individual's
 13 employment, the individual is convicted in Indiana or another
 14 jurisdiction of an offense described in subsection (b).

15 *(d) A school corporation, charter school, or entity may use*
 16 *information obtained under section 10 of this chapter concerning an*
 17 *individual being the subject of a substantiated report of child abuse or*
 18 *neglect as grounds to not employ or contract with the individual.*

19 *(e) An individual employed by a school corporation, charter school,*
 20 *or entity described in subsection (a) shall notify the governing body of*
 21 *the school corporation, if during the course of the individual's*
 22 *employment, the individual is the subject of a substantiated report of*
 23 *child abuse or neglect.*

24 SECTION 79. IC 20-28-5-3, AS AMENDED BY P.L.106-2016,
 25 SECTION 7, AND AS AMENDED BY P.L.121-2016, SECTION 28,
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department shall
 28 designate the grade point average required for each type of license.

29 (b) The department shall determine details of licensing not provided
 30 in this chapter, including requirements regarding the following:

- 31 (1) The conversion of one (1) type of license into another.
- 32 (2) The accreditation of teacher education schools and
 33 departments.
- 34 (3) The exchange and renewal of licenses.
- 35 (4) The endorsement of another state's license.
- 36 (5) The acceptance of credentials from teacher education
 37 institutions of another state.
- 38 (6) The academic and professional preparation for each type of
 39 license.
- 40 (7) The granting of permission to teach a high school subject area
 41 related to the subject area for which the teacher holds a license.
- 42 (8) The issuance of licenses on credentials.



1 (9) The type of license required for each school position.

2 (10) The size requirements for an elementary school requiring a
3 licensed principal.

4 (11) Any other related matters.

5 The department shall establish at least one (1) system for renewing a
6 teaching license that does not require a graduate degree.

7 (c) This subsection does not apply to an applicant for a substitute
8 teacher license *or to an individual granted a license under section 18*
9 *of this chapter*. After June 30, 2011, the department may not issue an
10 initial practitioner license at any grade level to an applicant for an
11 initial practitioner license unless the applicant shows evidence that the
12 applicant:

13 (1) has successfully completed training approved by the
14 department in:

15 (A) cardiopulmonary resuscitation that includes a test
16 demonstration on a mannequin;

17 (B) removing a foreign body causing an obstruction in an
18 airway;

19 (C) the Heimlich maneuver; and

20 (D) the use of an automated external defibrillator;

21 (2) holds a valid certification in each of the procedures described
22 in subdivision (1) issued by:

23 (A) the American Red Cross;

24 (B) the American Heart Association; or

25 (C) a comparable organization or institution approved by the
26 *advisory state* board; or

27 (3) has physical limitations that make it impracticable for the
28 applicant to complete a course or certification described in
29 subdivision (1) or (2).

30 The training in this subsection applies to a teacher (as defined in
31 IC 20-18-2-22(b)).

32 (d) This subsection does not apply to an applicant for a substitute
33 teacher license *or to an individual granted a license under section 18*
34 *of this chapter*. After June 30, 2013, the department may not issue an
35 initial teaching license at any grade level to an applicant for an initial
36 teaching license unless the applicant shows evidence that the applicant
37 has successfully completed education and training on the prevention of
38 child suicide and the recognition of signs that a student may be
39 considering suicide.

40 (e) This subsection does not apply to an applicant for a substitute
41 teacher license. After June 30, 2012, the department may not issue a
42 teaching license renewal at any grade level to an applicant unless the



- 1 applicant shows evidence that the applicant:
 2 (1) has successfully completed training approved by the
 3 department in:
 4 (A) cardiopulmonary resuscitation that includes a test
 5 demonstration on a mannequin;
 6 (B) removing a foreign body causing an obstruction in an
 7 airway;
 8 (C) the Heimlich maneuver; and
 9 (D) the use of an automated external defibrillator;
 10 (2) holds a valid certification in each of the procedures described
 11 in subdivision (1) issued by:
 12 (A) the American Red Cross;
 13 (B) the American Heart Association; or
 14 (C) a comparable organization or institution approved by the
 15 *advisory state* board; or
 16 (3) has physical limitations that make it impracticable for the
 17 applicant to complete a course or certification described in
 18 subdivision (1) or (2).
 19 (f) The department shall periodically publish bulletins regarding:
 20 (1) the details described in subsection (b);
 21 (2) information on the types of licenses issued;
 22 (3) the rules governing the issuance of each type of license; and
 23 (4) other similar matters.
- 24 SECTION 80. IC 20-30-5-20, AS AMENDED BY P.L.222-2015,
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 20. (a) As used in this section, "psychomotor
 27 skills" means skills using hands on practice to support cognitive
 28 learning.
 29 (b) Except as provided in subsection (e), each school corporation
 30 and accredited nonpublic school shall include in the school
 31 corporation's or accredited nonpublic school's high school health
 32 education curriculum instruction in cardiopulmonary resuscitation and
 33 use of an automated external defibrillator for its students. The
 34 instruction must incorporate the psychomotor skills necessary to
 35 perform cardiopulmonary resuscitation and use an automated external
 36 defibrillator and must include either of the following:
 37 (1) An instructional program developed by the American Heart
 38 Association or the American Red Cross.
 39 (2) An instructional program that is nationally recognized and is
 40 based on the most current national evidence based emergency
 41 cardiovascular care guidelines for cardiopulmonary resuscitation
 42 and the use of an automated external defibrillator.



1 (c) A school corporation or an accredited nonpublic school may
 2 offer the instruction required in subsection (b) or may arrange for the
 3 instruction to be provided by available community based providers.
 4 The instruction is not required to be provided by a teacher. If
 5 instruction is provided by a teacher, the teacher is not required to be a
 6 certified trainer of cardiopulmonary resuscitation.

7 (d) This section shall not be construed to require a student to
 8 become certified in cardiopulmonary resuscitation and the use of an
 9 automated external defibrillator. However, if a school corporation or
 10 accredited nonpublic school chooses to offer a course that results in
 11 certification being earned, the course must be taught by an instructor
 12 authorized to provide the instruction by the American Heart
 13 Association, the American Red Cross, or a similar nationally
 14 recognized association.

15 (e) A school administrator may waive the requirement that a student
 16 receive instruction under subsection (b) if the student has a disability
 17 or is physically unable to perform the psychomotor skill component of
 18 the instruction required under subsection (b).

19 (f) ~~If a school is unable to comply with the psychomotor skill~~
 20 ~~component of the instruction required under subsection (b); the~~
 21 ~~governing body may submit a request to the state superintendent to~~
 22 ~~waive the psychomotor skill component. The state superintendent shall~~
 23 ~~take action on the waiver request within thirty (30) days of receiving~~
 24 ~~the request for a waiver. A waiver request must:~~

25 (1) ~~be in writing;~~

26 (2) ~~include the reason or reasons that necessitated the waiver~~
 27 ~~request;~~

28 (3) ~~indicate the extent to which the school attempted to comply~~
 29 ~~with the requirements under subsection (b); and~~

30 (4) ~~be submitted each year for the school year the school requests~~
 31 ~~the waiver.~~

32 ~~This subsection expires July 1, 2015.~~

33 SECTION 81. IC 20-33-8-34, AS AMENDED BY P.L.233-2015,
 34 SECTION 265, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) Notwithstanding any
 36 other law, a suspension, an expulsion, or another disciplinary action
 37 against a student who is a student with a disability (as defined in
 38 IC 20-35-1-8) is subject to the:

39 (1) procedural requirements of 20 U.S.C. 1415; and

40 (2) rules adopted by the state board.

41 (b) The division of special education shall propose rules ~~under~~
 42 ~~IC 20-35-2-1(b)(5)~~ to the state board for adoption under IC 4-22-2



1 governing suspensions, expulsions, and other disciplinary action for a
2 student who is a student with a disability (as defined in IC 20-35-1-8).

3 SECTION 82. IC 20-40-9-6, AS AMENDED BY P.L.257-2013,
4 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 6. (a) Money in the fund may be used for
6 payment of the following:

7 (1) All debt and other obligations arising out of funds borrowed
8 or advanced for school buildings when purchased from the
9 proceeds of a bond issue for capital construction.

10 (2) A lease to provide capital construction.

11 (3) Interest on emergency and temporary loans.

12 (4) All debt and other obligations arising out of funds borrowed
13 or advanced for the purchase or lease of school buses when
14 purchased or leased from the proceeds of a bond issue, or from
15 money obtained from a loan made under IC 20-27-4-5, for that
16 purpose.

17 (5) All debt and other obligations arising out of funds borrowed
18 to pay judgments against the school corporation.

19 (6) All debt and other obligations arising out of funds borrowed
20 to purchase equipment.

21 (b) ~~A school corporation may before July 1, 2015, transfer excess~~
22 ~~money in the fund to the school corporation's transportation fund, if the~~
23 ~~transfer is approved by the distressed unit appeal board under~~
24 ~~IC 6-1.1-20.3-8.4.~~

25 SECTION 83. IC 20-43-1-30, AS AMENDED BY P.L.234-2007,
26 SECTION 133, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: Sec. 30. "Career and technical
28 education grant" refers to the amount determined under ~~IC 20-43-8-9~~
29 **IC 20-43-8-12** as adjusted under IC 20-43-8-10.

30 SECTION 84. IC 20-43-4-9, AS AMENDED BY P.L.151-2016,
31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 9. (a) Subject to subsections (b) and (c), this
33 subsection applies to the calculation of state tuition support
34 distributions that are based on the current ADM of a school
35 corporation. The fall count of ADM, as adjusted by the state board
36 under section 2 of this chapter, shall be used to compute state tuition
37 support distributions made in the first six (6) months of the current
38 state fiscal year, and the spring count of ADM, as adjusted by the state
39 board under section 2 of this chapter, shall be used to compute state
40 tuition support distributions made in the second six (6) months of the
41 state fiscal year.

42 (b) This subsection applies to a school corporation that does not



1 provide the estimates required by section ~~2(b)(2)~~ **2(b)** of this chapter
 2 before the deadline. For monthly state tuition support distributions
 3 made before the fall count of ADM is finalized, the department shall
 4 determine the distribution amount for such a school corporation for a
 5 state fiscal year of the biennium, using data that were used by the
 6 general assembly in determining the state tuition support appropriation
 7 for the budget act for that state fiscal year. The department may adjust
 8 the data used under this subsection for errors.

9 (c) If the state board adjusts a count of ADM after a distribution is
 10 made under this article, the adjusted count retroactively applies to the
 11 amount of state tuition support distributed to a school corporation
 12 affected by the adjusted count. The department shall settle any
 13 overpayment or underpayment of state tuition support resulting from
 14 an adjusted count of ADM on the schedule determined by the
 15 department and approved by the budget agency.

16 SECTION 85. IC 20-46-1-14, AS AMENDED BY P.L.166-2014,
 17 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the
 19 next primary election, general election, or municipal election in which
 20 all the registered voters who are residents of the appellant school
 21 corporation are entitled to vote after certification of the question under
 22 IC 3-10-9-3. The certification of the question must occur not later than
 23 noon:

- 24 (1) sixty (60) days before a primary election if the question is to
 25 be placed on the primary or municipal primary election ballot; or
 26 (2) August 1 if the question is to be placed on the general or
 27 municipal election ballot.

28 (b) However, if a primary election, general election, or municipal
 29 election will not be held during the first year in which the public
 30 question is eligible to be placed on the ballot under this chapter and if
 31 the appellant school corporation requests the public question to be
 32 placed on the ballot at a special election, the public question shall be
 33 placed on the ballot at a special election to be held on the first Tuesday
 34 after the first Monday in May or November of the year. The
 35 certification must occur not later than noon:

- 36 (1) sixty (60) days before a special election to be held in May (if
 37 the special election is to be held in May); or
 38 (2) on August 1 (if the special election is to be held in
 39 November).

40 ~~(b)~~ (c) If the referendum is not conducted at a primary election,
 41 general election, or municipal election, the appellant school
 42 corporation in which the referendum is to be held shall pay all the costs



1 of holding the referendum.

2 SECTION 86. IC 21-12-3-10, AS AMENDED BY P.L.281-2013,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 10. Out of funds available after commitments
5 have been met under sections 8 and 9 of this chapter, awards shall be
6 issued to persons who have successfully completed at least one (1)
7 academic year but not more than three (3) academic years in approved
8 postsecondary educational institutions if they meet the eligibility
9 requirements of:

10 (1) sections 1, 2, and (if applicable) 9(5) or 9(6) of this chapter;

11 or

12 (2) sections 4 ~~5~~; and (if applicable) 9(5) or 9(6) of this chapter.

13 The awards shall be handled on the same basis as renewals under
14 section 9 of this chapter.

15 SECTION 87. IC 21-12-4-4, AS AMENDED BY P.L.281-2013,
16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 4. ~~(a) This subsection applies before~~
18 ~~September 1, 2014. The amount of a freedom of choice grant may not~~
19 ~~exceed the difference between:~~

20 ~~(1) the amount of the total financial need of the student, as~~
21 ~~determined under the commission's rules; and~~

22 ~~(2) the:~~

23 ~~(A) higher education award made under IC 21-12-3-1,~~
24 ~~IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and~~
25 ~~IC 21-12-3-5; or~~

26 ~~(B) sum necessary to pay educational costs at the institution;~~
27 ~~whichever is smaller.~~

28 ~~(b) This subsection applies after August 31, 2014. The freedom of~~
29 ~~choice grant is the amount published under IC 21-12-1.7 for recipients~~
30 ~~attending an institution described in IC 21-12-4-2. **section 2 of this**~~
31 ~~**chapter.**~~

32 SECTION 88. IC 21-13-10-9, AS ADDED BY P.L.46-2014,
33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 9. The commission shall maintain complete
35 and accurate records in implementing the fund, including records of the
36 following:

37 (1) The receipt, disbursement, and uses of money from the fund.

38 (2) The number of applications for loan repayment assistance.

39 (3) The number and amount of loans for which loan repayment
40 assistance has been provided by the ~~department~~. **commission.**

41 (4) Other pertinent information requested by the commission.

42 SECTION 89. IC 21-18.5-4-5, AS AMENDED BY P.L.281-2013,



1 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 UPON PASSAGE]: Sec. 5. For purposes of administering this chapter,
 3 if the commission receives an offer of a gift, grant, devise, or bequest,
 4 the commission may accept a stipulation on the use of the donated
 5 funds. In this case, ~~before September 1, 2014, IC 21-12-3-11 (higher~~
 6 ~~education award) and IC 21-12-4-4 (freedom of choice grant); or, after~~
 7 ~~August 31, 2014,~~ the requirements under IC 21-12-1.7-3 concerning
 8 higher education awards and freedom of choice grants do not apply.
 9 Before accepting a gift, grant, devise, or bequest, the commission shall
 10 determine that the purposes for which the donor proposes to provide
 11 funds are:

- 12 (1) lawful;
- 13 (2) in the state's best interests; and
- 14 (3) generally consistent with the commission's programs and
 15 purposes.

16 If the commission agrees to a stipulation on the use of donated funds,
 17 the commission and the donor, subject to approval by the budget
 18 agency and the governor or the governor's designee, shall execute an
 19 agreement.

20 SECTION 90. IC 22-15-5-16, AS AMENDED BY P.L.59-2016,
 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the
 23 standards established under this licensing program. A practitioner is
 24 subject to the exercise of the disciplinary sanctions under subsection
 25 (b) if the department finds that a practitioner has:

- 26 (1) engaged in or knowingly cooperated in fraud or material
 27 deception in order to obtain a license to practice, including
 28 cheating on a licensing examination;
- 29 (2) engaged in fraud or material deception in the course of
 30 professional services or activities;
- 31 (3) advertised services or goods in a false or misleading manner;
- 32 (4) falsified or knowingly allowed another person to falsify
 33 attendance records or certificates of completion of continuing
 34 education courses provided under this chapter;
- 35 (5) been convicted of a crime that has a direct bearing on the
 36 practitioner's ability to continue to practice competently;
- 37 (6) knowingly violated a state statute or rule or federal statute or
 38 regulation regulating the profession for which the practitioner is
 39 licensed;
- 40 (7) continued to practice although the practitioner has become
 41 unfit to practice due to:
 42 (A) professional incompetence;



- 1 (B) failure to keep abreast of current professional theory or
 2 practice;
 3 (C) physical or mental disability; or
 4 (D) addiction to, abuse of, or severe dependency on alcohol or
 5 other drugs that endanger the public by impairing a
 6 practitioner's ability to practice safely;
 7 (8) engaged in a course of lewd or immoral conduct in connection
 8 with the delivery of services to the public;
 9 (9) allowed the practitioner's name or a license issued under this
 10 chapter to be used in connection with an individual or business
 11 who renders services beyond the scope of that individual's or
 12 business's training, experience, or competence;
 13 (10) had disciplinary action taken against the practitioner or the
 14 practitioner's license to practice in another state or jurisdiction on
 15 grounds similar to those under this chapter;
 16 (11) assisted another person in committing an act that would
 17 constitute a ground for disciplinary sanction under this chapter;
 18 or
 19 (12) allowed a license issued by the department to be:
 20 (A) used by another person; or
 21 (B) displayed to the public when the license has expired, is
 22 inactive, is invalid, or has been revoked or suspended.
- 23 For purposes of subdivision (10), a certified copy of a record of
 24 disciplinary action constitutes prima facie evidence of a disciplinary
 25 action in another jurisdiction.
- 26 (b) The department may impose one (1) or more of the following
 27 sanctions if the department finds that a practitioner is subject to
 28 disciplinary sanctions under subsection (a):
 29 (1) Permanent revocation of a practitioner's license.
 30 (2) Suspension of a practitioner's license.
 31 (3) Censure of a practitioner.
 32 (4) Issuance of a letter of reprimand.
 33 (5) ~~Assess~~ **Assessment of** a civil penalty against the practitioner
 34 in accordance with the following:
 35 (A) The civil penalty may not be more than one thousand
 36 dollars (\$1,000) for each violation listed in subsection (a),
 37 except for a finding of incompetency due to a physical or
 38 mental disability.
 39 (B) When imposing a civil penalty, the department shall
 40 consider a practitioner's ability to pay the amount assessed. If
 41 the practitioner fails to pay the civil penalty within the time
 42 specified by the department, the department may suspend the



1 practitioner's license without additional proceedings. However,
 2 a suspension may not be imposed if the sole basis for the
 3 suspension is the practitioner's inability to pay a civil penalty.
 4 **(6) Place Placement of** a practitioner on probation status and
 5 **require requirement of** the practitioner to:

6 (A) report regularly to the department upon the matters that
 7 are the basis of probation;

8 (B) limit practice to those areas prescribed by the department;

9 (C) continue or renew professional education approved by the
 10 department until a satisfactory degree of skill has been attained
 11 in those areas that are the basis of the probation; or

12 (D) perform or refrain from performing any acts, including
 13 community restitution or service without compensation, that
 14 the department considers appropriate to the public interest or
 15 to the rehabilitation or treatment of the practitioner.

16 The department may withdraw or modify this probation if the
 17 department finds after a hearing that the deficiency that required
 18 disciplinary action has been remedied or that changed
 19 circumstances warrant a modification of the order.

20 (c) If an applicant or a practitioner has engaged in or knowingly
 21 cooperated in fraud or material deception to obtain a license to
 22 practice, including cheating on the licensing examination, the
 23 department may rescind the license if it has been granted, void the
 24 examination or other fraudulent or deceptive material, and prohibit the
 25 applicant from reapplying for the license for a length of time
 26 established by the department.

27 (d) The department may deny licensure to an applicant who has had
 28 disciplinary action taken against the applicant or the applicant's license
 29 to practice in another state or jurisdiction or who has practiced without
 30 a license in violation of the law. A certified copy of the record of
 31 disciplinary action is conclusive evidence of the other jurisdiction's
 32 disciplinary action.

33 (e) The department may order a practitioner to submit to a
 34 reasonable physical or mental examination if the practitioner's physical
 35 or mental capacity to practice safely and competently is at issue in a
 36 disciplinary proceeding. Failure to comply with a department order to
 37 submit to a physical or mental examination makes a practitioner liable
 38 to temporary suspension under subsection (j).

39 (f) Except as provided under subsection (g) or (h), a license may not
 40 be denied, revoked, or suspended because the applicant or holder has
 41 been convicted of an offense. The acts from which the applicant's or
 42 holder's conviction resulted may, however, be considered as to whether



1 the applicant or holder should be entrusted to serve the public in a
2 specific capacity.

3 (g) The department may deny, suspend, or revoke a license issued
4 under this chapter if the individual who holds the license is convicted
5 of any of the following:

6 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

7 (2) Possession of methamphetamine under IC 35-48-4-6.1.

8 (3) Possession of a controlled substance under IC 35-48-4-7(a).

9 (4) Fraudulently obtaining a controlled substance under
10 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
11 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

12 (5) Manufacture of paraphernalia as a Class D felony (for a crime
13 committed before July 1, 2014) or a Level 6 felony (for a crime
14 committed after June 30, 2014) under IC 35-48-4-8.1(b).

15 (6) Dealing in paraphernalia as a Class D felony (for a crime
16 committed before July 1, 2014) or a Level 6 felony (for a crime
17 committed after June 30, 2014) under IC 35-48-4-8.5(b).

18 (7) Possession of paraphernalia as a Class D felony (for a crime
19 committed before July 1, 2014) or a Level 6 felony (for a crime
20 committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before
21 its amendment on July 1, 2015).**

22 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
23 D felony (for a crime committed before July 1, 2014) or a Level
24 6 felony (for a crime committed after June 30, 2014) under
25 IC 35-48-4-11.

26 (9) Possession of a synthetic drug or synthetic drug lookalike
27 substance as a:

28 (A) Class D felony for a crime committed before July 1, 2014,
29 under:

30 (i) IC 35-48-4-11, before its amendment in 2013; or

31 (ii) IC 35-48-4-11.5; or

32 (B) Level 6 felony for a crime committed after June 30, 2014,
33 under IC 35-48-4-11.5.

34 (10) Maintaining a common nuisance under IC 35-48-4-13
35 (repealed) or IC 35-45-1-5, if the common nuisance involves a
36 controlled substance.

37 (11) An offense relating to registration, labeling, and prescription
38 forms under IC 35-48-4-14.

39 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
40 in this subsection.

41 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
42 this subsection.



- 1 (14) An offense in any other jurisdiction in which the elements of
2 the offense for which the conviction was entered are substantially
3 similar to the elements of an offense described in this subsection.
- 4 (h) The department shall deny, revoke, or suspend a license issued
5 under this chapter if the individual who holds the license is convicted
6 of any of the following:
- 7 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 - 8 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 - 9 (3) Dealing in a schedule I, II, or III controlled substance under
10 IC 35-48-4-2.
 - 11 (4) Dealing in a schedule IV controlled substance under
12 IC 35-48-4-3.
 - 13 (5) Dealing in a schedule V controlled substance under
14 IC 35-48-4-4.
 - 15 (6) Dealing in a substance represented to be a controlled
16 substance under IC 35-48-4-4.5.
 - 17 (7) Knowingly or intentionally manufacturing, advertising,
18 distributing, or possessing with intent to manufacture, advertise,
19 or distribute a substance represented to be a controlled substance
20 under IC 35-48-4-4.6.
 - 21 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 - 22 (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony
23 under IC 35-48-4-10.
 - 24 (10) Dealing in a synthetic drug or synthetic drug lookalike
25 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
26 before its amendment in 2013).
 - 27 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
28 in this subsection.
 - 29 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
30 this subsection.
 - 31 (13) An offense in any other jurisdiction in which the elements of
32 the offense for which the conviction was entered are substantially
33 similar to the elements of an offense described in this subsection.
 - 34 (14) A violation of any federal or state drug law or rule related to
35 wholesale legend drug distributors licensed under IC 25-26-14.
- 36 (i) A decision of the department under subsections (b) through (h)
37 may be appealed to the commission under IC 4-21.5-3-7.
- 38 (j) The department may temporarily suspend a practitioner's license
39 under IC 4-21.5-4 before a final adjudication or during the appeals
40 process if the department finds that a practitioner represents a clear and
41 immediate danger to the public's health, safety, or property if the
42 practitioner is allowed to continue to practice.



1 (k) On receipt of a complaint or an information alleging that a
2 person licensed under this chapter has engaged in or is engaging in a
3 practice that jeopardizes the public health, safety, or welfare, the
4 department shall initiate an investigation against the person.

5 (l) Any complaint filed with the office of the attorney general
6 alleging a violation of this licensing program shall be referred to the
7 department for summary review and for its general information and any
8 authorized action at the time of the filing.

9 (m) The department shall conduct a fact finding investigation as the
10 department considers proper in relation to the complaint.

11 (n) The department may reinstate a license that has been suspended
12 under this section if, after a hearing, the department is satisfied that the
13 applicant is able to practice with reasonable skill, safety, and
14 competency to the public. As a condition of reinstatement, the
15 department may impose disciplinary or corrective measures authorized
16 under this chapter.

17 (o) The department may not reinstate a license that has been
18 revoked under this chapter. An individual whose license has been
19 revoked under this chapter may not apply for a new license until seven
20 (7) years after the date of revocation.

21 (p) The department shall seek to achieve consistency in the
22 application of sanctions authorized in this chapter. Significant
23 departures from prior decisions involving similar conduct must be
24 explained in the department's findings or orders.

25 (q) A practitioner may petition the department to accept the
26 surrender of the practitioner's license instead of having a hearing before
27 the commission. The practitioner may not surrender the practitioner's
28 license without the written approval of the department, and the
29 department may impose any conditions appropriate to the surrender or
30 reinstatement of a surrendered license.

31 (r) A practitioner who has been subjected to disciplinary sanctions
32 may be required by the commission to pay the costs of the proceeding.
33 The practitioner's ability to pay shall be considered when costs are
34 assessed. If the practitioner fails to pay the costs, a suspension may not
35 be imposed solely upon the practitioner's inability to pay the amount
36 assessed. The costs are limited to costs for the following:

- 37 (1) Court reporters.
38 (2) Transcripts.
39 (3) Certification of documents.
40 (4) Photo duplication.
41 (5) Witness attendance and mileage fees.
42 (6) Postage.



- 1 (7) Expert witnesses.
- 2 (8) Depositions.
- 3 (9) Notarizations.
- 4 SECTION 91. IC 23-14-42.5-7, AS ADDED BY P.L.176-2016,
- 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 UPON PASSAGE]: Sec. 7. (a) Subject to subsection (b), the cremated
- 7 remains of a deceased animal of a deceased ~~record~~ owner ~~of burial~~
- 8 ~~rights in a burial plot~~ may be:
- 9 (1) removed from the temporary container or urn described in
- 10 section 3(3) of this chapter and scattered or placed on top of the
- 11 deceased owner's burial plot; or
- 12 (2) interred on top of the deceased owner's burial plot as long as
- 13 the interment of the deceased animal's cremated remains does not:
- 14 (A) encroach upon or interfere with a neighboring burial plot
- 15 of which the deceased owner is not the record owner;
- 16 (B) involve the disinterment of:
- 17 (i) the deceased owner's remains; or
- 18 (ii) the remains of a deceased individual other than the
- 19 deceased owner; or
- 20 (C) involve the digging or penetration of earth at a depth that
- 21 exceeds one (1) foot.
- 22 The cremated remains of a deceased animal of a deceased ~~record~~ owner
- 23 may be scattered, placed, or interred in a manner described in this
- 24 subsection before, after, or in conjunction with the interment of the
- 25 remains of the deceased owner.
- 26 (b) The cremated remains of a deceased animal of a deceased ~~record~~
- 27 owner may be scattered, placed, or interred in a manner described in
- 28 subsection (a) only if the following apply:
- 29 (1) The person or entity owning the deceased animal at the time
- 30 of the deceased animal's death:
- 31 (A) consents in writing to the scattering, placement, or
- 32 interment of the cremated remains of the deceased animal in
- 33 a manner described in subsection (a); and
- 34 (B) before the scattering, placement, or interment of the
- 35 cremated remains of the deceased animal is to take place,
- 36 provides the written consent described in clause (A) to the
- 37 owner of the cemetery in which the deceased owner's burial
- 38 plot is located;
- 39 if the deceased ~~record~~ owner is not the owner of the deceased
- 40 animal at the time of the deceased animal's death.
- 41 (2) The deceased owner provides for or directs the scattering,
- 42 placement, or interment of the cremated remains of the deceased



- 1 animal in a manner described in subsection (a):
- 2 (A) in the deceased owner's last will and testament;
- 3 (B) in a written designation provided to a cemetery under
- 4 IC 23-14-42-2; or
- 5 (C) in a funeral planning declaration executed under
- 6 IC 29-2-19.
- 7 (3) If subdivision (2) does not apply, a person who has the right
- 8 under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18,
- 9 IC 29-2-19-17, or any other applicable statute to:
- 10 (A) control the disposition of the deceased owner's remains;
- 11 (B) make arrangements for the funeral services of the deceased
- 12 owner; or
- 13 (C) make other ceremonial arrangements after the deceased
- 14 owner's death;
- 15 provides for or directs the scattering, placement, or interment of
- 16 the cremated remains of the deceased animal in a manner
- 17 described in subsection (a).

18 SECTION 92. IC 24-4-20-3, AS ADDED BY P.L.195-2016,
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 3. A **temporary** registration issued under this
 21 chapter expires not later than twenty-eight (28) days after the date on
 22 which the **temporary** registration is issued.

23 SECTION 93. IC 24-4-20-5, AS ADDED BY P.L.195-2016,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 5. A foreign entity registered under this
 26 chapter is entitled to sell precious metals bullion and currency at a
 27 trade fair or coin show in Indiana during the term of the **temporary**
 28 registration if the contract:

- 29 (1) is for the purchase of precious ~~metal~~ **metals** bullion or
- 30 currency;
- 31 (2) requires physical delivery of the quantity of the precious
- 32 metals bullion or currency purchased not later than twenty-eight
- 33 (28) calendar days after payment in full of the purchase price; and
- 34 (3) provides for the purchaser to receive physical delivery of the
- 35 quantity of precious metals bullion or currency purchased not
- 36 later than twenty-eight (28) calendar days after payment in full of
- 37 the purchase price.

38 SECTION 94. IC 24-4.5-1-301.5, AS AMENDED BY P.L.73-2016,
 39 SECTION 5, AND AS AMENDED BY P.L.153-2016, SECTION 2, IS
 40 CORRECTED AND AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 301.5. In addition to definitions
 42 appearing in subsequent chapters in this article, the following



1 definitions apply throughout this article:

2 (1) "Affiliate", with respect to any person subject to this article,
3 means a person that, directly or indirectly, through one (1) or more
4 intermediaries:

- 5 (a) controls;
6 (b) is controlled by; or
7 (c) is under common control with;
8 the person subject to this article.

9 (2) "Agreement" means the bargain of the parties in fact as found in
10 their language or by implication from other circumstances, including
11 course of dealing or usage of trade or course of performance.

12 (3) "Agricultural purpose" means a purpose related to the
13 production, harvest, exhibition, marketing, transportation, processing,
14 or manufacture of agricultural products by a natural person who
15 cultivates, plants, propagates, or nurtures the agricultural products.
16 "Agricultural products" includes agricultural, horticultural, viticultural,
17 and dairy products, livestock, wildlife, poultry, bees, forest products,
18 fish and shellfish, and any and all products raised or produced on farms
19 and any processed or manufactured products thereof.

20 (4) "Average daily balance" means the sum of each of the daily
21 balances in a billing cycle divided by the number of days in the billing
22 cycle, and if the billing cycle is a month, the creditor may elect to treat
23 the number of days in each billing cycle as thirty (30).

24 (5) "Closing costs" with respect to a subordinate lien mortgage
25 transaction includes:

- 26 (a) fees or premiums for title examination, title insurance, or
27 similar purposes, including surveys;
28 (b) fees for preparation of a deed, settlement statement, or other
29 documents;
30 (c) escrows for future payments of taxes and insurance;
31 (d) fees for notarizing deeds and other documents;
32 (e) appraisal fees; and
33 (f) fees for credit reports.

34 (6) "Conspicuous" refers to a term or clause when it is so written
35 that a reasonable person against whom it is to operate ought to have
36 noticed it.

37 (7) "Consumer credit" means credit offered or extended to a
38 consumer primarily for a personal, family, or household purpose.

39 (8) "Consumer credit sale" is a sale of goods, services, or an interest
40 in land in which:

- 41 (a) credit is granted by a person who regularly engages as a seller
42 in credit transactions of the same kind;



- 1 (b) the buyer is a person other than an organization;
 2 (c) the goods, services, or interest in land are purchased primarily
 3 for a personal, family, or household purpose;
 4 (d) either the debt is payable in installments or a credit service
 5 charge is made; and
 6 (e) with respect to a sale of goods or services, either:
 7 (i) the amount of credit extended, the written credit limit, or
 8 the initial advance does not exceed *fifty-three thousand five*
 9 *hundred dollars (\$53,500) or another the exempt threshold*
 10 *amount, as adjusted in accordance with the annual adjustment*
 11 *of the exempt threshold amount, specified in Regulation Z (12*
 12 *CFR 226.3 or 12 CFR 1026.3(b), as applicable); or*
 13 (ii) the debt is secured by personal property used or expected
 14 to be used as the principal dwelling of the buyer.

15 Unless the sale is made subject to this article by agreement
 16 (IC 24-4.5-2-601), "consumer credit sale" does not include a sale
 17 in which the seller allows the buyer to purchase goods or services
 18 pursuant to a lender credit card or similar arrangement or, except
 19 as provided with respect to disclosure (IC 24-4.5-2-301), debtors'
 20 remedies (IC 24-4.5-5-201), providing payoff amounts
 21 (IC 24-4.5-2-209), and powers and functions of the department
 22 (IC 24-4.5-6), a sale of an interest in land which is a first lien
 23 mortgage transaction.

24 (9) "Consumer loan" means a loan made by a person regularly
 25 engaged in the business of making loans in which:

- 26 (a) the debtor is a person other than an organization;
 27 (b) the debt is primarily for a personal, family, or household
 28 purpose;
 29 (c) either the debt is payable in installments or a loan finance
 30 charge is made; and
 31 (d) either:
 32 (i) the amount of credit extended, the written credit limit, or
 33 the initial advance does not exceed *fifty-three thousand five*
 34 *hundred dollars (\$53,500) or another the exempt threshold*
 35 *amount, as adjusted in accordance with the annual adjustment*
 36 *of the exempt threshold amount, specified in Regulation Z (12*
 37 *CFR 226.3 or 12 CFR 1026.3(b), as applicable); or*
 38 (ii) the debt is secured by an interest in land or by personal
 39 property used or expected to be used as the principal dwelling
 40 of the debtor.

41 Except as described in IC 24-4.5-3-105, the term does not include a
 42 first lien mortgage transaction.



1 (10) "Credit" means the right granted by a creditor to a debtor to
 2 defer payment of debt or to incur debt and defer its payment.

3 (11) "Creditor" means a person:

4 (a) who regularly engages in the extension of consumer credit that
 5 is subject to a credit service charge or loan finance charge, as
 6 applicable, or is payable by written agreement in more than four

7 (4) installments (not including a down payment); and

8 (b) to whom the obligation is initially payable, either on the face
 9 of the note or contract, or by agreement when there is not a note
 10 or contract.

11 (12) "Depository institution" has the meaning set forth in the
 12 Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any
 13 credit union.

14 (13) "Director" means the director of the department of financial
 15 institutions or the director's designee.

16 (14) "Dwelling" means a residential structure that contains one (1)
 17 to four (4) units, regardless of whether the structure is attached to real
 18 property. The term includes an individual:

19 (a) condominium unit;

20 (b) cooperative unit;

21 (c) mobile home; or

22 (d) trailer;

23 that is used as a residence.

24 (15) "Earnings" means compensation paid or payable for personal
 25 services, whether denominated as wages, salary, commission, bonus,
 26 or otherwise, and includes periodic payments under a pension or
 27 retirement program.

28 (16) "Employee" means an individual who is paid wages or other
 29 compensation by an employer required under federal income tax law
 30 to file Form W-2 on behalf of the individual.

31 (17) "Federal banking agencies" means the Board of Governors of
 32 the Federal Reserve System, the Office of the Comptroller of the
 33 Currency, the Office of Thrift Supervision, the National Credit Union
 34 Administration, and the Federal Deposit Insurance Corporation.

35 (18) "First lien mortgage transaction" means:

36 (a) a consumer loan; or

37 (b) a consumer credit sale;

38 that is or will be used by the debtor primarily for personal, family, or
 39 household purposes and that is secured by a mortgage or a land
 40 contract (or another consensual security interest equivalent to a
 41 mortgage or a land contract) that constitutes a first lien on a dwelling
 42 or on residential real estate upon which a dwelling is constructed or



- 1 intended to be constructed.
- 2 (19) "Immediate family member" means a spouse, child, sibling,
3 parent, grandparent, or grandchild. The term includes stepparents,
4 stepchildren, stepsiblings, and adoptive relationships.
- 5 (20) "Individual" means a natural person.
- 6 (21) "Lender credit card or similar arrangement" means an
7 arrangement or loan agreement, other than a seller credit card, pursuant
8 to which a lender gives a debtor the privilege of using a credit card,
9 letter of credit, or other credit confirmation or identification in
10 transactions out of which debt arises:
- 11 (a) by the lender's honoring a draft or similar order for the
12 payment of money drawn or accepted by the debtor;
- 13 (b) by the lender's payment or agreement to pay the debtor's
14 obligations; or
- 15 (c) by the lender's purchase from the obligee of the debtor's
16 obligations.
- 17 (22) "Licensee" means a person licensed as a creditor under this
18 article.
- 19 (23) "Loan brokerage business" means any activity in which a
20 person, in return for any consideration from any source, procures,
21 attempts to procure, or assists in procuring, a mortgage transaction
22 from a third party or any other person, whether or not the person
23 seeking the mortgage transaction actually obtains the mortgage
24 transaction.
- 25 (24) "Loan processor or underwriter" means an individual who
26 performs clerical or support duties as an employee at the direction of,
27 and subject to the supervision and instruction of, a person licensed or
28 exempt from licensing under this article. For purposes of this
29 subsection, the term "clerical or support duties" may include, after the
30 receipt of an application, the following:
- 31 (a) The receipt, collection, distribution, and analysis of
32 information common for the processing or underwriting of a
33 mortgage transaction.
- 34 (b) The communication with a consumer to obtain the information
35 necessary for the processing or underwriting of a loan, to the
36 extent that the communication does not include:
- 37 (i) offering or negotiating loan rates or terms; or
38 (ii) counseling consumers about mortgage transaction rates or
39 terms.
- 40 An individual engaging solely in loan processor or underwriter
41 activities shall not represent to the public through advertising or other
42 means of communicating or providing information, including the use



1 of business cards, stationery, brochures, signs, rate lists, or other
 2 promotional items, that the individual can or will perform any of the
 3 activities of a mortgage loan originator.

4 (25) "Mortgage loan originator" means an individual who, for
 5 compensation or gain, or in the expectation of compensation or gain,
 6 regularly engages in taking a mortgage transaction application or in
 7 offering or negotiating the terms of a mortgage transaction that either
 8 is made under this article or under IC 24-4.4 or is made by an employee
 9 of a person licensed or exempt from licensing under this article or
 10 under IC 24-4.4, while the employee is engaging in the loan brokerage
 11 business. The term does not include the following:

12 (a) An individual engaged solely as a loan processor or
 13 underwriter as long as the individual works exclusively as an
 14 employee of a person licensed or exempt from licensing under
 15 this article.

16 (b) Unless the person or entity is compensated by:

17 (i) a creditor;

18 (ii) a loan broker;

19 (iii) another mortgage loan originator; or

20 (iv) any agent of the creditor, loan broker, or other mortgage
 21 loan originator described in items (i) through (iii);

22 a person or entity that only performs real estate brokerage
 23 activities and is licensed or registered in accordance with
 24 applicable state law.

25 (c) A person solely involved in extensions of credit relating to
 26 timeshare plans (as defined in 11 U.S.C. 101(53D)).

27 (26) "Mortgage servicer" means the last person to whom a
 28 mortgagor or the mortgagor's successor in interest has been instructed
 29 by a mortgagee to send payments on a loan secured by a mortgage.

30 (27) "Mortgage transaction" means:

31 (a) a consumer loan; or

32 (b) a consumer credit sale;

33 that is or will be used by the debtor primarily for personal, family, or
 34 household purposes and that is secured by a mortgage or a land
 35 contract (or another consensual security interest equivalent to a
 36 mortgage or a land contract) on a dwelling or on residential real estate
 37 upon which a dwelling is constructed or intended to be constructed.

38 (28) "*Nationwide Multistate Licensing System and Registry*" (or
 39 "Nationwide Mortgage Licensing System and Registry" or "NMLSR")
 40 means a ~~mortgage~~ *multistate* licensing system ~~developed and~~
 41 ~~maintained by the Conference of State Bank Supervisors and the~~
 42 ~~American Association of Residential Mortgage Regulators~~ *owned and*



1 *operated by the State Regulatory Registry, LLC, or by any successor*
2 *or affiliated entity, for the licensing and registration of creditors, ~~and~~*
3 *mortgage loan originators, and other persons in the mortgage or*
4 *financial services industries. The term includes any other name or*
5 *acronym that may be assigned to the system by the State Regulatory*
6 *Registry, LLC, or by any successor or affiliated entity.*

7 (29) "Nontraditional mortgage product" means any mortgage
8 product other than a thirty (30) year fixed rate mortgage.

9 (30) "Official fees" means:

10 (a) fees and charges prescribed by law which actually are or will
11 be paid to public officials for determining the existence of or for
12 perfecting, releasing, or satisfying a security interest related to a
13 consumer credit sale, consumer lease, or consumer loan; or

14 (b) premiums payable for insurance in lieu of perfecting a security
15 interest otherwise required by the creditor in connection with the
16 sale, lease, or loan, if the premium does not exceed the fees and
17 charges described in *paragraph subdivision* (a) that would
18 otherwise be payable.

19 (31) "Organization" means a corporation, a government or
20 governmental subdivision, an agency, a trust, an estate, a partnership,
21 a limited liability company, a cooperative, an association, a joint
22 venture, an unincorporated organization, or any other entity, however
23 organized.

24 (32) "Payable in installments" means that payment is required or
25 permitted by written agreement to be made in more than four (4)
26 installments not including a down payment.

27 (33) "Person" includes an individual or an organization.

28 (34) "Person related to" with respect to an individual means:

29 (a) the spouse of the individual;

30 (b) a brother, brother-in-law, sister, or sister-in-law of the
31 individual;

32 (c) an ancestor or lineal descendants of the individual or the
33 individual's spouse; and

34 (d) any other relative, by blood or marriage, of the individual or
35 the individual's spouse who shares the same home with the
36 individual.

37 (35) "Person related to" with respect to an organization means:

38 (a) a person directly or indirectly controlling, controlled by, or
39 under common control with the organization;

40 (b) a director, an executive officer, or a manager of the
41 organization or a person performing similar functions with respect
42 to the organization or to a person related to the organization;



1 (c) the spouse of a person related to the organization; and

2 (d) a relative by blood or marriage of a person related to the
3 organization who shares the same home with the person.

4 (36) "Presumed" or "presumption" means that the trier of fact must
5 find the existence of the fact presumed, unless and until evidence is
6 introduced that would support a finding of its nonexistence.

7 (37) "Real estate brokerage activity" means any activity that
8 involves offering or providing real estate brokerage services to the
9 public, including the following:

10 (a) Acting as a real estate agent or real estate broker for a buyer,
11 seller, lessor, or lessee of real property.

12 (b) Bringing together parties interested in the sale, purchase,
13 lease, rental, or exchange of real property.

14 (c) Negotiating, on behalf of any party, any part of a contract
15 relating to the sale, purchase, lease, rental, or exchange of real
16 property (other than in connection with providing financing with
17 respect to the sale, purchase, lease, rental, or exchange of real
18 property).

19 (d) Engaging in any activity for which a person is required to be
20 registered or licensed as a real estate agent or real estate broker
21 under any applicable law.

22 (e) Offering to engage in any activity, or act in any capacity,
23 described in this subsection.

24 (38) "Registered mortgage loan originator" means any individual
25 who:

26 (a) meets the definition of mortgage loan originator and is an
27 employee of:

28 (i) a depository institution;

29 (ii) a subsidiary that is owned and controlled by a depository
30 institution and regulated by a federal banking agency; or

31 (iii) an institution regulated by the Farm Credit
32 Administration; and

33 (b) is registered with, and maintains a unique identifier through,
34 the NMLSR.

35 (39) "Regularly engaged", with respect to a person who extends
36 consumer credit, refers to a person who:

37 (a) extended consumer credit:

38 (i) more than twenty-five (25) times; or

39 (ii) more than five (5) times for a mortgage transaction secured
40 by a dwelling;

41 in the preceding calendar year; or

42 (b) extends or will extend consumer credit:



- 1 (i) more than twenty-five (25) times; or
 2 (ii) more than five (5) times for a mortgage transaction secured
 3 by a dwelling;
 4 in the current calendar year, if the person did not meet the
 5 numerical standards described in subdivision (a) in the preceding
 6 calendar year.
- 7 (40) "Residential real estate" means any real property that is located
 8 in Indiana and on which there is located or intended to be constructed
 9 a dwelling.
- 10 (41) "Seller credit card" means an arrangement that gives to a buyer
 11 or lessee the privilege of using a credit card, letter of credit, or other
 12 credit confirmation or identification for the purpose of purchasing or
 13 leasing goods or services from that person, a person related to that
 14 person, or from that person and any other person. The term includes a
 15 card that is issued by a person, that is in the name of the seller, and that
 16 can be used by the buyer or lessee only for purchases or leases at
 17 locations of the named seller.
- 18 (42) "Subordinate lien mortgage transaction" means:
 19 (a) a consumer loan; or
 20 (b) a consumer credit sale;
 21 that is or will be used by the debtor primarily for personal, family, or
 22 household purposes and that is secured by a mortgage or a land
 23 contract (or another consensual security interest equivalent to a
 24 mortgage or a land contract) that constitutes a subordinate lien on a
 25 dwelling or on residential real estate upon which a dwelling is
 26 constructed or intended to be constructed.
- 27 (43) "Unique identifier" means a number or other identifier assigned
 28 by protocols established by the NMLSR.
- 29 (44) "Land contract" means a contract for the sale of real estate in
 30 which the seller of the real estate retains legal title to the real estate
 31 until the total contract price is paid by the buyer.
- 32 (45) "Bona fide nonprofit organization" means an organization that
 33 does the following, as determined by the director under criteria
 34 established by the director:
 35 (a) Maintains tax exempt status under Section 501(c)(3) of the
 36 Internal Revenue Code.
 37 (b) Promotes affordable housing or provides home ownership
 38 education or similar services.
 39 (c) Conducts the organization's activities in a manner that serves
 40 public or charitable purposes.
 41 (d) Receives funding and revenue and charges fees in a manner
 42 that does not encourage the organization or the organization's



1 employees to act other than in the best interests of the
2 organization's clients.

3 (e) Compensates the organization's employees in a manner that
4 does not encourage employees to act other than in the best
5 interests of the organization's clients.

6 (f) Provides to, or identifies for, debtors mortgage transactions
7 with terms that are favorable to the debtor (as described in section
8 202(b)(15) of this chapter) and comparable to mortgage
9 transactions and housing assistance provided under government
10 housing assistance programs.

11 (g) Maintains certification by the United States Department of
12 Housing and Urban Development or employs counselors who are
13 certified by the Indiana housing and community development
14 authority.

15 (46) "Civil proceeding advance payment transaction", or "CPAP
16 transaction", has the meaning set forth in IC 24-4.5-3-110.

17 (47) "Civil proceeding", with respect to a CPAP transaction, has
18 the meaning set forth in IC 24-4.5-3-110.5.

19 (48) "Civil proceeding advance payment contract", or "CPAP
20 contract", has the meaning set forth in IC 24-4.5-3-110.5.

21 (49) "Civil proceeding advance payment provider", or "CPAP
22 provider", has the meaning set forth in IC 24-4.5-3-110.5.

23 (50) "Consumer claimant", with respect to a CPAP transaction, has
24 the meaning set forth in IC 24-4.5-3-110.5.

25 (51) "Funded amount", with respect to a CPAP transaction, has the
26 meaning set forth in IC 24-4.5-3-110.5.

27 SECTION 95. IC 24-4.5-3-110.5, AS ADDED BY P.L.153-2016,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 110.5. (1) "Civil proceeding", with respect to
30 a CPAP transaction, means:

31 (a) a civil action;

32 (b) a mediation, an arbitration, or any other alternative dispute
33 resolution proceeding; or

34 (c) an administrative proceeding before:

35 (i) an agency or instrumentality of the state; or

36 (ii) a political subdivision, or an agency or instrumentality of
37 a political subdivision, of the state;

38 that is filed in, or is under the jurisdiction of, a court with jurisdiction
39 in Indiana, a tribunal in Indiana, or an agency or instrumentality
40 described in subdivision (c) in Indiana. The term includes all
41 proceedings arising out of or relating to the proceeding, including any
42 proceedings on appeal or remand, and any enforcement, ancillary, or



- 1 parallel proceedings.
- 2 (2) "Civil proceeding advance payment contract", or "CPAP
- 3 contract", means a contract for a CPAP transaction that a CPAP
- 4 provider enters into, or offers to enter into, with a consumer claimant.
- 5 (3) "Civil proceeding advance payment provider", or "CPAP
- 6 provider", means a person that:
- 7 (a) enters into, or offers to enter into, a CPAP transaction with a
- 8 consumer claimant in connection with a civil proceeding; and
- 9 (b) notwithstanding section 110(3) of this chapter, and subject to
- 10 IC 24-12-9, is licensed with the department in accordance with
- 11 this chapter and IC 24-12-9.
- 12 (4) "Consumer claimant", **with respect to a CPAP transaction,**
- 13 means an individual:
- 14 (a) who is or may become a plaintiff, a claimant, or a demandant
- 15 in a civil proceeding; and
- 16 (b) who:
- 17 (i) is offered a CPAP transaction by a CPAP provider; or
- 18 (ii) enters into a CPAP transaction with a CPAP provider;
- 19 regardless of whether the individual is a resident of Indiana.
- 20 (5) "Funded amount", with respect to a CPAP transaction, means the
- 21 amount of money:
- 22 (a) that is provided to the consumer claimant by the CPAP
- 23 provider; and
- 24 (b) the repayment of which is:
- 25 (i) required only if the consumer claimant prevails in the
- 26 consumer claimant's civil proceeding; and
- 27 (ii) sourced from the proceeds of the civil proceeding, whether
- 28 the proceeds result from a judgment, a settlement, or some
- 29 other resolution;
- 30 regardless of the term used by the CPAP provider in the CPAP contract
- 31 to identify the amount.
- 32 SECTION 96. IC 24-12-1-1, AS ADDED BY P.L.153-2016,
- 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 UPON PASSAGE]: Sec. 1. The following definitions apply throughout
- 35 this article:
- 36 (1) "Advertise" means publishing or disseminating any written,
- 37 electronic, or printed communication, or any communication by
- 38 means of recorded telephone messages or transmitted on radio,
- 39 television, the Internet, or similar communications media,
- 40 including film strips, motion pictures, and videos, published,
- 41 disseminated, circulated, or placed before the public, directly or
- 42 indirectly, for the purpose of inducing a consumer to enter into a



- 1 CPAP transaction.
- 2 (2) "Charges" means the amount of money to be paid to a CPAP
- 3 provider by or on behalf of a consumer **claimant** above the
- 4 funded amount provided by or on behalf of the CPAP provider to
- 5 a consumer claimant. The term includes all administrative,
- 6 origination, underwriting, and other fees no matter how
- 7 denominated.
- 8 (3) "Civil proceeding", with respect to a CPAP transaction, has
- 9 the meaning set forth in IC 24-4.5-3-110.5.
- 10 **(4) "Civil proceeding advance payment contract", or "CPAP**
- 11 **contract", has the meaning set forth in IC 24-4.5-3-110.5.**
- 12 ~~(4)~~ **(5)** "Civil proceeding advance payment provider", or "CPAP
- 13 provider", has the meaning set forth in IC 24-4.5-3-110.5.
- 14 ~~(5)~~ **(6)** "Civil proceeding advance payment transaction", or
- 15 "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.
- 16 ~~(6)~~ **(7)** "Consumer claimant", with respect to a CPAP transaction,
- 17 has the meaning set forth in IC 24-4.5-3-110.5.
- 18 ~~(7)~~ **(8)** "Funded amount", with respect to a CPAP transaction, has
- 19 the meaning set forth in IC 24-4.5-3-110.5.
- 20 ~~(8)~~ **(9)** "Funding date" means the date on which the funded
- 21 amount is transferred to the consumer claimant by the CPAP
- 22 provider, by:
- 23 (A) personal delivery, wire, Automated Clearing House
- 24 (ACH), or other electronic means; or
- 25 (B) insured, certified, or registered United States mail.
- 26 ~~(9)~~ **(10)** "Resolution date" means the date the **funded** amount,
- 27 ~~funded to the consumer claimant,~~ plus the agreed upon charges,
- 28 ~~are is~~ delivered to the CPAP provider.
- 29 SECTION 97. IC 24-12-3-1, AS ADDED BY P.L.153-2016,
- 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 UPON PASSAGE]: Sec. 1. A CPAP provider may not do any of the
- 32 following:
- 33 (1) Pay or offer to pay a commission, referral fee, or other form of
- 34 consideration to any attorney, law firm, medical provider,
- 35 chiropractor, or physical therapist, or any of their employees for
- 36 referring a consumer claimant to the provider.
- 37 (2) Accept a commission, referral fee, rebate, or other form of
- 38 consideration from an attorney, law firm, medical provider,
- 39 chiropractor, or physical therapist, or any of their employees.
- 40 (3) Intentionally advertise materially false or misleading
- 41 information regarding the CPAP provider's products or services.
- 42 (4) Refer, in furtherance of an initial CPAP transaction, a



1 consumer claimant or potential consumer claimant to a specific
 2 attorney, law firm, medical provider, chiropractor, or physical
 3 therapist, or any of their employees. However, if a consumer
 4 claimant needs legal representation, the **company CPAP**
 5 **provider** may refer the person to a local or state bar association
 6 referral service.

7 (5) Knowingly provide funding to a consumer claimant who has
 8 previously assigned or sold a part of the consumer claimant's right
 9 to proceeds from the consumer claimant's civil proceeding
 10 without first making payment to or purchasing a prior unsatisfied
 11 CPAP provider's entire funded amount and contracted charges,
 12 unless a lesser amount is otherwise agreed to in writing by the
 13 prior CPAP provider. However, multiple CPAP providers may
 14 agree to provide a CPAP transaction to a consumer claimant
 15 simultaneously if the consumer claimant and the consumer
 16 claimant's attorney consent to the arrangement in writing.

17 (6) Receive any right to make any decision with respect to the
 18 conduct of the underlying civil proceeding or any settlement or
 19 resolution of the civil proceeding, or make any decision with
 20 respect to the conduct of the underlying civil proceeding or any
 21 settlement or resolution of the civil proceeding. The right to make
 22 these decisions remains solely with the consumer claimant and
 23 the attorney in the civil proceeding.

24 (7) Knowingly pay or offer to pay for court costs, filing fees, or
 25 attorney's fees either during or after the resolution of the civil
 26 proceeding, using funds from the CPAP transaction.

27 SECTION 98. IC 25-1-1.1-2, AS AMENDED BY P.L.59-2016,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 30 commission, or a committee may suspend, deny, or revoke a license or
 31 certificate issued under this title by the board, the commission, or the
 32 committee without an investigation by the office of the attorney general
 33 if the individual who holds the license or certificate is convicted of any
 34 of the following and the board, commission, or committee determines,
 35 after the individual has appeared in person, that the offense affects the
 36 individual's ability to perform the duties of the profession:

- 37 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 38 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 39 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 40 (4) Fraudulently obtaining a controlled substance under
 41 IC 35-48-4-7(c).
 42 (5) Manufacture of paraphernalia as a Class D felony (for a crime



- 1 committed before July 1, 2014) or a Level 6 felony (for a crime
 2 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 3 (6) Dealing in paraphernalia as a Class D felony (for a crime
 4 committed before July 1, 2014) or a Level 6 felony (for a crime
 5 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 6 (7) Possession of paraphernalia as a Class D felony (for a crime
 7 committed before July 1, 2014) or a Level 6 felony (for a crime
 8 committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before**
 9 **its amendment on July 1, 2015).**
 10 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 11 D felony (for a crime committed before July 1, 2014) or a Level
 12 6 felony (for a crime committed after June 30, 2014) under
 13 IC 35-48-4-11.
 14 (9) Possession of a synthetic drug or synthetic drug lookalike
 15 substance as a:
 16 (A) Class D felony for a crime committed before July 1, 2014,
 17 under:
 18 (i) IC 35-48-4-11, before its amendment in 2013; or
 19 (ii) IC 35-48-4-11.5; or
 20 (B) Level 6 felony for a crime committed after June 30, 2014,
 21 under IC 35-48-4-11.5.
 22 (10) Maintaining a common nuisance under IC 35-48-4-13
 23 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 24 controlled substance.
 25 (11) An offense relating to registration, labeling, and prescription
 26 forms under IC 35-48-4-14.
 27 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 28 in this section.
 29 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 30 this section.
 31 (14) A sex crime under IC 35-42-4.
 32 (15) A felony that reflects adversely on the individual's fitness to
 33 hold a professional license.
 34 (16) An offense in any other jurisdiction in which the elements of
 35 the offense for which the conviction was entered are substantially
 36 similar to the elements of an offense described in this section.
 37 SECTION 99. IC 25-20.5 IS REPEALED [EFFECTIVE UPON
 38 PASSAGE]. (HYPNOTISTS).
 39 SECTION 100. IC 25-38.1-1-12, AS AMENDED BY P.L.211-2015,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 12. (a) "Practice of veterinary medicine"
 42 means:



- 1 (1) representing oneself as engaged in the practice of veterinary
 2 medicine, veterinary surgery, or veterinary dentistry or any of
 3 their branches or specialties;
 4 (2) using words, letters, or titles in a connection or under
 5 circumstances that may induce another person to believe that the
 6 person using them is engaged in the practice of veterinary
 7 medicine, veterinary surgery, or veterinary dentistry;
 8 (3) accepting compensation for doing any of the things described
 9 in subdivisions (4) through (8);
 10 (4) providing the diagnosis, treatment, correction, or prevention
 11 of any disease, defect, injury, deformity, pain, or condition of
 12 animals;
 13 (5) prescribing, dispensing, or ordering the administration of a
 14 drug, a medicine, a biologic, a medical appliance, an application,
 15 or treatment of whatever nature for the prevention, cure, or relief
 16 of any disease, ailment, defect, injury, deformity, pain, or other
 17 condition of animals;
 18 (6) performing a:
 19 (A) surgical or dental operation; or
 20 (B) **complimentary complementary** or alternative therapy;
 21 upon an animal;
 22 (7) certifying the health, fitness, or soundness of an animal; or
 23 (8) performing any procedure for the diagnosis of pregnancy,
 24 sterility, or infertility upon animals.
 25 (b) The term does not include:
 26 (1) administering a drug, medicine, appliance, application, or
 27 treatment that is administered at the direction and under the direct
 28 supervision of a veterinarian licensed under this article; or
 29 (2) equine massage therapy.
 30 (c) As used in this section, "equine massage therapy" means a
 31 method of treating the body of a horse for remedial or hygienic
 32 purposes through techniques that:
 33 (1) include rubbing, stroking, or kneading the body of the horse;
 34 and
 35 (2) may be applied with or without the aid of a massage device
 36 that mimics the actions possible using human hands.
 37 Equine massage therapy does not include prescribing a drug,
 38 performing surgery, chiropractic, or acupuncture, or diagnosing a
 39 medical condition.
 40 SECTION 101. IC 26-3-7-16.5, AS AMENDED BY P.L.75-2010,
 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 16.5. (a) Upon learning of the possibility that



1 a shortage exists, either as a result of an inspection or a report or
2 complaint from a depositor, the agency, based on an ~~on-premise~~
3 **on-premises** inspection, shall make a preliminary determination as to
4 whether a shortage exists. If a shortage is not discovered, the agency
5 shall treat the audit as it would any other audit.

6 (b) If it is determined that a shortage may exist, the director or the
7 director's designated representative shall hold a hearing as soon as
8 possible to confirm the existence of a shortage as indicated by the
9 licensee's books and records and the grain on hand. Only the licensee,
10 the surety company named on the licensee's bond, the issuer of the
11 irrevocable letter of credit, and any grain depositor who has made a
12 claim or complaint to the agency in conjunction with the shortage shall
13 be considered as interested parties for the purposes of that hearing, and
14 each shall be given notice of the hearing. At the hearing, the director
15 or the director's designated representative shall determine whether
16 there appears to be a reasonable probability that a shortage exists. If it
17 is determined that a reasonable probability exists and that the bond or
18 letter of credit proceeds or the cash deposit should be distributed, a
19 preliminary determination shall be entered to the effect that the
20 licensee has failed to meet its obligations under this chapter or the rules
21 adopted under this chapter. At the hearing, the director or the director's
22 designated representative may order that all proceeds from grain sales
23 are to be held in the form in which they are received and to be kept
24 separate from all other funds held by the licensee. The order may also
25 provide for informal conferences between agency representatives and
26 persons who have or who appear to have grain deposited with the
27 licensee. The surety company shall be permitted to participate in those
28 conferences.

29 (c) In the event that the director determines that the bond or letter
30 of credit proceeds or cash deposit is to be distributed, the agency shall
31 hold a hearing on claims. Notice shall be given to the surety company
32 named on the licensee's bond, the issuer of the irrevocable letter of
33 credit, and to all persons shown by the licensee's books and records to
34 have interests in grain deposited with the licensee. If the agency has
35 actual knowledge of any other depositor or person claiming rights in
36 the grain deposited with the licensee, the bond, the irrevocable letter of
37 credit, or the cash deposit, notice shall also be provided to that person.
38 In addition, public notice shall be provided in newspapers of general
39 circulation that serve the counties in which licensed facilities are
40 located, and notices shall be posted on the licensed premises. At the
41 hearing on claims, the director may accept as evidence of claims the
42 report of agency representatives who in informal conferences with



1 depositors have concluded that a claim is directly and precisely
2 supported by the licensee's books and records. When there is
3 disagreement between the claims of a depositor and the licensee's
4 books and records, the director or the director's designated
5 representative shall hear oral claims and receive written evidence of
6 claims in order to determine the validity of the claim.

7 (d) Any depositor who does not present a claim at the hearing may
8 bring the claim to the agency within fifteen (15) days after the
9 conclusion of the hearing.

10 (e) Following the hearing on claims, the director shall make a
11 determination as to the total proven storage obligation of the claimants
12 and the loss sustained by each depositor who has proven a claim.
13 Depositors found to have proven their claims shall be proven
14 claimants. In arriving at that loss, in accordance with section 19 of this
15 chapter, the director shall apply all grain on hand or its identifiable
16 proceeds to meet the licensee's obligations to grain depositors of grain
17 of that type. Initial determinations of loss shall be made on the amount
18 of grain on hand, or identifiable proceeds, and shall reduce the amount
19 to which a depositor may have a proven claim. With respect to the
20 remaining unfulfilled obligations, the director shall, for the sole
21 purpose of establishing each depositor's claim under this chapter,
22 establish a date upon which the loss is discovered, shall price the grain
23 as of that date, shall treat all outstanding grain storage obligations not
24 covered by grain on hand or identifiable proceeds as being sold as of
25 that date, and shall determine the extent of each depositor's loss as
26 being the actual loss sustained as of that date. Grain of a specific type
27 on the premises of a licensee must first be applied to meet the licensee's
28 storage obligations with respect to that type of grain. If there is
29 insufficient grain of a specific type on hand to meet all storage
30 obligations with respect to that type of grain, the grain that is present
31 shall be prorated in accordance with the procedures described in this
32 section and section 16.8 of this chapter.

33 (f) Upon the failure of the agency to begin an audit, which would
34 serve as the basis for a preliminary administrative determination,
35 within forty-five (45) days of the agency's receipt of a written claim by
36 a depositor, a depositor shall have a right of action upon the bond,
37 letter of credit, or cash deposit. A depositor bringing a civil action need
38 not join other depositors. If the agency has undertaken an audit within
39 the forty-five (45) day period, the exclusive remedy for recovery
40 against the bond, letter of credit, or cash deposit shall be through the
41 recovery procedure prescribed by this section.

42 (g) When the proven claims exceed the amount of the bond, letter



1 of credit, or cash deposit, recoveries of proven claimants shall be
 2 prorated in the same manner as priorities are prorated under section
 3 16.8 of this chapter.

4 (h) The proceedings and hearings under this section may be
 5 undertaken without regard to, in combination with, or in addition to
 6 those undertaken in accordance with section 17.1 of this chapter.

7 (i) The findings of the director shall be final, conclusive, and
 8 binding on all parties.

9 (j) The director may adopt rules under IC 4-22-2 to determine how
 10 the agency may distribute the interest that may accrue from funds held
 11 by the agency for the payment of claims.

12 (k) A claim of a licensee for stored grain may not be honored until
 13 the proven claims of all other claimants arising from the purchase,
 14 storage, and handling of the grain have been paid in full.

15 SECTION 102. IC 28-1-29-8, AS AMENDED BY P.L.73-2016,
 16 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 8. (a) An agreement between a licensee and
 18 a debtor must:

- 19 (1) be in a written form;
 20 (2) be dated and signed by the licensee and the debtor;
 21 (3) include the name of the debtor and the address where the
 22 debtor resides;
 23 (4) include the name, business address, and telephone number of
 24 the licensee;
 25 (5) be delivered to the debtor immediately upon formation of the
 26 agreement; and
 27 (6) disclose the following:
 28 (A) The services to be provided.
 29 (B) The amount or method of determining the amount of all
 30 fees and charges, individually itemized, to be paid by the
 31 debtor.
 32 (C) The schedule of payments to be made by or on behalf of
 33 the debtor, including the amount of each payment, the date on
 34 which each payment is due, and an estimate of the date of the
 35 final payment.
 36 (D) If a plan provides for regular periodic payments to
 37 creditors:
 38 (i) each creditor of the debtor to which payment will be
 39 made, the amount owed to each creditor, and any
 40 concessions the licensee reasonably believes each creditor
 41 will offer; and
 42 (ii) the schedule of expected payments to each creditor,



- 1 including the amount of each payment and the date on which
 2 the payment will be made.
- 3 (E) Each creditor that the licensee believes will not participate
 4 in the plan and to which the licensee will not direct payment.
- 5 (F) The manner in which the licensee will comply with the
 6 licensee's obligations under section 9(k) of this chapter.
- 7 (G) That:
- 8 (i) the licensee may terminate the agreement for good cause,
 9 upon return of unexpended money of the debtor; and
- 10 (ii) the debtor may contact the department with any
 11 questions or complaints regarding the licensee.
- 12 (H) The address, telephone number, and Internet address or
 13 web site of the department.
- 14 (I) That the debtor has a right to terminate the agreement at
 15 any time without penalty (notwithstanding the close-out fee as
 16 permitted by section 8.3(d) of this chapter) or obligation.
- 17 (J) That the debtor authorizes any bank insured by the Federal
 18 Deposit Insurance Corporation in which the licensee or the
 19 licensee's agent has established a trust account to disclose to
 20 the department any financial records relating to the trust
 21 account.
- 22 (K) That the licensee shall notify the debtor within five (5)
 23 days after learning of a creditor's final decision to reject or
 24 withdraw from a plan under the agreement.
- 25 (b) For purposes of subsection (a)(5), delivery of an electronic
 26 record occurs when:
- 27 (1) the record is made available in a format in which the debtor
 28 may retrieve, save, and print the record; and
- 29 (2) the debtor is notified that the record is available.
- 30 (c) A debtor may exercise the debtor's right to terminate the
 31 agreement at any time without penalty (notwithstanding the close-out
 32 fee as permitted by section 8.3(d) of this chapter) or obligation, as
 33 described in subsection (a)(6)(I), by giving the licensee written or
 34 electronic notice, in which event:
- 35 (1) the licensee shall:
- 36 (A) refund all unexpended money that the licensee or the
 37 licensee's agent has received from or on behalf of the debtor
 38 for the reduction or satisfaction of the debtor's debt; and
- 39 (B) notify immediately in writing all creditors in the debt
 40 management plan of the cancellation by the contract debtor;
 41 and
- 42 (2) all powers of attorney granted by the debtor to the licensee are



- 1 revoked and ineffective.
- 2 (d) A ~~licensee's~~ **licensee's** notice of a creditor's final decision to
3 reject or withdraw from a plan under the agreement, as described in
4 subsection (a)(6)(K) must include:
- 5 (1) the identity of the creditor; and
6 (2) a statement that the debtor has the right to modify or terminate
7 the agreement.
- 8 (e) All creditors included in the plan must be notified of the contract
9 debtor's and licensee's relationship.
- 10 (f) A licensee shall give to the contract debtor a dated receipt for
11 each payment, at the time of the payment, unless the payment is made
12 by check, money order, or automated clearinghouse withdrawal as
13 authorized by the contract debtor.
- 14 (g) A licensee may not enter into an agreement with a debtor unless
15 a thorough, written budget analysis of the debtor indicates that the
16 debtor can reasonably meet the payments required under a proposed
17 plan. The following must be included in the budget analysis:
- 18 (1) Documentation and verification of all income considered. All
19 income verification must be dated not more than sixty (60) days
20 before the completion of the budget analysis.
- 21 (2) Monthly living expense figures, which must be reasonable for
22 the particular family size and part of Indiana. If expenditure
23 reductions are part of the planned budget for the debtor, details of
24 the expected savings must be documented in the debtor's file and
25 set forth in the budget provided to the debtor.
- 26 (3) Documentation and verification, by a current credit bureau
27 report, current debtor account statements, or direct documentation
28 from the creditor, of monthly debt payments and balances to be
29 paid outside the plan.
- 30 (4) Documentation and verification, by a current credit bureau
31 report, current debtor account statements, or direct documentation
32 from the creditor, of the monthly debt payments and current
33 balances to be paid through the plan.
- 34 (5) The date of the budget analysis and the signature of the debtor.
- 35 (h) A licensee may not enter into an agreement with a debtor for a
36 period longer than sixty (60) months.
- 37 (i) A licensee may provide services under this chapter in the same
38 place of business in which another business is operating, or from which
39 other products or services are sold, if the director issues a written
40 determination that:
- 41 (1) the operation of the other business; or
42 (2) the sale of other products and services;



1 from the location in question is not contrary to the best interests of
 2 debtors.
 3 (j) A licensee without a physical location in Indiana may:
 4 (1) solicit sales of; and
 5 (2) sell;
 6 additional products and services to Indiana residents if the director
 7 issues a written determination that the proposed solicitation or sale is
 8 not contrary to the best interests of debtors.
 9 (k) A licensee shall maintain a toll free communication system,
 10 staffed at a level that reasonably permits a contract debtor to speak to
 11 a counselor, debt specialist, or customer service representative, as
 12 appropriate, during ordinary business hours.
 13 (l) A debt management company shall act in good faith in all
 14 matters under this chapter.
 15 SECTION 103. IC 31-34-20-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If a court enters
 17 a dispositional decree that includes a no contact order under section
 18 ~~1(7)~~ **1(a)(7)** of this chapter:
 19 (1) the clerk of the court that enters a dispositional decree that
 20 includes a no contact order under section ~~1(7)~~ **1(a)(7)** of this
 21 chapter shall comply with IC 5-2-9; and
 22 (2) the petitioner shall file a confidential form prescribed or
 23 approved by the division of state court administration with the
 24 clerk.
 25 SECTION 104. IC 31-34-20-6, AS AMENDED BY P.L.1-2005,
 26 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The juvenile court may
 28 emancipate a child under section ~~1(5)~~ **1(a)(5)** of this chapter if the
 29 court finds that the child:
 30 (1) wishes to be free from parental control and protection and no
 31 longer needs that control and protection;
 32 (2) has sufficient money for the child's own support;
 33 (3) understands the consequences of being free from parental
 34 control and protection; and
 35 (4) has an acceptable plan for independent living.
 36 (b) If the juvenile court partially or completely emancipates the
 37 child, the court shall specify the terms of the emancipation, which may
 38 include the following:
 39 (1) Suspension of the parent's or guardian's duty to support the
 40 child. In this case, the judgment of emancipation supersedes the
 41 support order of a court.
 42 (2) Suspension of the following:



- 1 (A) The parent's or guardian's right to the control or custody of
 2 the child.
 3 (B) The parent's right to the child's earnings.
 4 (3) Empowering the child to consent to marriage.
 5 (4) Empowering the child to consent to military enlistment.
 6 (5) Empowering the child to consent to:
 7 (A) medical;
 8 (B) psychological;
 9 (C) psychiatric;
 10 (D) educational; or
 11 (E) social;
 12 services.
 13 (6) Empowering the child to contract.
 14 (7) Empowering the child to own property.
 15 (c) An emancipated child remains subject to the following:
 16 (1) IC 20-33-2 concerning compulsory school attendance.
 17 (2) The continuing jurisdiction of the court.
 18 SECTION 105. IC 31-37-19-1, AS AMENDED BY P.L.104-2015,
 19 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 1. (a) Subject to section 6.5 of this chapter, if
 21 a child is a delinquent child under IC 31-37-2, the juvenile court may
 22 enter one (1) or more of the following dispositional decrees:
 23 (1) Order supervision of the child by the probation department.
 24 (2) Order the child to receive outpatient treatment:
 25 (A) at a social service agency or a psychological, a psychiatric,
 26 a medical, or an educational facility; or
 27 (B) from an individual practitioner.
 28 (3) Remove the child from the child's home and place the child in
 29 another home or a shelter care facility, child caring institution,
 30 group home, or secure private facility. Placement under this
 31 subdivision includes authorization to control and discipline the
 32 child.
 33 (4) Award wardship to a:
 34 (A) person, other than the department; or
 35 (B) shelter care facility.
 36 (5) Partially or completely emancipate the child under section 27
 37 of this chapter.
 38 (6) Order:
 39 (A) the child; or
 40 (B) the child's parent, guardian, or custodian;
 41 to receive family services.
 42 (7) Order a person who is a party to refrain from direct or indirect



1 contact with the child.
 2 (b) If the child is removed from the child's home and placed in a
 3 foster family home or another facility, the juvenile court shall:
 4 ~~(A)~~ **(1)** approve a permanency plan for the child;
 5 ~~(B)~~ **(2)** find whether or not reasonable efforts were made to
 6 prevent or eliminate the need for the removal;
 7 ~~(C)~~ **(3)** designate responsibility for the placement and care of the
 8 child with the probation department; and
 9 ~~(D)~~ **(4)** find whether it:
 10 ~~(i)~~ **(A)** serves the best interests of the child to be removed; and
 11 ~~(ii)~~ **(B)** would be contrary to the health and welfare of the child
 12 for the child to remain in the home.
 13 (c) If a dispositional decree under this section:
 14 (1) orders or approves removal of a child from the child's home or
 15 awards wardship of the child to a:
 16 (A) person other than the department; or
 17 (B) shelter care facility; and
 18 (2) is the first court order in the delinquent child proceeding that
 19 authorizes or approves removal of the child from the child's
 20 parent, guardian, or custodian;
 21 the court shall include in the decree the appropriate findings and
 22 conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).
 23 (d) If the juvenile court orders supervision of the child by the
 24 probation department under subsection (a)(1), the child or the child's
 25 parent, guardian, or custodian is responsible for any costs resulting
 26 from the participation in a rehabilitative service or educational class
 27 provided by the probation department. Any costs collected for services
 28 provided by the probation department shall be deposited in the county
 29 supplemental juvenile probation services fund.
 30 SECTION 106. IC 31-37-19-2 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If a court enters
 32 a dispositional decree that includes a no contact order under section
 33 ~~†(7)~~ **1(a)(7)** of this chapter:
 34 (1) the clerk of the court that enters a dispositional decree that
 35 includes a no contact order under section ~~†(7)~~ **1(a)(7)** of this
 36 chapter shall comply with IC 5-2-9; and
 37 (2) the petitioner shall file a confidential form prescribed or
 38 approved by the division of state court administration with the
 39 clerk.
 40 SECTION 107. IC 31-37-19-27, AS AMENDED BY P.L.1-2005,
 41 SECTION 212, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The juvenile court may



1 emancipate a child under section ~~4(5)~~ **1(a)(5)** or 5(b)(5) of this chapter
 2 if the court finds that the child:
 3 (1) wishes to be free from parental control and protection and no
 4 longer needs that control and protection;
 5 (2) has sufficient money for the child's own support;
 6 (3) understands the consequences of being free from parental
 7 control and protection; and
 8 (4) has an acceptable plan for independent living.
 9 (b) Whenever the juvenile court partially or completely emancipates
 10 the child, the court shall specify the terms of the emancipation, which
 11 may include the following:
 12 (1) Suspension of the parent's or guardian's duty to support the
 13 child. In this case, the judgment of emancipation supersedes the
 14 support order of a court.
 15 (2) Suspension of:
 16 (A) the parent's or guardian's right to the control or custody of
 17 the child; and
 18 (B) the parent's right to the child's earnings.
 19 (3) Empowering the child to consent to marriage.
 20 (4) Empowering the child to consent to military enlistment.
 21 (5) Empowering the child to consent to:
 22 (A) medical;
 23 (B) psychological;
 24 (C) psychiatric;
 25 (D) educational; or
 26 (E) social;
 27 services.
 28 (6) Empowering the child to contract.
 29 (7) Empowering the child to own property.
 30 (c) An emancipated child remains subject to:
 31 (1) IC 20-33-2 concerning compulsory school attendance; and
 32 (2) the continuing jurisdiction of the court.
 33 SECTION 108. IC 33-37-4-1, AS AMENDED BY
 34 P.L.182-2009(ss), SECTION 392, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For each
 36 action that results in a felony conviction under IC 35-50-2 or a
 37 misdemeanor conviction under IC 35-50-3, the clerk shall collect from
 38 the defendant a criminal costs fee of one hundred twenty dollars
 39 (\$120).
 40 (b) In addition to the criminal costs fee collected under this section,
 41 the clerk shall collect from the defendant the following fees if they are
 42 required under IC 33-37-5:



- 1 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 2 IC 33-37-5-4).
- 3 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 4 (3) An alcohol and drug services program ~~user~~ fee
- 5 (IC 33-37-5-8(b)).
- 6 (4) A law enforcement continuing education program fee
- 7 (IC 33-37-5-8(c)).
- 8 (5) A drug abuse, prosecution, interdiction, and correction fee
- 9 (IC 33-37-5-9).
- 10 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 11 (7) A child abuse prevention fee (IC 33-37-5-12).
- 12 (8) A domestic violence prevention and treatment fee
- 13 (IC 33-37-5-13).
- 14 (9) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).
- 15 (10) A deferred prosecution fee (IC 33-37-5-17).
- 16 (11) A document storage fee (IC 33-37-5-20).
- 17 (12) An automated record keeping fee (IC 33-37-5-21).
- 18 (13) A late payment fee (IC 33-37-5-22).
- 19 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 20 (15) A public defense administration fee (IC 33-37-5-21.2).
- 21 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- 22 (17) A judicial salaries fee (IC 33-37-5-26).
- 23 (18) A court administration fee (IC 33-37-5-27).
- 24 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 25 (c) Instead of the criminal costs fee prescribed by this section,
- 26 except for the automated record keeping fee (IC 33-37-5-21), the clerk
- 27 shall collect a pretrial diversion program fee if an agreement between
- 28 the prosecuting attorney and the accused person entered into under
- 29 IC 33-39-1-8 requires payment of those fees by the accused person.
- 30 The pretrial diversion program fee is:
- 31 (1) an initial user's fee of fifty dollars (\$50); and
- 32 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 33 the person remains in the pretrial diversion program.
- 34 (d) The clerk shall transfer to the county auditor or city or town
- 35 fiscal officer the following fees, not later than thirty (30) days after the
- 36 fees are collected:
- 37 (1) The pretrial diversion fee.
- 38 (2) The marijuana eradication program fee.
- 39 (3) The alcohol and drug services program ~~user~~ fee.
- 40 (4) The law enforcement continuing education program fee.
- 41 The auditor or fiscal officer shall deposit fees transferred under this
- 42 subsection in the appropriate user fee fund established under



1 IC 33-37-8.

2 (e) Unless otherwise directed by a court, if a clerk collects only part
3 of a criminal costs fee from a defendant under this section, the clerk
4 shall distribute the partial payment of the criminal costs fee as follows:

5 (1) The clerk shall apply the partial payment to general court
6 costs.

7 (2) If there is money remaining after the partial payment is
8 applied to general court costs under subdivision (1), the clerk
9 shall distribute the remainder of the partial payment for deposit in
10 the appropriate county user fee fund.

11 (3) If there is money remaining after distribution under
12 subdivision (2), the clerk shall distribute the remainder of the
13 partial payment for deposit in the state user fee fund.

14 (4) If there is money remaining after distribution under
15 subdivision (3), the clerk shall distribute the remainder of the
16 partial payment to any other applicable user fee fund.

17 (5) If there is money remaining after distribution under
18 subdivision (4), the clerk shall apply the remainder of the partial
19 payment to any outstanding fines owed by the defendant.

20 SECTION 109. IC 33-37-4-2, AS AMENDED BY
21 P.L.182-2009(ss), SECTION 393, IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as
23 provided in subsections (d) and (e), for each action that results in a
24 judgment:

25 (1) for a violation constituting an infraction; or

26 (2) for a violation of an ordinance of a municipal corporation (as
27 defined in IC 36-1-2-10);

28 the clerk shall collect from the defendant an infraction or ordinance
29 violation costs fee of seventy dollars (\$70).

30 (b) In addition to the infraction or ordinance violation costs fee
31 collected under this section, the clerk shall collect from the defendant
32 the following fees, if they are required under IC 33-37-5:

33 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
34 IC 33-37-5-4).

35 (2) An alcohol and drug services program ~~user~~ fee
36 (IC 33-37-5-8(b)).

37 (3) A law enforcement continuing education program fee
38 (IC 33-37-5-8(c)).

39 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

40 (5) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).

41 (6) A deferred prosecution fee (IC 33-37-5-17).

42 (7) A jury fee (IC 33-37-5-19).



- 1 (8) A document storage fee (IC 33-37-5-20).
- 2 (9) An automated record keeping fee (IC 33-37-5-21).
- 3 (10) A late payment fee (IC 33-37-5-22).
- 4 (11) A public defense administration fee (IC 33-37-5-21.2).
- 5 (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- 6 (13) A judicial salaries fee (IC 33-37-5-26).
- 7 (14) A court administration fee (IC 33-37-5-27).
- 8 (15) A DNA sample processing fee (IC 33-37-5-26.2).
- 9 (c) The clerk shall transfer to the county auditor or fiscal officer of
- 10 the municipal corporation the following fees, not later than thirty (30)
- 11 days after the fees are collected:
- 12 (1) The alcohol and drug services program ~~user~~ fee
- 13 (IC 33-37-5-8(b)).
- 14 (2) The law enforcement continuing education program fee
- 15 (IC 33-37-5-8(c)).
- 16 (3) The deferral program fee (subsection (e)).
- 17 The auditor or fiscal officer shall deposit the fees in the user fee fund
- 18 established under IC 33-37-8.
- 19 (d) The defendant is not liable for any ordinance violation costs fee
- 20 in an action if all the following apply:
- 21 (1) The defendant was charged with an ordinance violation
- 22 subject to IC 33-36.
- 23 (2) The defendant denied the violation under IC 33-36-3.
- 24 (3) Proceedings in court against the defendant were initiated
- 25 under IC 34-28-5 (or IC 34-4-32 before its repeal).
- 26 (4) The defendant was tried and the court entered judgment for
- 27 the defendant for the violation.
- 28 (e) Instead of the infraction or ordinance violation costs fee
- 29 prescribed by subsection (a), except for the automated record keeping
- 30 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
- 31 agreement between a prosecuting attorney or an attorney for a
- 32 municipal corporation and the person charged with a violation entered
- 33 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
- 34 payment of those fees by the person charged with the violation. The
- 35 deferral program fee is:
- 36 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 37 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
- 38 month the person remains in the deferral program.
- 39 (f) The fees prescribed by this section are costs for purposes of
- 40 IC 34-28-5-5 and may be collected from a defendant against whom
- 41 judgment is entered. Any penalty assessed is in addition to costs.
- 42 SECTION 110. IC 33-37-4-3, AS AMENDED BY P.L.176-2005,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 3. (a) The clerk shall collect a juvenile costs
3 fee of one hundred twenty dollars (\$120) for each action filed under
4 any of the following:

- 5 (1) IC 31-34 (children in need of services).
- 6 (2) IC 31-37 (delinquent children).
- 7 (3) IC 31-14 (paternity).

8 (b) In addition to the juvenile costs fee collected under this section,
9 the clerk shall collect the following fees, if they are required under
10 IC 33-37-5:

- 11 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
12 IC 33-37-5-4).
- 13 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 14 (3) An alcohol and drug services program ~~user~~ fee
15 (IC 33-37-5-8(b)).
- 16 (4) A law enforcement continuing education program fee
17 (IC 33-37-5-8(c)).
- 18 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 19 (6) A document storage fee (IC 33-37-5-20).
- 20 (7) An automated record keeping fee (IC 33-37-5-21).
- 21 (8) A late payment fee (IC 33-37-5-22).
- 22 (9) A public defense administration fee (IC 33-37-5-21.2).
- 23 (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- 24 (11) A judicial salaries fee (IC 33-37-5-26).
- 25 (12) A court administration fee (IC 33-37-5-27).
- 26 (13) A DNA sample processing fee (IC 33-37-5-26.2).

27 (c) The clerk shall transfer to the county auditor or city or town
28 fiscal officer the following fees not later than thirty (30) days after they
29 are collected:

- 30 (1) The marijuana eradication program fee (IC 33-37-5-7).
- 31 (2) The alcohol and drug services program ~~user~~ fee
32 (IC 33-37-5-8(b)).
- 33 (3) The law enforcement continuing education program fee
34 (IC 33-37-5-8(c)).

35 The auditor or fiscal officer shall deposit the fees in the appropriate
36 user fee fund established under IC 33-37-8.

37 SECTION 111. IC 33-37-7-2, AS AMENDED BY P.L.77-2016,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall
40 distribute semiannually to the auditor of state as the state share for
41 deposit in the homeowner protection unit account established by
42 IC 4-6-12-9 one hundred percent (100%) of the automated record



1 keeping fees collected under IC 33-37-5-21 with respect to actions
 2 resulting in the accused person entering into a pretrial diversion
 3 program agreement under IC 33-39-1-8 or a deferral program
 4 agreement under IC 34-28-5-1 and for deposit in the state general fund
 5 seventy percent (70%) of the amount of fees collected under the
 6 following:

- 7 (1) IC 33-37-4-1(a) (criminal costs fees).
- 8 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 9 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 10 (4) IC 33-37-4-4(a) (civil costs fees).
- 11 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 12 (6) IC 33-37-4-7(a) (probate costs fees).
- 13 (7) IC 33-37-5-17 (deferred prosecution fees).

14 (b) The clerk of a circuit court shall distribute semiannually to the
 15 auditor of state for deposit in the state user fee fund established in
 16 IC 33-37-9-2 the following:

- 17 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 18 interdiction, and correction fees collected under
 19 IC 33-37-4-1(b)(5).
- 20 (2) Twenty-five percent (25%) of the alcohol and drug
 21 countermeasures fees collected under IC 33-37-4-1(b)(6),
 22 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 23 (3) One hundred percent (100%) of the child abuse prevention
 24 fees collected under IC 33-37-4-1(b)(7).
- 25 (4) One hundred percent (100%) of the domestic violence
 26 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 27 (5) One hundred percent (100%) of the highway ~~work~~ **worksite**
 28 zone fees collected under IC 33-37-4-1(b)(9) and
 29 IC 33-37-4-2(b)(5).
- 30 (6) One hundred percent (100%) of the safe schools fee collected
 31 under IC 33-37-5-18.
- 32 (7) One hundred percent (100%) of the automated record keeping
 33 fee collected under IC 33-37-5-21 not distributed under
 34 subsection (a).

35 (c) The clerk of a circuit court shall distribute monthly to the county
 36 auditor the following:

- 37 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 38 interdiction, and correction fees collected under
 39 IC 33-37-4-1(b)(5).
- 40 (2) Seventy-five percent (75%) of the alcohol and drug
 41 countermeasures fees collected under IC 33-37-4-1(b)(6),
 42 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).



1 The county auditor shall deposit fees distributed by a clerk under this
2 subsection into the county drug free community fund established under
3 IC 5-2-11.

4 (d) The clerk of a circuit court shall distribute monthly to the county
5 auditor one hundred percent (100%) of the late payment fees collected
6 under IC 33-37-5-22. The county auditor shall deposit fees distributed
7 by a clerk under this subsection as follows:

8 (1) If directed to do so by an ordinance adopted by the county
9 fiscal body, the county auditor shall deposit forty percent (40%)
10 of the fees in the clerk's record perpetuation fund established
11 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
12 county general fund.

13 (2) If the county fiscal body has not adopted an ordinance
14 described in subdivision (1), the county auditor shall deposit all
15 the fees in the county general fund.

16 (e) The clerk of the circuit court shall distribute semiannually to the
17 auditor of state for deposit in the sexual assault victims assistance fund
18 established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual
19 assault victims assistance fees collected under IC 33-37-5-23.

20 (f) The clerk of a circuit court shall distribute monthly to the county
21 auditor the following:

22 (1) One hundred percent (100%) of the support and maintenance
23 fees for cases designated as non-Title IV-D child support cases in
24 the Indiana support enforcement tracking system (ISETS) or the
25 successor statewide automated support enforcement system
26 collected under IC 33-37-5-6.

27 (2) The percentage share of the support and maintenance fees for
28 cases designated as Title IV-D child support cases in ISETS or the
29 successor statewide automated support enforcement system
30 collected under IC 33-37-5-6 that is reimbursable to the county at
31 the federal financial participation rate.

32 The county clerk shall distribute monthly to the department of child
33 services the percentage share of the support and maintenance fees for
34 cases designated as Title IV-D child support cases in ISETS, or the
35 successor statewide automated support enforcement system, collected
36 under IC 33-37-5-6 that is not reimbursable to the county at the
37 applicable federal financial participation rate.

38 (g) The clerk of a circuit court shall distribute monthly to the county
39 auditor the following:

40 (1) One hundred percent (100%) of the small claims service fee
41 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
42 the county general fund.



- 1 (2) One hundred percent (100%) of the small claims garnishee
2 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
3 deposit in the county general fund.
- 4 (h) This subsection does not apply to court administration fees
5 collected in small claims actions filed in a court described in IC 33-34.
6 The clerk of a circuit court shall semiannually distribute to the auditor
7 of state for deposit in the state general fund one hundred percent
8 (100%) of the following:
- 9 (1) The public defense administration fee collected under
10 IC 33-37-5-21.2.
- 11 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 12 (3) The DNA sample processing fees collected under
13 IC 33-37-5-26.2.
- 14 (4) The court administration fees collected under IC 33-37-5-27.
- 15 (i) The clerk of a circuit court shall semiannually distribute to the
16 auditor of state for deposit in the judicial branch insurance adjustment
17 account established by IC 33-38-5-8.2 one hundred percent (100%) of
18 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 19 (j) The proceeds of the service fee collected under
20 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
21 follows:
- 22 (1) The clerk shall distribute one hundred percent (100%) of the
23 service fees collected in a circuit, superior, county, or probate
24 court to the county auditor for deposit in the county general fund.
- 25 (2) The clerk shall distribute one hundred percent (100%) of the
26 service fees collected in a city or town court to the city or town
27 fiscal officer for deposit in the city or town general fund.
- 28 (k) The proceeds of the garnishee service fee collected under
29 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
30 follows:
- 31 (1) The clerk shall distribute one hundred percent (100%) of the
32 garnishee service fees collected in a circuit, superior, county, or
33 probate court to the county auditor for deposit in the county
34 general fund.
- 35 (2) The clerk shall distribute one hundred percent (100%) of the
36 garnishee service fees collected in a city or town court to the city
37 or town fiscal officer for deposit in the city or town general fund.
- 38 (l) The clerk of the circuit court shall distribute semiannually to the
39 auditor of state for deposit in the home ownership education account
40 established by IC 5-20-1-27 one hundred percent (100%) of the
41 following:
- 42 (1) The mortgage foreclosure counseling and education fees



1 collected under IC 33-37-5-33 (before its expiration on July 1,
 2 2017).
 3 (2) Any civil penalties imposed and collected by a court for a
 4 violation of a court order in a foreclosure action under
 5 IC 32-30-10.5.

6 (m) The clerk of a circuit court shall distribute semiannually to the
 7 auditor of state one hundred percent (100%) of the pro bono legal
 8 services fees collected before July 1, 2017, under IC 33-37-5-31. The
 9 auditor of state shall transfer semiannually the pro bono legal services
 10 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 11 designated to organize and administer the interest on lawyers trust
 12 accounts (IOLTA) program under Rule 1.15 of the Rules of
 13 Professional Conduct of the Indiana supreme court. The Indiana Bar
 14 Foundation shall:

- 15 (1) deposit in an appropriate account and otherwise manage the
- 16 fees the Indiana Bar Foundation receives under this subsection in
- 17 the same manner the Indiana Bar Foundation deposits and
- 18 manages the net earnings the Indiana Bar Foundation receives
- 19 from IOLTA accounts; and
- 20 (2) use the fees the Indiana Bar Foundation receives under this
- 21 subsection to assist or establish approved pro bono legal services
- 22 programs.

23 The handling and expenditure of the pro bono legal services fees
 24 received under this section by the Indiana Bar Foundation (or its
 25 successor entity) are subject to audit by the state board of accounts. The
 26 amounts necessary to make the transfers required by this subsection are
 27 appropriated from the state general fund.

28 SECTION 112. IC 35-43-5-3, AS AMENDED BY P.L.158-2013,
 29 SECTION 470, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person who:

- 31 (1) being an officer, manager, or other person participating in the
- 32 direction of a credit institution, knowingly or intentionally
- 33 receives or permits the receipt of a deposit or other investment,
- 34 knowing that the institution is insolvent;
- 35 (2) knowingly or intentionally makes a false or misleading written
- 36 statement with intent to obtain property, employment, or an
- 37 educational opportunity;
- 38 (3) misapplies entrusted property, property of a governmental
- 39 entity, or property of a credit institution in a manner that the
- 40 person knows is unlawful or that the person knows involves
- 41 substantial risk of loss or detriment to either the owner of the
- 42 property or to a person for whose benefit the property was



- 1 entrusted;
- 2 (4) knowingly or intentionally, in the regular course of business,
- 3 either:
- 4 (A) uses or possesses for use a false weight or measure or
- 5 other device for falsely determining or recording the quality or
- 6 quantity of any commodity; or
- 7 (B) sells, offers, or displays for sale or delivers less than the
- 8 represented quality or quantity of any commodity;
- 9 (5) with intent to defraud another person furnishing electricity,
- 10 gas, water, telecommunication, or any other utility service, avoids
- 11 a lawful charge for that service by scheme or device or by
- 12 tampering with facilities or equipment of the person furnishing
- 13 the service;
- 14 (6) with intent to defraud, misrepresents the identity of the person
- 15 or another person or the identity or quality of property;
- 16 (7) with intent to defraud an owner of a coin machine, deposits a
- 17 slug in that machine;
- 18 (8) with intent to enable the person or another person to deposit
- 19 a slug in a coin machine, makes, possesses, or disposes of a slug;
- 20 (9) disseminates to the public an advertisement that the person
- 21 knows is false, misleading, or deceptive, with intent to promote
- 22 the purchase or sale of property or the acceptance of employment;
- 23 (10) with intent to defraud, misrepresents a person as being a
- 24 physician licensed under IC 25-22.5;
- 25 (11) knowingly and intentionally defrauds another person
- 26 furnishing cable TV service by avoiding paying compensation for
- 27 that service by any scheme or device or by tampering with
- 28 facilities or equipment of the person furnishing the service; or
- 29 (12) knowingly or intentionally provides false information to a
- 30 governmental entity to obtain a contract from the governmental
- 31 entity;
- 32 commits deception, a Class A misdemeanor. However, an offense
- 33 under subdivision (12) is a Level 6 felony if the provision of false
- 34 information results in financial loss to the governmental entity.
- 35 (b) In determining whether an advertisement is false, misleading, or
- 36 deceptive under subsection (a)(9), there shall be considered, among
- 37 other things, not only representations contained or suggested in the
- 38 advertisement, by whatever means, including device or sound, but also
- 39 the extent to which the advertisement fails to reveal material facts in
- 40 the light of the representations.
- 41 (c) A person who knowingly or intentionally falsely represents:
- 42 (1) any entity as:



1 (A) a disadvantaged business enterprise (as defined in
 2 IC 5-16-6.5-1); or
 3 (B) a women-owned business enterprise (as defined in
 4 IC 5-16-6.5-3);
 5 in order to qualify for certification as such an enterprise under a
 6 program conducted by a public agency (as defined in
 7 IC 5-16-6.5-2) designed to assist disadvantaged business
 8 enterprises or women-owned business enterprises in obtaining
 9 contracts with public agencies for the provision of goods and
 10 services; or
 11 (2) an entity with which the person will subcontract all or part of
 12 a contract with a public agency (as defined in IC 5-16-6.5-2) as:
 13 (A) a disadvantaged business enterprise (as defined in
 14 IC 5-16-6.5-1); or
 15 (B) a women-owned **business** enterprise (as defined in
 16 ~~IC 5-16-6.5-3~~; **IC 5-16-6.5-3**);
 17 in order to qualify for certification as an eligible bidder under a
 18 program that is conducted by a public agency designed to assist
 19 disadvantaged business enterprises or women-owned business
 20 enterprises in obtaining contracts with public agencies for the
 21 provision of goods and services;
 22 commits a Level 6 felony.
 23 SECTION 113. IC 35-44.2-1-12 IS REPEALED [EFFECTIVE
 24 UPON PASSAGE]. ~~Sec. 12: A person who violates driver training
 25 school requirements is subject to a civil action for an infraction under
 26 IC 5-2-6.5-15.~~
 27 SECTION 114. IC 35-45-2-1, AS AMENDED BY P.L.168-2014,
 28 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 1. (a) A person who communicates a threat to
 30 another person, with the intent:
 31 (1) that the other person engage in conduct against the other
 32 person's will;
 33 (2) that the other person be placed in fear of retaliation for a prior
 34 lawful act; or
 35 (3) of:
 36 (A) causing:
 37 (i) a dwelling, a building, or other structure; or
 38 (ii) a vehicle;
 39 to be evacuated; or
 40 (B) interfering with the occupancy of:
 41 (i) a dwelling, building, or other structure; or
 42 (ii) a vehicle;



1 commits intimidation, a Class A misdemeanor.

2 (b) However, the offense is a:

3 (1) Level 6 felony if:

4 (A) the threat is to commit a forcible felony;

5 (B) the person to whom the threat is communicated:

6 (i) is a law enforcement officer;

7 (ii) is a witness (or the spouse or child of a witness) in any
8 pending criminal proceeding against the person making the
9 threat;

10 (iii) is an employee of a school or school corporation;

11 (iv) is a community policing volunteer;

12 (v) is an employee of a court;

13 (vi) is an employee of a probation department;

14 (vii) is an employee of a community corrections program;

15 (viii) is an employee of a hospital, church, or religious
16 organization; or

17 (ix) is a person that owns a building or structure that is open
18 to the public or is an employee of the person;

19 and, except as provided in item (ii), the threat is
20 communicated to the person because of the occupation,
21 profession, employment status, or ownership status of the
22 person as described in items (i) through (ix) or based on an act
23 taken by the person within the scope of the occupation,
24 profession, employment status, or ownership status of the
25 person;

26 (C) the person has a prior unrelated conviction for an offense
27 under this section concerning the same victim; or

28 (D) the threat is communicated using property, including
29 electronic equipment or systems, of a school corporation or
30 other governmental entity; and

31 (2) Level 5 felony if:

32 (A) while committing it, the person draws or uses a deadly
33 weapon; or

34 (B) the person to whom the threat is communicated:

35 (i) is a judge or bailiff of any court; or

36 (ii) is a prosecuting attorney or a deputy prosecuting
37 attorney.

38 (c) "Communicates" includes posting a message electronically,
39 including on a social networking web site (as defined in
40 ~~IC 35-42-4-12(d)~~; **IC 35-31.5-2-307**).

41 (d) "Threat" means an expression, by words or action, of an
42 intention to:



- 1 (1) unlawfully injure the person threatened or another person, or
 2 damage property;
 3 (2) unlawfully subject a person to physical confinement or
 4 restraint;
 5 (3) commit a crime;
 6 (4) unlawfully withhold official action, or cause such withholding;
 7 (5) unlawfully withhold testimony or information with respect to
 8 another person's legal claim or defense, except for a reasonable
 9 claim for witness fees or expenses;
 10 (6) expose the person threatened to hatred, contempt, disgrace, or
 11 ridicule;
 12 (7) falsely harm the credit or business reputation of the person
 13 threatened; or
 14 (8) cause the evacuation of a dwelling, a building, another
 15 structure, or a vehicle.

16 SECTION 115. IC 35-46-1-16 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The law
 18 enforcement agency with custody of a person who is sentenced to a
 19 term of imprisonment of more than ten (10) days following conviction
 20 of a crime under section 15.1 **or 15.3** of this chapter shall maintain a
 21 confidential record of the:

- 22 (1) name;
 23 (2) address; and
 24 (3) telephone number;

25 of each person that the person convicted under section 15.1 **or 15.3** of
 26 this chapter (**as appropriate**) is required to refrain from direct or
 27 indirect contact with under an order described by section 15.1 **or 15.3**
 28 of this chapter (**as appropriate**).

29 SECTION 116. IC 35-46-1-17 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. A person
 31 convicted of a crime under section 15.1 **or 15.3** of this chapter may not
 32 have access to the information maintained under section 16 of this
 33 chapter.

34 SECTION 117. IC 35-46-1-18 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The law
 36 enforcement agency having custody of a person who is sentenced to a
 37 term of imprisonment of more than ten (10) days following conviction
 38 of a crime under section 15.1 **or 15.3** of this chapter shall:

- 39 (1) provide each person described in section 16 of this chapter
 40 with written notification of:
 41 (A) the release of a person convicted of a crime under section
 42 15.1 **or 15.3** of this chapter (**as appropriate**); and



- 1 (B) the date, time, and place of any substantive hearing
 2 concerning a violation of section 15.1 **or 15.3** of this chapter
 3 **(as appropriate)** by a person who is sentenced to a term of
 4 imprisonment of more than ten (10) days following conviction
 5 of a crime under section 15.1 **or 15.3** of this chapter **(as**
 6 **appropriate);** and
 7 (2) attempt to notify each person described in section 16 of this
 8 chapter by telephone to provide the information described in
 9 subdivision (1).
- 10 SECTION 118. IC 35-46-9-6, AS AMENDED BY P.L.26-2016,
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 6. (a) Except as provided in subsections (b)
 13 and (c), a person who operates a motorboat while:
 14 (1) having an alcohol concentration equivalent (as defined in
 15 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
 16 per:
 17 (A) one hundred (100) milliliters of the person's blood; or
 18 (B) two hundred ten (210) liters of the person's breath;
 19 (2) having a controlled substance listed in schedule I or II of
 20 IC 35-48-2 or its metabolite in the person's body; or
 21 (3) intoxicated;
 22 commits a Class C misdemeanor.
 23 (b) The offense is a Level 6 felony if:
 24 (1) the person has a previous conviction under:
 25 (A) IC 14-1-5 (repealed);
 26 (B) IC 14-15-8-8 (repealed); **or**
 27 (C) this chapter; or
 28 (2) the offense results in serious bodily injury to another person.
 29 (c) The offense is a Level 5 felony if the offense results in the death
 30 of another person.
 31 (d) It is a defense to a prosecution under subsection (a)(2) that the
 32 accused person consumed the controlled substance under a valid
 33 prescription or order of a practitioner (as defined in IC 35-48-1-24)
 34 who acted in the course of the practitioner's professional practice.
- 35 SECTION 119. IC 35-48-4-5, AS AMENDED BY P.L.168-2014,
 36 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 5. A person who:
 38 (1) knowingly or intentionally:
 39 (A) creates;
 40 (B) delivers; or
 41 (C) finances the delivery of;
 42 a counterfeit substance; or



1 (2) possesses, with intent to:
 2 (A) deliver; or
 3 (B) finance the delivery of;
 4 a counterfeit substance;
 5 commits dealing in a counterfeit substance, a Level 6 felony. However,
 6 a person may be convicted of an offense under ~~subsection (a)(2)~~
 7 **subdivision (2)** only if there is evidence in addition to the weight of the
 8 counterfeit substance that the person intended to deliver or finance the
 9 delivery of the counterfeit substance.
 10 SECTION 120. IC 35-48-4-14.7, AS AMENDED BY P.L.5-2016,
 11 SECTION 6, AND AS AMENDED BY P.L.9-2016, SECTION 3, IS
 12 CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) This section does not
 14 apply to the following:
 15 (1) Ephedrine or pseudoephedrine dispensed pursuant to a
 16 prescription. *Nothing in this section prohibits a person who is*
 17 *denied the sale of a nonprescription product containing*
 18 *pseudoephedrine or ephedrine from obtaining pseudoephedrine*
 19 *or ephedrine pursuant to a prescription.*
 20 (2) The sale of a drug containing ephedrine or pseudoephedrine
 21 to a licensed health care provider, pharmacist, retail distributor,
 22 wholesaler, manufacturer, or an agent of any of these persons if
 23 the sale occurs in the regular course of lawful business activities.
 24 However, a retail distributor, wholesaler, or manufacturer is
 25 required to report a suspicious order to the state police department
 26 in accordance with subsection (g).
 27 (3) The sale of a drug containing ephedrine or pseudoephedrine
 28 by a person who does not sell exclusively to walk-in customers for
 29 the personal use of the walk-in customers. However, if the person
 30 described in this subdivision is a retail distributor, wholesaler, or
 31 manufacturer, the person is required to report a suspicious order
 32 to the state police department in accordance with subsection (g).
 33 (b) The following definitions apply throughout this section:
 34 (1) "Constant video monitoring" means the surveillance by an
 35 automated camera that:
 36 (A) records at least one (1) photograph or digital image every
 37 ten (10) seconds;
 38 (B) retains a photograph or digital image for at least
 39 seventy-two (72) hours;
 40 (C) has sufficient resolution and magnification to permit the
 41 identification of a person in the area under surveillance; and
 42 (D) stores a recorded photograph or digital image at a location



- 1 that is immediately accessible to a law enforcement officer.
- 2 (2) "Convenience package" means a package that contains a drug
3 having as an active ingredient not more than sixty (60) milligrams
4 of ephedrine or pseudoephedrine, or both.
- 5 (3) "Ephedrine" means pure or adulterated ephedrine.
- 6 (4) "Pharmacy or NPLeX retailer" means:
7 (A) a pharmacy, as defined in IC 25-26-13-2;
8 (B) a retailer containing a pharmacy, as defined in
9 IC 25-26-13-2; or
10 (C) a retailer that electronically submits the required
11 information to the National Precursor Log Exchange (NPLeX).
- 12 (5) "Pseudoephedrine" means pure or adulterated
13 pseudoephedrine.
- 14 (6) "Retailer" means a grocery store, general merchandise store,
15 or other similar establishment. The term does not include a
16 pharmacy or NPLeX retailer.
- 17 (7) "Suspicious order" means a sale or transfer of a drug
18 containing ephedrine or pseudoephedrine if the sale or transfer:
19 (A) is a sale or transfer that the retail distributor, wholesaler,
20 or manufacturer is required to report to the United States Drug
21 Enforcement Administration;
22 (B) appears suspicious to the retail distributor, wholesaler, or
23 manufacturer in light of the recommendations contained in
24 Appendix A of the report to the United States attorney general
25 by the suspicious orders task force under the federal
26 Comprehensive Methamphetamine Control Act of 1996; or
27 (C) is for cash or a money order in a total amount of at least
28 two hundred dollars (\$200).
- 29 (8) "Unusual theft" means the theft or unexplained disappearance
30 from a particular pharmacy or NPLeX retailer of drugs containing
31 ten (10) grams or more of ephedrine, pseudoephedrine, or both in
32 a twenty-four (24) hour period.
- 33 (c) A drug containing ephedrine or pseudoephedrine may be sold
34 only by a pharmacy or NPLeX retailer. *Except as provided in*
35 *subsection (f); a retailer may not sell a drug containing ephedrine or*
36 *pseudoephedrine.*
- 37 (d) A pharmacy or NPLeX retailer may sell a drug that contains the
38 active ingredient of ephedrine, pseudoephedrine, or both only if the
39 pharmacy or NPLeX retailer complies with the following conditions:
40 (1) The pharmacy or NPLeX retailer does not sell the drug to a
41 person less than eighteen (18) years of age.
42 (2) The pharmacy or NPLeX retailer does not sell drugs



- 1 containing more than:
- 2 (A) three and six-tenths (3.6) grams of ephedrine or
- 3 pseudoephedrine, or both, to one (1) individual on one (1) day;
- 4 (B) seven and two-tenths (7.2) grams of ephedrine or
- 5 pseudoephedrine, or both, to one (1) individual in a thirty (30)
- 6 day period; or
- 7 (C) sixty-one and two-tenths (61.2) grams of ephedrine or
- 8 pseudoephedrine, or both, to one (1) individual in a three
- 9 hundred sixty-five (365) day period.
- 10 *(3) Except as provided in subsection (f), before the sale occurs*
- 11 *the pharmacist or the pharmacy technician (as defined by*
- 12 *IC 25-26-19-2) has determined that the purchaser has a*
- 13 *relationship on record with the pharmacy, in compliance with*
- 14 *rules adopted by the board under IC 25-26-13-4. If it has been*
- 15 *determined that the purchaser does not have a relationship on*
- 16 *record with the pharmacy, the pharmacist shall make a*
- 17 *professional determination as to whether there is a legitimate*
- 18 *medical or pharmaceutical need for ephedrine or*
- 19 *pseudoephedrine before selling ephedrine or pseudoephedrine to*
- 20 *an individual. The pharmacist's professional determination must*
- 21 *comply with the rules adopted under IC 25-26-13-4 and may*
- 22 *include the following:*
- 23 *(A) Prior medication filling history of the individual.*
- 24 *(B) Consulting with the individual.*
- 25 *(C) Other tools that provide professional reassurance to the*
- 26 *pharmacist that a legitimate medical or pharmaceutical need*
- 27 *for ephedrine or pseudoephedrine exists.*
- 28 *A pharmacist who in good faith does not sell ephedrine or*
- 29 *pseudoephedrine to an individual under this subdivision is*
- 30 *immune from civil liability unless the refusal to sell constitutes*
- 31 *gross negligence or intentional, wanton, or willful misconduct.*
- 32 ~~(3)~~ (4) The pharmacy or NPLeX retailer requires:
- 33 (A) the purchaser to produce a valid government issued photo
- 34 identification card showing the date of birth of the person;
- 35 (B) the purchaser to sign a written or electronic log attesting
- 36 to the validity of the information; and
- 37 (C) the clerk who is conducting the transaction to initial or
- 38 electronically record the clerk's identification on the log.
- 39 Records from the completion of a log must be retained for at least
- 40 two (2) years. A law enforcement officer has the right to inspect
- 41 and copy a log or the records from the completion of a log in
- 42 accordance with state and federal law. A pharmacy or NPLeX



1 retailer may not sell or release a log or the records from the
 2 completion of a log for a commercial purpose. The Indiana
 3 criminal justice institute may obtain information concerning a log
 4 or the records from the completion of a log from a law
 5 enforcement officer if the information may not be used to identify
 6 a specific individual and is used only for statistical purposes. A
 7 pharmacy or NPLEEx retailer that in good faith releases
 8 information maintained under this subsection is immune from
 9 civil liability unless the release constitutes gross negligence or
 10 intentional, wanton, or willful misconduct.

11 ~~(4)~~ (5) The pharmacy or NPLEEx retailer maintains a record of
 12 information for each sale of a nonprescription product containing
 13 pseudoephedrine or ephedrine. Required information includes:

- 14 (A) the name and address of each purchaser;
- 15 (B) the type of identification presented;
- 16 (C) the governmental entity that issued the identification;
- 17 (D) the identification number; and
- 18 (E) the ephedrine or pseudoephedrine product purchased,
 19 including the number of grams the product contains and the
 20 date and time of the transaction.

21 ~~(5)~~ (6) ~~Beginning January 1, 2012,~~ A pharmacy or NPLEEx retailer
 22 shall, except as provided in subdivision ~~(6)~~; (7), before
 23 completing a sale of an over-the-counter product containing
 24 pseudoephedrine or ephedrine, electronically submit the required
 25 information to the National Precursor Log Exchange (NPLEEx), if
 26 the NPLEEx system is available to pharmacies or NPLEEx retailers
 27 in the state without a charge for accessing the system. The
 28 pharmacy or NPLEEx retailer may not complete the sale if the
 29 system generates a stop sale alert, including a stop sale alert for
 30 a person convicted of a felony reported under IC 33-24-6-3.

31 ~~(6)~~ (7) If a pharmacy or NPLEEx retailer selling an
 32 over-the-counter product containing ephedrine or
 33 pseudoephedrine experiences mechanical or electronic failure of
 34 the electronic sales tracking system and is unable to comply with
 35 the electronic sales tracking requirement, the pharmacy or NPLEEx
 36 retailer shall maintain a written log or an alternative electronic
 37 ~~recordkeeping~~ **record keeping** mechanism until the pharmacy or
 38 NPLEEx retailer is able to comply with the electronic sales tracking
 39 requirement.

40 ~~(7)~~ (8) The pharmacy or NPLEEx retailer stores the drug behind a
 41 counter in an area inaccessible to a customer or in a locked
 42 display case that makes the drug unavailable to a customer



1 without the assistance of an employee.

2 (e) A person may not purchase drugs containing more than:

3 (1) three and six-tenths (3.6) grams of ephedrine or
4 pseudoephedrine, or both, on one (1) day;

5 (2) seven and two-tenths (7.2) grams of ephedrine or
6 pseudoephedrine, or both, in a thirty (30) day period; or

7 (3) sixty-one and two-tenths (61.2) grams of ephedrine or
8 pseudoephedrine, or both, in a three hundred sixty-five (365) day
9 period.

10 These limits apply to the total amount of base ephedrine and
11 pseudoephedrine contained in the products and not to the overall
12 weight of the products.

13 *(f) This subsection only applies to convenience packages. A retailer
14 may sell convenience packages under this section without complying
15 with the conditions listed in subsection (d):*

16 *(1) after June 30, 2013; and*

17 *(2) before January 1, 2014.*

18 *A retailer may not sell drugs containing more than sixty (60)
19 milligrams of ephedrine or pseudoephedrine, or both in any one (1)
20 transaction. A retailer who sells convenience packages must secure the
21 convenience packages behind the counter in an area inaccessible to a
22 customer or in a locked display case that makes the drug unavailable
23 to a customer without the assistance of an employee. A retailer may not
24 sell a drug containing ephedrine or pseudoephedrine after December
25 31, 2013.*

26 *(f) If a purchaser does not have a relationship on record with the
27 pharmacy, as determined by rules adopted by the board under
28 IC 25-26-13-4, or the pharmacist has made a professional
29 determination that there is not a legitimate medical or pharmaceutical
30 need for ephedrine or pseudoephedrine under subsection (d), the
31 purchaser may, at the pharmacist's discretion, purchase only the
32 following:*

33 *(1) A product that has been determined under section 14.3 of this
34 chapter to be an extraction resistant or a conversion resistant
35 form of ephedrine or pseudoephedrine.*

36 *(2) A product that contains not more than:*

37 *(A) a total of seven hundred twenty (720) milligrams of
38 ephedrine or pseudoephedrine per package; and*

39 *(B) thirty (30) milligrams of ephedrine or pseudoephedrine
40 per tablet.*

41 *The pharmacist may not sell more than one (1) package of
42 ephedrine or pseudoephedrine to a purchaser under this*



1 *subdivision per day.*

2 *However, if the pharmacist believes that the ephedrine or*
3 *pseudoephedrine purchase will be used to manufacture*
4 *methamphetamine, the pharmacist may refuse to sell ephedrine or*
5 *pseudoephedrine to the purchaser.*

6 (g) A retail distributor, wholesaler, or manufacturer shall report a
7 suspicious order to the state police department in writing.

8 (h) Not later than three (3) days after the discovery of an unusual
9 theft at a particular retail store, the pharmacy or NPLeX retailer shall
10 report the unusual theft to the state police department in writing. If
11 three (3) unusual thefts occur in a thirty (30) day period at a particular
12 pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for
13 at least one hundred eighty (180) days after the date of the last unusual
14 theft, locate all drugs containing ephedrine or pseudoephedrine at that
15 particular pharmacy or NPLeX retailer behind a counter in an area
16 inaccessible to a customer or in a locked display case that makes the
17 drug unavailable to customers without the assistance of an employee.

18 (i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance
19 after February 1, 2005, that is more stringent than this section.

20 (j) A person who knowingly or intentionally violates this section
21 commits a Class C misdemeanor. However, the offense is a Class A
22 misdemeanor if the person has a prior unrelated conviction under this
23 section.

24 (k) A pharmacy or NPLeX retailer that uses the electronic sales
25 tracking system in accordance with this section is immune from civil
26 liability for any act or omission committed in carrying out the duties
27 required by this section, unless the act or omission was due to
28 *negligence*, recklessness or deliberate or wanton misconduct. A
29 pharmacy or NPLeX retailer is immune from liability to a third party
30 unless the pharmacy or NPLeX retailer has violated a provision of this
31 section and the third party brings an action based on the pharmacy's or
32 NPLeX retailer's violation of this section.

33 (l) The following requirements apply to the NPLeX:

34 (1) Information contained in the NPLeX may be shared only with
35 law enforcement officials.

36 (2) A law enforcement official may access Indiana transaction
37 information maintained in the NPLeX for investigative purposes.

38 (3) NADDI may not modify sales transaction data that is shared
39 with law enforcement officials.

40 (4) At least one (1) time per day, Indiana data contained in the
41 NPLeX for the previous calendar day shall be forwarded to the
42 state police department.



1 (m) *A person or corporate entity may not mandate a protocol or*
 2 *procedure that interferes with the pharmacist's ability to exercise the*
 3 *pharmacist's independent professional judgment under this section,*
 4 *including whether to deny the sale of ephedrine or pseudoephedrine*
 5 *under subsection (f).*

6 SECTION 121. IC 35-48-7-11.1, AS AMENDED BY P.L.5-2016,
 7 SECTION 12, AND AS AMENDED BY P.L.82-2016, SECTION 13,
 8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) Information received
 10 by the INSPECT program under section 8.1 of this chapter is
 11 confidential.

12 (b) The board shall carry out a program to protect the confidentiality
 13 of the information described in subsection (a). The board may disclose
 14 the information to another person only under subsection (c), (d), or (g).

15 (c) The board may disclose confidential information described in
 16 subsection (a) to any person who is authorized to engage in receiving,
 17 processing, or storing the information.

18 (d) Except as provided in subsections (e) and (f), the board may
 19 release confidential information described in subsection (a) to the
 20 following persons:

21 (1) A member of the board or another governing body that
 22 licenses practitioners and is engaged in an investigation, an
 23 adjudication, or a prosecution of a violation under any state or
 24 federal law that involves *ephedrine, pseudoephedrine, or a*
 25 *controlled substance.*

26 (2) An investigator for the consumer protection division of the
 27 office of the attorney general, a prosecuting attorney, the attorney
 28 general, a deputy attorney general, or an investigator from the
 29 office of the attorney general, who is engaged in:

- 30 (A) an investigation;
- 31 (B) an adjudication; or
- 32 (C) a prosecution;

33 of a violation under any state or federal law that involves
 34 *ephedrine, pseudoephedrine, or a controlled substance.*

35 (3) A law enforcement officer who is an employee of:

- 36 (A) a local, state, or federal law enforcement agency; or
- 37 (B) an entity that regulates *ephedrine, pseudoephedrine, or*
 38 *controlled substances or enforces ephedrine, pseudoephedrine,*
 39 *or controlled substances rules or laws in another state;*

40 that is certified to receive *ephedrine, pseudoephedrine, or*
 41 *controlled substance prescription drug information from the*
 42 *INSPECT program.*



- 1 (4) A practitioner or practitioner's agent certified to receive
- 2 information from the INSPECT program.
- 3 (5) *An ephedrine, pseudoephedrine, or a* controlled substance
- 4 monitoring program in another state with which Indiana has
- 5 established an interoperability agreement.
- 6 (6) The state toxicologist.
- 7 (7) A certified representative of the Medicaid retrospective and
- 8 prospective drug utilization review program.
- 9 (8) A substance abuse assistance program for a licensed health
- 10 care provider who:
 - 11 (A) has prescriptive authority under IC 25; and
 - 12 (B) is participating in the assistance program.
- 13 (9) An individual who holds a valid temporary medical permit
- 14 issued under IC 25-22.5-5-4 or a temporary fellowship permit
- 15 *issued* under IC 25-22.5-5-4.6.
- 16 (10) *Beginning July 1, 2016, a county coroner conducting a*
- 17 *medical investigation of the cause of death.*
- 18 (e) Information provided to an individual under:
 - 19 (1) subsection (d)(3) is limited to information:
 - 20 (A) concerning an individual or proceeding involving the
 - 21 unlawful diversion or misuse of a schedule II, III, IV, or V
 - 22 controlled substance; and
 - 23 (B) that will assist in an investigation or proceeding; and
 - 24 (2) subsection (d)(4) may be released only for the purpose of:
 - 25 (A) providing medical or pharmaceutical treatment; or
 - 26 (B) evaluating the need for providing medical or
 - 27 pharmaceutical treatment to a patient.
- 28 (f) Before the board releases confidential information under
- 29 subsection (d), the applicant must be approved by the INSPECT
- 30 program in a manner prescribed by the board.
- 31 (g) The board may release to:
 - 32 (1) a member of the board or another governing body that licenses
 - 33 practitioners;
 - 34 (2) an investigator for the consumer protection division of the
 - 35 office of the attorney general, a prosecuting attorney, the attorney
 - 36 general, a deputy attorney general, or an investigator from the
 - 37 office of the attorney general; or
 - 38 (3) a law enforcement officer who is:
 - 39 (A) authorized by the state police department to receive
 - 40 *ephedrine, pseudoephedrine, or* controlled substance
 - 41 prescription drug information; and
 - 42 (B) approved by the board to receive the type of information



1 released;
 2 confidential information generated from computer records that
 3 identifies practitioners who are prescribing or dispensing large
 4 quantities of a controlled substance.

5 (h) The information described in subsection (g) may not be released
 6 until it has been reviewed by:

7 (1) a member of the board who is licensed in the same profession
 8 as the prescribing or dispensing practitioner identified by the data;
 9 or
 10 (2) the board's designee;

11 and until that member or the designee has certified that further
 12 investigation is warranted. However, failure to comply with this
 13 subsection does not invalidate the use of any evidence that is otherwise
 14 admissible in a proceeding described in subsection (i).

15 (i) An investigator or a law enforcement officer receiving
 16 confidential information under subsection (c), (d), or (g) may disclose
 17 the information to a law enforcement officer or an attorney for the
 18 office of the attorney general for use as evidence in the following:

19 (1) A proceeding under IC 16-42-20.
 20 (2) A proceeding under any state or federal law that involves
 21 *ephedrine, pseudoephedrine, or a controlled substance.*
 22 (3) A criminal proceeding or a proceeding in juvenile court that
 23 involves *ephedrine, pseudoephedrine, or a controlled substance.*

24 (j) The board may compile statistical reports from the information
 25 described in subsection (a). The reports must not include information
 26 that identifies any practitioner, ultimate user, or other person
 27 administering *ephedrine, pseudoephedrine, or a controlled substance.*
 28 Statistical reports compiled under this subsection are public records.

29 (k) Except as provided in IC 25-22.5-13, this section may not be
 30 construed to require a practitioner to obtain information about a patient
 31 from the data base.

32 (l) A practitioner *who checks the INSPECT program for the*
 33 *available data on a patient* is immune from civil liability for an injury,
 34 death, or loss to a person solely due to a practitioner:

35 (1) *seeking ~~or not seeking~~ information from the INSPECT*
 36 *program; and*
 37 (2) *in good faith using the information for the treatment of the*
 38 *patient.*

39 The civil immunity described in this subsection does not extend to a
 40 practitioner if the practitioner receives information directly from the
 41 INSPECT program and then negligently misuses this information. This
 42 subsection does not apply to an act or omission that is a result of gross



1 negligence or intentional misconduct.

2 (m) The board may review the records of the INSPECT program. If
3 the board determines that a violation of the law may have occurred, the
4 board shall notify the appropriate law enforcement agency or the
5 relevant government body responsible for the licensure, regulation, or
6 discipline of practitioners authorized by law to prescribe controlled
7 substances.

8 (n) A practitioner who in good faith discloses information based on
9 a report from the INSPECT program to a law enforcement agency is
10 immune from criminal or civil liability. A practitioner that discloses
11 information to a law enforcement agency under this subsection is
12 presumed to have acted in good faith.

13 (o) *A practitioner's agent may act as a delegate and check*
14 *INSPECT program reports on behalf of the practitioner.*

15 (p) *A patient may access a report from the INSPECT program that*
16 *has been included in the patient's medical file by a practitioner.*

17 SECTION 122. IC 36-7-14-8, AS AMENDED BY P.L.204-2016,
18 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 8. (a) The redevelopment commissioners shall
20 hold a meeting for the purpose of organization not later than thirty (30)
21 days after they are appointed and, after that, each year on a day that is
22 not a Saturday, a Sunday, or a legal holiday and that is their first
23 meeting day of the year. They shall choose one (1) of their members as
24 president, another as vice president, and another as secretary. These
25 officers shall perform the duties usually pertaining to their offices and
26 shall serve from the date of their election until their successors are
27 elected and qualified.

28 (b) The fiscal officer of the unit establishing a redevelopment
29 commission is the treasurer of the redevelopment commission.
30 Notwithstanding any other provision of this chapter, but subject to
31 subsection (c), the treasurer has charge over and is responsible for the
32 administration, investment, and disbursement of all funds and accounts
33 of the redevelopment commission in accordance with the requirements
34 of state laws that apply to other funds and accounts administered by the
35 fiscal officer. The treasurer shall report annually to the redevelopment
36 commission before April 1.

37 (c) The treasurer of the redevelopment commission may disburse
38 funds of the redevelopment commission only after the redevelopment
39 commission allows and approves the disbursement. However, the
40 redevelopment commission may, by rule or resolution, authorize the
41 treasurer to make certain types of disbursements before the
42 redevelopment commission's allowance and approval at its next regular



- 1 meeting.
- 2 (d) The following apply to funds of the redevelopment commission:
- 3 (1) The funds must be accounted for separately by the unit
- 4 establishing the redevelopment commission and the daily balance
- 5 of the funds must be maintained in a separate ledger statement.
- 6 (2) Except as provided in subsection (e), all funds designated as
- 7 redevelopment commission funds must be accessible to the
- 8 redevelopment commission at any time.
- 9 (3) The amount of the daily balance of redevelopment
- 10 commission funds may not be below zero (0) at any time.
- 11 (4) The funds may not be maintained or used in a manner that is
- 12 intended to avoid the ~~wavier~~ **waiver** procedures and requirements
- 13 for a unit and the redevelopment commission under subsection
- 14 (e).
- 15 (e) If the fiscal body of a unit determines that it is necessary to
- 16 engage in short term borrowing until the next tax collection period, the
- 17 fiscal body of the unit may request approval from the redevelopment
- 18 commission to waive the requirement in subsection (d)(2). In order to
- 19 waive the requirement under subsection (d)(2), the fiscal body of the
- 20 unit and the redevelopment commission must adopt similar resolutions
- 21 that set forth:
- 22 (1) the amount of the funds designated as redevelopment
- 23 commission funds that are no longer accessible to the
- 24 redevelopment commission under the waiver; and
- 25 (2) an expiration date for the waiver.
- 26 If a loan is made to a unit from funds designated as redevelopment
- 27 funds, the loan must be repaid by the unit and the funds made
- 28 accessible to the redevelopment commission not later than the end of
- 29 the calendar year in which the funds are received by the unit.
- 30 (f) Subsections (d) and (e) do not restrict transfers or uses by a
- 31 redevelopment commission made to meet commitments under a written
- 32 agreement of the redevelopment commission that was entered into
- 33 before January 1, 2016, if the written agreement complied with the
- 34 requirements existing under the law at the time the redevelopment
- 35 commission entered into the written agreement.
- 36 (g) The redevelopment commissioners may adopt the rules and
- 37 bylaws they consider necessary for the proper conduct of their
- 38 proceedings, the carrying out of their duties, and the safeguarding of
- 39 the money and property placed in their custody by this chapter. In
- 40 addition to the annual meeting, the commissioners may, by resolution
- 41 or in accordance with their rules and bylaws, prescribe the date and
- 42 manner of notice of other regular or special meetings.



1 (h) This subsection does not apply to a county redevelopment
 2 commission that consists of seven (7) members. Three (3) of the
 3 redevelopment commissioners constitute a quorum, and the
 4 concurrence of three (3) commissioners is necessary to authorize any
 5 action.

6 (i) This subsection applies only to a county redevelopment
 7 commission that consists of seven (7) members. Four (4) of the
 8 redevelopment commissioners constitute a quorum, and the
 9 concurrence of four (4) commissioners is necessary to authorize any
 10 action.

11 SECTION 123. IC 36-7-14-39, AS AMENDED BY P.L.184-2016,
 12 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 39. (a) As used in this section:

14 "Allocation area" means that part of a redevelopment project area
 15 to which an allocation provision of a declaratory resolution adopted
 16 under section 15 of this chapter refers for purposes of distribution and
 17 allocation of property taxes.

18 "Base assessed value" means the following:

19 (1) If an allocation provision is adopted after June 30, 1995, in a
 20 declaratory resolution or an amendment to a declaratory
 21 resolution establishing an economic development area:

22 (A) the net assessed value of all the property as finally
 23 determined for the assessment date immediately preceding the
 24 effective date of the allocation provision of the declaratory
 25 resolution, as adjusted under subsection (h); plus

26 (B) to the extent that it is not included in clause (A), the net
 27 assessed value of property that is assessed as residential
 28 property under the rules of the department of local government
 29 finance, as finally determined for any assessment date after the
 30 effective date of the allocation provision.

31 (2) If an allocation provision is adopted after June 30, 1997, in a
 32 declaratory resolution or an amendment to a declaratory
 33 resolution establishing a redevelopment project area:

34 (A) the net assessed value of all the property as finally
 35 determined for the assessment date immediately **preceding**
 36 **the effective date of the allocation** provision of the
 37 declaratory resolution, as adjusted under subsection (h); plus

38 (B) to the extent that it is not included in clause (A), the net
 39 assessed value of property that is assessed as residential
 40 property under the rules of the department of local government
 41 finance, as finally determined for any assessment date after the
 42 effective date of the allocation provision.



1 (3) If:

2 (A) an allocation provision adopted before June 30, 1995, in
 3 a declaratory resolution or an amendment to a declaratory
 4 resolution establishing a redevelopment project area expires
 5 after June 30, 1997; and

6 (B) after June 30, 1997, a new allocation provision is included
 7 in an amendment to the declaratory resolution;

8 the net assessed value of all the property as finally determined for
 9 the assessment date immediately preceding the effective date of
 10 the allocation provision adopted after June 30, 1997, as adjusted
 11 under subsection (h).

12 (4) Except as provided in subdivision (5), for all other allocation
 13 areas, the net assessed value of all the property as finally
 14 determined for the assessment date immediately preceding the
 15 effective date of the allocation provision of the declaratory
 16 resolution, as adjusted under subsection (h).

17 (5) If an allocation area established in an economic development
 18 area before July 1, 1995, is expanded after June 30, 1995, the
 19 definition in subdivision (1) applies to the expanded part of the
 20 area added after June 30, 1995.

21 (6) If an allocation area established in a redevelopment project
 22 area before July 1, 1997, is expanded after June 30, 1997, the
 23 definition in subdivision (2) applies to the expanded part of the
 24 area added after June 30, 1997.

25 Except as provided in section 39.3 of this chapter, "property taxes"
 26 means taxes imposed under IC 6-1.1 on real property. However, upon
 27 approval by a resolution of the redevelopment commission adopted
 28 before June 1, 1987, "property taxes" also includes taxes imposed
 29 under IC 6-1.1 on depreciable personal property. If a redevelopment
 30 commission adopted before June 1, 1987, a resolution to include within
 31 the definition of property taxes, taxes imposed under IC 6-1.1 on
 32 depreciable personal property that has a useful life in excess of eight
 33 (8) years, the commission may by resolution determine the percentage
 34 of taxes imposed under IC 6-1.1 on all depreciable personal property
 35 that will be included within the definition of property taxes. However,
 36 the percentage included must not exceed twenty-five percent (25%) of
 37 the taxes imposed under IC 6-1.1 on all depreciable personal property.

38 (b) A declaratory resolution adopted under section 15 of this chapter
 39 on or before the allocation deadline determined under subsection (i)
 40 may include a provision with respect to the allocation and distribution
 41 of property taxes for the purposes and in the manner provided in this
 42 section. A declaratory resolution previously adopted may include an



1 allocation provision by the amendment of that declaratory resolution on
2 or before the allocation deadline determined under subsection (i) in
3 accordance with the procedures required for its original adoption. A
4 declaratory resolution or amendment that establishes an allocation
5 provision must include a specific finding of fact, supported by
6 evidence, that the adoption of the allocation provision will result in
7 new property taxes in the area that would not have been generated but
8 for the adoption of the allocation provision. For an allocation area
9 established before July 1, 1995, the expiration date of any allocation
10 provisions for the allocation area is June 30, 2025, or the last date of
11 any obligations that are outstanding on July 1, 2015, whichever is later.
12 A declaratory resolution or an amendment that establishes an allocation
13 provision after June 30, 1995, must specify an expiration date for the
14 allocation provision. For an allocation area established before July 1,
15 2008, the expiration date may not be more than thirty (30) years after
16 the date on which the allocation provision is established. For an
17 allocation area established after June 30, 2008, the expiration date may
18 not be more than twenty-five (25) years after the date on which the first
19 obligation was incurred to pay principal and interest on bonds or lease
20 rentals on leases payable from tax increment revenues. However, with
21 respect to bonds or other obligations that were issued before July 1,
22 2008, if any of the bonds or other obligations that were scheduled when
23 issued to mature before the specified expiration date and that are
24 payable only from allocated tax proceeds with respect to the allocation
25 area remain outstanding as of the expiration date, the allocation
26 provision does not expire until all of the bonds or other obligations are
27 no longer outstanding. The allocation provision may apply to all or part
28 of the redevelopment project area. The allocation provision must
29 require that any property taxes subsequently levied by or for the benefit
30 of any public body entitled to a distribution of property taxes on taxable
31 property in the allocation area be allocated and distributed as follows:

32 (1) Except as otherwise provided in this section, the proceeds of
33 the taxes attributable to the lesser of:

34 (A) the assessed value of the property for the assessment date
35 with respect to which the allocation and distribution is made;

36 or

37 (B) the base assessed value;

38 shall be allocated to and, when collected, paid into the funds of
39 the respective taxing units.

40 (2) The excess of the proceeds of the property taxes imposed for
41 the assessment date with respect to which the allocation and
42 distribution is made that are attributable to taxes imposed after



1 being approved by the voters in a referendum or local public
 2 question conducted after April 30, 2010, not otherwise included
 3 in subdivision (1) shall be allocated to and, when collected, paid
 4 into the funds of the taxing unit for which the referendum or local
 5 public question was conducted.

6 (3) Except as otherwise provided in this section, property tax
 7 proceeds in excess of those described in subdivisions (1) and (2)
 8 shall be allocated to the redevelopment district and, when
 9 collected, paid into an allocation fund for that allocation area that
 10 may be used by the redevelopment district only to do one (1) or
 11 more of the following:

12 (A) Pay the principal of and interest on any obligations
 13 payable solely from allocated tax proceeds which are incurred
 14 by the redevelopment district for the purpose of financing or
 15 refinancing the redevelopment of that allocation area.

16 (B) Establish, augment, or restore the debt service reserve for
 17 bonds payable solely or in part from allocated tax proceeds in
 18 that allocation area.

19 (C) Pay the principal of and interest on bonds payable from
 20 allocated tax proceeds in that allocation area and from the
 21 special tax levied under section 27 of this chapter.

22 (D) Pay the principal of and interest on bonds issued by the
 23 unit to pay for local public improvements that are physically
 24 located in or physically connected to that allocation area.

25 (E) Pay premiums on the redemption before maturity of bonds
 26 payable solely or in part from allocated tax proceeds in that
 27 allocation area.

28 (F) Make payments on leases payable from allocated tax
 29 proceeds in that allocation area under section 25.2 of this
 30 chapter.

31 (G) Reimburse the unit for expenditures made by it for local
 32 public improvements (which include buildings, parking
 33 facilities, and other items described in section 25.1(a) of this
 34 chapter) that are physically located in or physically connected
 35 to that allocation area.

36 (H) Reimburse the unit for rentals paid by it for a building or
 37 parking facility that is physically located in or physically
 38 connected to that allocation area under any lease entered into
 39 under IC 36-1-10.

40 (I) For property taxes first due and payable before January 1,
 41 2009, pay all or a part of a property tax replacement credit to
 42 taxpayers in an allocation area as determined by the



1 redevelopment commission. This credit equals the amount
 2 determined under the following STEPS for each taxpayer in a
 3 taxing district (as defined in IC 6-1.1-1-20) that contains all or
 4 part of the allocation area:

5 STEP ONE: Determine that part of the sum of the amounts
 6 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
 7 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
 8 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to
 9 the taxing district.

10 STEP TWO: Divide:

11 (i) that part of each county's eligible property tax
 12 replacement amount (as defined in IC 6-1.1-21-2 (before its
 13 repeal)) for that year as determined under IC 6-1.1-21-4
 14 (before its repeal) that is attributable to the taxing district;
 15 by

16 (ii) the STEP ONE sum.

17 STEP THREE: Multiply:

18 (i) the STEP TWO quotient; times

19 (ii) the total amount of the taxpayer's taxes (as defined in
 20 IC 6-1.1-21-2 (before its repeal)) levied in the taxing district
 21 that have been allocated during that year to an allocation
 22 fund under this section.

23 If not all the taxpayers in an allocation area receive the credit
 24 in full, each taxpayer in the allocation area is entitled to
 25 receive the same proportion of the credit. A taxpayer may not
 26 receive a credit under this section and a credit under section
 27 39.5 of this chapter (before its repeal) in the same year.

28 (J) Pay expenses incurred by the redevelopment commission
 29 for local public improvements that are in the allocation area or
 30 serving the allocation area. Public improvements include
 31 buildings, parking facilities, and other items described in
 32 section 25.1(a) of this chapter.

33 (K) Reimburse public and private entities for expenses
 34 incurred in training employees of industrial facilities that are
 35 located:

36 (i) in the allocation area; and

37 (ii) on a parcel of real property that has been classified as
 38 industrial property under the rules of the department of local
 39 government finance.

40 However, the total amount of money spent for this purpose in
 41 any year may not exceed the total amount of money in the
 42 allocation fund that is attributable to property taxes paid by the



1 industrial facilities described in this clause. The
 2 reimbursements under this clause must be made within three
 3 (3) years after the date on which the investments that are the
 4 basis for the increment financing are made.

5 (L) Pay the costs of carrying out an eligible efficiency project
 6 (as defined in IC 36-9-41-1.5) within the unit that established
 7 the redevelopment commission. However, property tax
 8 proceeds may be used under this clause to pay the costs of
 9 carrying out an eligible efficiency project only if those
 10 property tax proceeds exceed the amount necessary to do the
 11 following:

12 (i) Make, when due, any payments required under clauses
 13 (A) through (K), including any payments of principal and
 14 interest on bonds and other obligations payable under this
 15 subdivision, any payments of premiums under this
 16 subdivision on the redemption before maturity of bonds, and
 17 any payments on leases payable under this subdivision.

18 (ii) Make any reimbursements required under this
 19 subdivision.

20 (iii) Pay any expenses required under this subdivision.

21 (iv) Establish, augment, or restore any debt service reserve
 22 under this subdivision.

23 (M) Expend money and provide financial assistance as
 24 authorized in section 12.2(a)(27) of this chapter.

25 The allocation fund may not be used for operating expenses of the
 26 commission.

27 (4) Except as provided in subsection (g), before June 15 of each
 28 year, the commission shall do the following:

29 (A) Determine the amount, if any, by which the assessed value
 30 of the taxable property in the allocation area for the most
 31 recent assessment date minus the base assessed value, when
 32 multiplied by the estimated tax rate of the allocation area, will
 33 exceed the amount of assessed value needed to produce the
 34 property taxes necessary to make, when due, principal and
 35 interest payments on bonds described in subdivision (3), plus
 36 the amount necessary for other purposes described in
 37 subdivision (3).

38 (B) Provide a written notice to the county auditor, the fiscal
 39 body of the county or municipality that established the
 40 department of redevelopment, the officers who are authorized
 41 to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for
 42 each of the other taxing units that is wholly or partly located



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within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be



1 irrevocably pledged by the redevelopment district for payment as set
2 forth in subsection (b)(3).

3 (e) Notwithstanding any other law, each assessor shall, upon
4 petition of the redevelopment commission, reassess the taxable
5 property situated upon or in, or added to, the allocation area, effective
6 on the next assessment date after the petition.

7 (f) Notwithstanding any other law, the assessed value of all taxable
8 property in the allocation area, for purposes of tax limitation, property
9 tax replacement, and formulation of the budget, tax rate, and tax levy
10 for each political subdivision in which the property is located is the
11 lesser of:

12 (1) the assessed value of the property as valued without regard to
13 this section; or

14 (2) the base assessed value.

15 (g) If any part of the allocation area is located in an enterprise zone
16 created under IC 5-28-15, the unit that designated the allocation area
17 shall create funds as specified in this subsection. A unit that has
18 obligations, bonds, or leases payable from allocated tax proceeds under
19 subsection (b)(3) shall establish an allocation fund for the purposes
20 specified in subsection (b)(3) and a special zone fund. Such a unit
21 shall, until the end of the enterprise zone phase out period, deposit each
22 year in the special zone fund any amount in the allocation fund derived
23 from property tax proceeds in excess of those described in subsection
24 (b)(1) and (b)(2) from property located in the enterprise zone that
25 exceeds the amount sufficient for the purposes specified in subsection
26 (b)(3) for the year. The amount sufficient for purposes specified in
27 subsection (b)(3) for the year shall be determined based on the pro rata
28 portion of such current property tax proceeds from the part of the
29 enterprise zone that is within the allocation area as compared to all
30 such current property tax proceeds derived from the allocation area. A
31 unit that has no obligations, bonds, or leases payable from allocated tax
32 proceeds under subsection (b)(3) shall establish a special zone fund
33 and deposit all the property tax proceeds in excess of those described
34 in subsection (b)(1) and (b)(2) in the fund derived from property tax
35 proceeds in excess of those described in subsection (b)(1) and (b)(2)
36 from property located in the enterprise zone. The unit that creates the
37 special zone fund shall use the fund (based on the recommendations of
38 the urban enterprise association) for programs in job training, job
39 enrichment, and basic skill development that are designed to benefit
40 residents and employers in the enterprise zone or other purposes
41 specified in subsection (b)(3), except that where reference is made in
42 subsection (b)(3) to allocation area it shall refer for purposes of



1 payments from the special zone fund only to that part of the allocation
 2 area that is also located in the enterprise zone. Those programs shall
 3 reserve at least one-half (1/2) of their enrollment in any session for
 4 residents of the enterprise zone.

5 (h) The state board of accounts and department of local government
 6 finance shall make the rules and prescribe the forms and procedures
 7 that they consider expedient for the implementation of this chapter.
 8 After each general reassessment of real property in an area under
 9 IC 6-1.1-4-4 and after each reassessment in an area under a
 10 reassessment plan prepared under IC 6-1.1-4-4.2, the department of
 11 local government finance shall adjust the base assessed value one (1)
 12 time to neutralize any effect of the reassessment of the real property in
 13 the area on the property tax proceeds allocated to the redevelopment
 14 district under this section. After each annual adjustment under
 15 IC 6-1.1-4-4.5, the department of local government finance shall adjust
 16 the base assessed value one (1) time to neutralize any effect of the
 17 annual adjustment on the property tax proceeds allocated to the
 18 redevelopment district under this section. However, the adjustments
 19 under this subsection:

- 20 (1) may not include the effect of phasing in assessed value due to
 21 property tax abatements under IC 6-1.1-12.1;
 22 (2) may not produce less property tax proceeds allocable to the
 23 redevelopment district under subsection (b)(3) than would
 24 otherwise have been received if the general reassessment, the
 25 reassessment under the reassessment plan, or the annual
 26 adjustment had not occurred; and
 27 (3) may decrease base assessed value only to the extent that
 28 assessed values in the allocation area have been decreased due to
 29 annual adjustments or the reassessment under the reassessment
 30 plan.

31 Assessed value increases attributable to the application of an abatement
 32 schedule under IC 6-1.1-12.1 may not be included in the base assessed
 33 value of an allocation area. The department of local government
 34 finance may prescribe procedures for county and township officials to
 35 follow to assist the department in making the adjustments.

36 (i) The allocation deadline referred to in subsection (b) is
 37 determined in the following manner:

- 38 (1) The initial allocation deadline is December 31, 2011.
 39 (2) Subject to subdivision (3), the initial allocation deadline and
 40 subsequent allocation deadlines are automatically extended in
 41 increments of five (5) years, so that allocation deadlines
 42 subsequent to the initial allocation deadline fall on December 31,



1 2016, and December 31 of each fifth year thereafter.
2 (3) At least one (1) year before the date of an allocation deadline
3 determined under subdivision (2), the general assembly may enact
4 a law that:
5 (A) terminates the automatic extension of allocation deadlines
6 under subdivision (2); and
7 (B) specifically designates a particular date as the final
8 allocation deadline.
9 SECTION 124. IC 36-7-15.1-3.5, AS AMENDED BY
10 P.L.204-2016, SECTION 34, IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) The
12 controller of the consolidated city is the fiscal officer of a commission
13 subject to this chapter.
14 (b) The controller may obtain financial services on a contractual
15 basis for purposes of carrying out the powers and duties of the
16 commission and protecting the public interests related to the operations
17 and funding of the commission. Subject to subsection (c), the controller
18 has charge over and is responsible for the administration, investment,
19 and disbursement of all funds and accounts of the commission in
20 accordance with the requirements of state law that apply to other funds
21 and accounts administered by the controller.
22 (c) The controller may disburse funds of the commission only after
23 the commission allows and approves the disbursement. However, the
24 commission may, by rule or resolution, authorize the controller to make
25 certain types of disbursements before the commission's allowance and
26 approval at its next regular meeting.
27 (d) The following apply to funds of the redevelopment commission:
28 (1) The funds must be accounted for separately by the unit
29 establishing the redevelopment commission and the daily balance
30 of the funds must be maintained in a separate ledger statement.
31 (2) Except as provided in subsection (e), all funds designated as
32 redevelopment commission funds must be accessible to the
33 redevelopment commission at any time.
34 (3) The amount of the daily balance of redevelopment
35 commission funds shall be not below zero (0) at any time.
36 (4) The funds may not be maintained or used in a manner that is
37 intended to avoid the ~~wavier waiver~~ procedures and requirements
38 for a unit and the redevelopment commission under subsection
39 (e).
40 (e) If the fiscal body of the unit determines that it is necessary to
41 engage in short-term borrowing until the next tax collection period, the
42 fiscal body of the unit may request approval from the redevelopment



1 commission to waive the requirement in subsection (d)(2). In order to
 2 waive the requirement under subsection (d)(2), the fiscal body of the
 3 unit and the redevelopment commission must adopt similar resolutions
 4 that set forth:

- 5 (1) the amount of the funds designated as redevelopment
 6 commission funds that are no longer accessible to the
 7 redevelopment commission under the waiver; and
 8 (2) an expiration date for the waiver.

9 If a loan is made to a unit from funds designated as redevelopment
 10 funds, the loan must be repaid by the unit and the funds made
 11 accessible to the redevelopment commission not later than the end of
 12 the calendar year in which the funds are received by the unit.

13 (f) Subsections (d) and (e) do not restrict transfers or uses by a
 14 redevelopment commission made to meet commitments under a written
 15 agreement of the redevelopment commission that was entered into
 16 before January 1, 2016, if the written agreement complied with the
 17 requirements existing under the law at the time the redevelopment
 18 commission entered into the written agreement.

19 SECTION 125. IC 36-7-27-13, AS AMENDED BY P.L.197-2016,
 20 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The treasurer of state
 22 shall establish an incremental income tax financing fund for the county.
 23 The fund shall be administered by the treasurer of state. Money in the
 24 fund does not revert to the state general fund at the end of a state fiscal
 25 year.

26 (b) Before July 2 of each calendar year, the department, after
 27 reviewing the recommendation of the budget agency, shall estimate and
 28 certify to the county auditor the amount of incremental income tax for
 29 the tax areas in the county that will be collected from that county
 30 during the twelve (12) month period beginning July 1 of that calendar
 31 year and ending June 30 of the following calendar year. The amount
 32 certified shall be deposited into the fund and shall be distributed on the
 33 dates specified in subsection (e) for the following calendar year. The
 34 amount certified may be adjusted under subsection (c) or (d).
 35 Taxpayers operating in the tax area shall report annually, in the manner
 36 and in the form prescribed by the department, information that the
 37 department determines necessary to calculate the incremental income
 38 tax amount. A taxpayer operating in the tax area that files a
 39 consolidated tax return with the department also shall file annually an
 40 informational return with the department for each business location of
 41 the taxpayer within the tax area. If a taxpayer fails to report the
 42 information required by this section, the department shall use the best



1 information available in calculating the amount of incremental income
2 taxes.

3 (c) The department may certify to the county an amount that is
4 greater than the estimated twelve (12) month incremental income tax
5 collection if the department, after reviewing the recommendation of the
6 budget agency, determines that there will be a greater amount of
7 incremental income tax available for distribution from the fund.

8 (d) The department may certify an amount less than the estimated
9 twelve (12) month incremental income tax collection if the department,
10 after reviewing the recommendation of the budget agency, determines
11 that a part of those collections need to be distributed during the current
12 calendar year so that the county will receive its full certified amount for
13 the current calendar year.

14 (e) The auditor of state shall disburse the certified amount to the
15 commission in equal semiannual installments on May 31 and
16 November 30 of each year.

17 (f) Money in the fund may be pledged by the commission to the
18 following purposes:

19 (1) To pay debt service on the bonds issued under section 14 of
20 this chapter.

21 (2) To pay lease rentals under section 14 of this chapter.

22 (3) To establish and maintain a debt service reserve established
23 by the commission or by a lessor that provides local public
24 improvements to the commission.

25 (g) When money in the fund is sufficient when combined with other
26 sources of payment to pay all outstanding principal and interest or lease
27 rentals to the date on which the obligations can be redeemed on
28 obligations of the commission for a local public improvement in the
29 county, no additional incremental income tax for that project shall be
30 deposited in the fund and ~~local~~ covered **local** income taxes shall be
31 distributed as provided in IC 6-3.6-9.

32 SECTION 126. IC 36-7-38-2, AS ADDED BY P.L.211-2016,
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 2. (a) The legislative body of an eligible unit
35 may adopt an ordinance:

36 (1) establishing a body corporate and politic; or

37 (2) directing the executive of the eligible unit to organize a
38 nonprofit corporation under IC 23-17;

39 as an independent instrumentality exercising essential governmental
40 functions. The primary purpose of an entity established under this
41 subsection is to manage and improve the marketability of distressed
42 real property located in the territory of the eligible unit.



1 (b) The legislative body shall specify the following in the ordinance:

2 (1) The name of the entity.

3 (2) The number of board members, subject to section ~~3~~ 4 of this
4 chapter.

5 (c) The territory of a land bank established by a county is all the
6 territory of the county, except for the territory of any second class city
7 in the county that has established a land bank.

8 SECTION 127. IC 36-7.5-5 IS REPEALED [EFFECTIVE UPON
9 PASSAGE]. (Northwest Indiana Regional Development
10 Authority—Miscellaneous Study and Reporting).

11 SECTION 128. IC 36-8-16.7-32, AS AMENDED BY P.L.36-2016,
12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (b)
14 and (d), and subject to section 48(e) of this chapter, the board shall
15 assess a monthly statewide 911 fee on each standard user that is a
16 customer having a place of primary use in Indiana at a rate that ensures
17 full recovery of the amount needed for the board to make distributions
18 to county treasurers consistent with this chapter and that provides for
19 the proper development, operation, and maintenance of a statewide 911
20 system. The amount of the fee assessed under this subsection is one
21 dollar (\$1). The board may adjust the statewide 911 fee to ensure
22 adequate revenue for the board to fulfill the board's duties and
23 obligations under this chapter, subject to the following:

24 (1) The following apply to an increase in the fee:

25 (A) The board may increase the fee only one (1) time after
26 June 30, 2015, and before July 1, 2020.

27 (B) The board may increase the fee only after review by the
28 budget committee.

29 (C) If the board increases the fee, the amount of the increase
30 must be ten cents (\$0.10).

31 (2) The fee may not be lowered more than one (1) time in a
32 calendar year.

33 (3) The fee may not be lowered by an amount that is more than
34 ten cents (\$0.10) without legislative approval.

35 (b) The fee assessed under this section does not apply to a prepaid
36 user in a retail transaction under IC 36-8-16.6.

37 (c) An additional fee relating to the provision of 911 service may
38 not be levied by a state agency or local unit of government. An
39 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not
40 considered an additional fee relating to the provision of wireless 911
41 service for purposes of this section.

42 (d) A user is exempt from the fee if the user is any of the following:



- 1 (1) The federal government or an agency of the federal
2 government.
- 3 (2) The state or an agency or instrumentality of the state.
- 4 (3) A political subdivision (as defined in IC 36-1-2-13) or an
5 agency of a political subdivision.
- 6 (4) A user that accesses communications service solely through
7 a wireless data only service plan.
- 8 (e) This subsection applies to an eligible telecommunications carrier
9 for purposes of receiving Lifeline reimbursement from the universal
10 service fund through the administrator designated by the Federal
11 Communications Commission. An eligible telecommunications carrier:
12 (1) is not considered an agency of the federal government for
13 purposes of the exemption set forth in subsection (d); and
14 (2) with respect to communications service provided to end users
15 by the eligible telecommunications carrier in its capacity as an
16 eligible telecommunications carrier, is liable for the fee assessed
17 under subsection (f).
- 18 (f) Beginning September 1, 2015, and on the first day of each month
19 thereafter, an eligible telecommunications carrier described in
20 subsection (e) shall pay to the board a fee equal to the product of the
21 following factors:
22 (1) The monthly statewide 911 fee established under subsection
23 (a).
24 (2) The number of unique end users for which the eligible
25 telecommunications carrier received reimbursement from the
26 universal service fund during the immediately preceding month.
27 The eligible telecommunications carrier may bill and collect from each
28 end user the fees calculated under this subsection with respect to the
29 end user. The eligible telecommunications carrier shall determine the
30 manner in which the **provider eligible telecommunications carrier**
31 bills and collects the fees. Except as provided in section 33(c) of this
32 chapter, an eligible telecommunications carrier may not bill and collect
33 from an end user an amount greater than the fees paid by the eligible
34 telecommunications carrier to the board with respect to the end user.
- 35 SECTION 129. P.L.100-2016, SECTION 4, IS AMENDED TO
36 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
37 4. (a) IC 6-1.1-12-14.5, as added by this act, and ~~IC 6-1.1-12-13;~~
38 IC 6-1.1-12-14 and IC 6-1.1-12-37, ~~all~~ **both** as amended by this act,
39 apply to assessment dates after December 31, 2016.
- 40 (b) This SECTION expires January 1, 2020.
- 41 SECTION 130. [EFFECTIVE UPON PASSAGE] (a) **This act may**
42 **be referred to as the "technical corrections bill of the 2017 general**



1 assembly".

2 (b) The phrase "technical corrections bill of the 2017 general
3 assembly" may be used in the lead-in line of an act other than this
4 act to identify provisions added, amended, or repealed by this act
5 that are also amended or repealed in the other act.

6 (c) This SECTION expires December 31, 2017.

7 SECTION 131. [EFFECTIVE UPON PASSAGE] (a) This
8 SECTION applies if a provision of the Indiana Code is:

9 (1) added or amended by this act; and

10 (2) repealed by another act without recognizing the existence
11 of the amendment made by this act by an appropriate
12 reference in the lead-in line of the SECTION of the other act
13 repealing the same provision of the Indiana Code.

14 (b) As used in this SECTION, "other act" refers to an act
15 enacted in the 2017 session of the general assembly other than this
16 act. "Another act" has a corresponding meaning.

17 (c) Except as provided in subsections (d) and (e), a provision
18 repealed by another act shall be considered repealed, regardless of
19 whether there is a difference in the effective date of the provision
20 added or amended by this act and the provision repealed by the
21 other act. Except as provided in subsection (d), the lawful
22 compilers of the Indiana Code, in publishing the affected Indiana
23 Code provision, shall publish only the version of the Indiana Code
24 provision that is repealed by the other act. The history line for an
25 Indiana Code provision that is repealed by the other act must
26 reference that act.

27 (d) This subsection applies if a provision described in subsection
28 (a) that is added or amended by this act takes effect before the
29 corresponding provision repeal in the other act. The lawful
30 compilers of the Indiana Code, in publishing the provision added
31 or amended in this act, shall publish that version of the provision
32 and note that the provision is effective until the effective date of the
33 corresponding provision repeal in the other act. On and after the
34 effective date of the corresponding provision repeal in the other
35 act, the provision repealed by the other act shall be considered
36 repealed, regardless of whether there is a difference in the effective
37 date of the provision added or amended by this act and the
38 provision repealed by the other act. The lawful compilers of the
39 Indiana Code, in publishing the affected Indiana Code provision,
40 shall publish the version of the Indiana Code provision that is
41 repealed by the other act, and shall note that this version of the
42 provision is effective on the effective date of the repealed provision



1 of the other act.

2 (e) If, during the same year, two (2) or more other acts repeal
3 the same Indiana Code provision as the Indiana Code provision
4 added or amended by this act, the lawful compilers of the Indiana
5 Code, in publishing the Indiana Code provision, shall follow the
6 principles set forth in this SECTION.

7 (f) This SECTION expires December 31, 2017.

8 SECTION 132. An emergency is declared for this act.

