



Reprinted  
February 17, 2017

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## HOUSE BILL No. 1181

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DIGEST OF HB 1181 (Updated February 16, 2017 3:51 pm - DI 87)

**Citations Affected:** Numerous provisions 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the title may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2017 legislative session.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 Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill's repealer is law.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).

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**Kersey, Steuerwald, Washburne,  
Moseley**

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January 9, 2017, read first time and referred to Committee on Judiciary.  
February 6, 2017, amended, reported — Do Pass.  
February 16, 2017, read second time, amended, ordered engrossed.

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HB 1181—LS 6079/DI 112





Reprinted  
February 17, 2017

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

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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;

HB 1181—LS 6079/DI 112



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

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

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

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

38 ~~(q)~~ (q) "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           (11) *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)~~ (r) "Public record" means any writing, paper, report, study, map,  
 6           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)~~ (s) "Standard-sized documents" includes all documents that can  
 13          be mechanically reproduced (without mechanical reduction) on paper  
 14          sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
 15          and one-half (8 1/2) inches by fourteen (14) inches.

16          ~~(r)~~ (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

17          ~~(s)~~ (u) "Work product of an attorney" means information compiled  
 18          by an attorney in reasonable anticipation of litigation. The term  
 19          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 5-14-3-5.2, AS ADDED BY P.L.58-2016,  
 28          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29          UPON PASSAGE]: Sec. 5.2. (a) A public agency shall permit any  
 30          person to inspect or copy a law enforcement recording unless one (1)  
 31          or more of the following circumstances apply:

- 32           (1) Section 4(b)(19) of this chapter applies and the person has not
- 33           demonstrated that the public agency that owns, occupies, leases,
- 34           or maintains the airport approves the disclosure of the recording.
- 35           (2) The public agency finds, after due consideration of the facts
- 36           of the particular case, that access to or dissemination of the
- 37           recording:
  - 38            (A) creates a significant risk of substantial harm to any person
  - 39            or to the general public;
  - 40            (B) is likely to interfere with the ability of a person to receive
  - 41            a fair trial by creating prejudice or bias concerning the person
  - 42            or a claim or defense presented by the person;



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

5 (D) would not serve the public interest.

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

9 (b) If a public agency denies a person the opportunity to inspect or  
 10 copy a law enforcement recording under subsection (a), the person may  
 11 petition the circuit or superior court of the county in which the law  
 12 enforcement recording was made for an order permitting inspection or  
 13 copying of a law enforcement recording. The court shall review the  
 14 decision of the public agency de novo and grant the order unless one  
 15 (1) or more of the following apply:

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

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

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

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

28 (C) may affect an ongoing investigation, if the recording is an  
 29 investigatory record of a law enforcement agency, as defined  
 30 in section 2 of this chapter, notwithstanding its exclusion  
 31 under section 4 **of this chapter**; or

32 (D) would not serve the public interest.

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

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



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

3 (1) shall obscure:

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

6 (B) depictions of:

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

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

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

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

13 (v) an individual whom the public agency reasonably  
14 believes is less than eighteen (18) years of age;

15 (vi) personal medical information;

16 (vii) a victim of a crime, or any information identifying the  
17 victim of a crime, if the public agency finds that obscuring  
18 this information is necessary for the victim's safety; and

19 (viii) a witness to a crime or an individual who reports a  
20 crime, or any information identifying a witness to a crime or  
21 an individual who reports a crime, if the public agency finds  
22 that obscuring this information is necessary for **the** safety of  
23 the witness or individual who reports a crime; and

24 (2) may obscure:

25 (A) any information identifying:

26 (i) a law enforcement officer operating in an undercover  
27 capacity; or

28 (ii) a confidential informant; and

29 (B) any information that the public agency may withhold from  
30 disclosure under section 4(b)(2) through 4(b)(26) of this  
31 chapter.

32 (f) A court shall expedite a proceeding filed under this section.  
33 Unless prevented by extraordinary circumstances, the court shall  
34 conduct a hearing (if required) and rule on a petition filed under this  
35 section not later than thirty (30) days after the date the petition is filed.

36 SECTION 13. IC 5-28-6-8 IS REPEALED [EFFECTIVE UPON  
37 PASSAGE]. Sec. 8: (a) ~~The corporation shall conduct an in depth  
38 assessment of Indiana's regional metropolitan areas, as determined by  
39 the corporation, and referred to as a "regional city" in this section:~~

40 ~~(b) The assessment must include an analysis of at least the following  
41 with respect to each regional city:~~

42 ~~(1) The economic potential of the regional city if certain~~





- 1 initiatives or quality of life or other improvements are made or not  
 2 made:  
 3 (2) The needs of each regional city:  
 4 (3) The potential of various initiatives and improvements for each  
 5 regional city with a focus on determining those initiatives and  
 6 improvements that will best lead to economic growth for the  
 7 regional city.  
 8 (4) The successful and unsuccessful attempts at regional  
 9 development within and outside Indiana.  
 10 (c) The staff of the corporation shall prepare and submit a report to  
 11 the board before October 1, 2014. The report must include the  
 12 following:  
 13 (1) Findings of the assessment.  
 14 (2) Recommendations on addressing the needs of each regional  
 15 city, including any initiatives and quality of life or other  
 16 improvements that could be made and that will best lead to  
 17 economic growth for the regional city.  
 18 (3) Recommendations on options for financing any recommended  
 19 initiatives and improvements by using a combination of public  
 20 and private investment and financing that includes participation  
 21 by financial institutions; private enterprise; local government; and  
 22 state government.  
 23 SECTION 14. IC 6-1.1-12-37, AS AMENDED BY P.L.203-2016,  
 24 SECTION 4, AND AS AMENDED BY P.L.197-2016, SECTION 12,  
 25 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The following  
 27 definitions apply throughout this section:  
 28 (1) "Dwelling" means any of the following:  
 29 (A) Residential real property improvements that an individual  
 30 uses as the individual's residence, including a house or garage.  
 31 (B) A mobile home that is not assessed as real property that an  
 32 individual uses as the individual's residence.  
 33 (C) A manufactured home that is not assessed as real property  
 34 that an individual uses as the individual's residence.  
 35 (2) "Homestead" means an individual's principal place of  
 36 residence:  
 37 (A) that is located in Indiana;  
 38 (B) that:  
 39 (i) the individual owns;  
 40 (ii) the individual is buying under a contract; recorded in the  
 41 county recorder's office, that provides that the individual is  
 42 to pay the property taxes on the residence, and that obligates



1 the owner to convey title to the individual upon completion  
 2 of all of the individual's contract obligations;  
 3 (iii) the individual is entitled to occupy as a  
 4 tenant-stockholder (as defined in 26 U.S.C. 216) of a  
 5 cooperative housing corporation (as defined in 26 U.S.C.  
 6 216); or  
 7 (iv) is a residence described in section 17.9 of this chapter  
 8 that is owned by a trust if the individual is an individual  
 9 described in section 17.9 of this chapter; and  
 10 (C) that consists of a dwelling and the real estate, not  
 11 exceeding one (1) acre, that immediately surrounds that  
 12 dwelling.

13 Except as provided in subsection (k), the term does not include  
 14 property owned by a corporation, partnership, limited liability  
 15 company, or other entity not described in this subdivision.

16 (b) Each year a homestead is eligible for a standard deduction from  
 17 the assessed value of the homestead for an assessment date. Except as  
 18 provided in subsection (p), the deduction provided by this section  
 19 applies to property taxes first due and payable for an assessment date  
 20 only if an individual has an interest in the homestead described in  
 21 subsection (a)(2)(B) on:

22 (1) the assessment date; or  
 23 (2) any date in the same year after an assessment date that a  
 24 statement is filed under subsection (e) or section 44 of this  
 25 chapter, if the property consists of real property.

26 If more than one (1) individual or entity qualifies property as a  
 27 homestead under subsection (a)(2)(B) for an assessment date, only one  
 28 (1) standard deduction from the assessed value of the homestead may  
 29 be applied for the assessment date. Subject to subsection (c), the  
 30 auditor of the county shall record and make the deduction for the  
 31 individual or entity qualifying for the deduction.

32 (c) Except as provided in section 40.5 of this chapter, the total  
 33 amount of the deduction that a person may receive under this section  
 34 for a particular year is the lesser of:

35 (1) sixty percent (60%) of the assessed value of the real property,  
 36 mobile home not assessed as real property, or manufactured home  
 37 not assessed as real property; or  
 38 (2) forty-five thousand dollars (\$45,000).

39 (d) A person who has sold real property, a mobile home not assessed  
 40 as real property, or a manufactured home not assessed as real property  
 41 to another person under a contract that provides that the contract buyer  
 42 is to pay the property taxes on the real property, mobile home, or



1 manufactured home may not claim the deduction provided under this  
 2 section with respect to that real property, mobile home, or  
 3 manufactured home.

4 (e) Except as provided in sections 17.8 and 44 of this chapter and  
 5 subject to section 45 of this chapter, an individual who desires to claim  
 6 the deduction provided by this section must file a certified statement ~~in~~  
 7 ~~duplicate~~, on forms prescribed by the department of local government  
 8 finance, with the auditor of the county in which the homestead is  
 9 located. The statement must include:

10 (1) the parcel number or key number of the property and the name  
 11 of the city, town, or township in which the property is located;

12 (2) the name of any other location in which the applicant or the  
 13 applicant's spouse owns, is buying, or has a beneficial interest in  
 14 residential real property;

15 (3) the names of:

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

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

21 (ii) that they use as their legal names when they sign their  
 22 names on legal documents;

23 if the applicant is an individual; or

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

26 (i) as the names appear in the records of the United States  
 27 Social Security Administration for the purposes of the  
 28 issuance of a Social Security card and Social Security  
 29 number; or

30 (ii) that they use as their legal names when they sign their  
 31 names on legal documents;

32 if the applicant is not an individual; and

33 (4) either:

34 (A) the last five (5) digits of the applicant's Social Security  
 35 number and the last five (5) digits of the Social Security  
 36 number of the applicant's spouse (if any); or

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

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

42 (ii) The last five (5) digits of the individual's state



1 identification card number.

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

7 If a form or statement provided to the county auditor under this section,  
 8 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or  
 9 part or all of the Social Security number of a party or other number  
 10 described in subdivision (4)(B) of a party, the telephone number and  
 11 the Social Security number or other number described in subdivision  
 12 (4)(B) included are confidential. The statement may be filed in person  
 13 or by mail. If the statement is mailed, the mailing must be postmarked  
 14 on or before the last day for filing. The statement applies for that first  
 15 year and any succeeding year for which the deduction is allowed. With  
 16 respect to real property, the statement must be completed and dated in  
 17 the calendar year for which the person desires to obtain the deduction  
 18 and filed with the county auditor on or before January 5 of the  
 19 immediately succeeding calendar year. With respect to a mobile home  
 20 that is not assessed as real property, the person must file the statement  
 21 during the twelve (12) months before March 31 of the year for which  
 22 the person desires to obtain the deduction.

23 (f) If an individual who is receiving the deduction provided by this  
 24 section or who otherwise qualifies property for a deduction under this  
 25 section:

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

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

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

33 (B) the individual maintains the individual's principal place of  
 34 residence with another individual who receives a deduction  
 35 under this section;

36 the individual must file a certified statement with the auditor of the  
 37 county, notifying the auditor of the change of use, not more than sixty  
 38 (60) days after the date of that change. An individual who fails to file  
 39 the statement required by this subsection is liable for any additional  
 40 taxes that would have been due on the property if the individual had  
 41 filed the statement as required by this subsection plus a civil penalty  
 42 equal to ten percent (10%) of the additional taxes due. The civil penalty



1 imposed under this subsection is in addition to any interest and  
 2 penalties for a delinquent payment that might otherwise be due. One  
 3 percent (1%) of the total civil penalty collected under this subsection  
 4 shall be transferred by the county to the department of local  
 5 government finance for use by the department in establishing and  
 6 maintaining the homestead property data base under subsection (i) and,  
 7 to the extent there is money remaining, for any other purposes of the  
 8 department. This amount becomes part of the property tax liability for  
 9 purposes of this article.

10 (g) The department of local government finance ~~shall~~ may adopt  
 11 rules or guidelines concerning the application for a deduction under  
 12 this section.

13 (h) This subsection does not apply to property in the first year for  
 14 which a deduction is claimed under this section if the sole reason that  
 15 a deduction is claimed on other property is that the individual or  
 16 married couple maintained a principal residence at the other property  
 17 on the ~~March 1~~ assessment date in the same year in which an  
 18 application for a deduction is filed under this section or, if the  
 19 application is for a homestead that is assessed as personal property, on  
 20 the ~~March 1~~ assessment date in the immediately preceding year and the  
 21 individual or married couple is moving the individual's or married  
 22 couple's principal residence to the property that is the subject of the  
 23 application. Except as provided in subsection (n), the county auditor  
 24 may not grant an individual or a married couple a deduction under this  
 25 section if:

26 (1) the individual or married couple, for the same year, claims the  
 27 deduction on two (2) or more different applications for the  
 28 deduction; and

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

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

37 (j) A county auditor may require an individual to provide evidence  
 38 proving that the individual's residence is the individual's principal place  
 39 of residence as claimed in the certified statement filed under subsection  
 40 (e). The county auditor may limit the evidence that an individual is  
 41 required to submit to a state income tax return, a valid driver's license,  
 42 or a valid voter registration card showing that the residence for which



1 the deduction is claimed is the individual's principal place of residence.  
 2 The department of local government finance shall work with county  
 3 auditors to develop procedures to determine whether a property owner  
 4 that is claiming a standard deduction or homestead credit is not eligible  
 5 for the standard deduction or homestead credit because the property  
 6 owner's principal place of residence is outside Indiana.

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

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

12 (2) The property is the principal place of residence of an  
 13 individual.

14 (3) The property is owned by an entity that is not described in  
 15 subsection (a)(2)(B).

16 (4) The individual residing on the property is a shareholder,  
 17 partner, or member of the entity that owns the property.

18 (5) The property was eligible for the standard deduction under  
 19 this section on March 1, 2009.

20 (l) If a county auditor terminates a deduction for property described  
 21 in subsection (k) with respect to property taxes that are:

22 (1) imposed for an assessment date in 2009; and

23 (2) first due and payable in 2010;

24 on the grounds that the property is not owned by an entity described in  
 25 subsection (a)(2)(B), the county auditor shall reinstate the deduction if  
 26 the taxpayer provides proof that the property is eligible for the  
 27 deduction in accordance with subsection (k) and that the individual  
 28 residing on the property is not claiming the deduction for any other  
 29 property.

30 (m) For assessment dates after 2009, the term "homestead" includes:

31 (1) a deck or patio;

32 (2) a gazebo; or

33 (3) another residential yard structure, as defined in rules *that may*  
 34 ~~be~~ adopted by the department of local government finance (other  
 35 than a swimming pool);

36 that is assessed as real property and attached to the dwelling.

37 (n) A county auditor shall grant an individual a deduction under this  
 38 section regardless of whether the individual and the individual's spouse  
 39 claim a deduction on two (2) different applications and each  
 40 application claims a deduction for different property if the property  
 41 owned by the individual's spouse is located outside Indiana and the  
 42 individual files an affidavit with the county auditor containing the



- 1 following information:
- 2 (1) The names of the county and state in which the individual's
- 3 spouse claims a deduction substantially similar to the deduction
- 4 allowed by this section.
- 5 (2) A statement made under penalty of perjury that the following
- 6 are true:
- 7 (A) That the individual and the individual's spouse maintain
- 8 separate principal places of residence.
- 9 (B) That neither the individual nor the individual's spouse has
- 10 an ownership interest in the other's principal place of
- 11 residence.
- 12 (C) That neither the individual nor the individual's spouse has,
- 13 for that same year, claimed a standard or substantially similar
- 14 deduction for any property other than the property maintained
- 15 as a principal place of residence by the respective individuals.
- 16 A county auditor may require an individual or an individual's spouse to
- 17 provide evidence of the accuracy of the information contained in an
- 18 affidavit submitted under this subsection. The evidence required of the
- 19 individual or the individual's spouse may include state income tax
- 20 returns, excise tax payment information, property tax payment
- 21 information, driver license information, and voter registration
- 22 information.
- 23 (o) If:
- 24 (1) a property owner files a statement under subsection (e) to
- 25 claim the deduction provided by this section for a particular
- 26 property; and
- 27 (2) the county auditor receiving the filed statement determines
- 28 that the property owner's property is not eligible for the deduction;
- 29 the county auditor shall inform the property owner of the county
- 30 auditor's determination in writing. If a property owner's property is not
- 31 eligible for the deduction because the county auditor has determined
- 32 that the property is not the property owner's principal place of
- 33 residence, the property owner may appeal the county auditor's
- 34 determination to the county property tax assessment board of appeals
- 35 as provided in IC 6-1.1-15. The county auditor shall inform the
- 36 property owner of the owner's right to appeal to the county property tax
- 37 assessment board of appeals when the county auditor informs the
- 38 property owner of the county auditor's determination under this
- 39 subsection.
- 40 (p) An individual is entitled to the deduction under this section for
- 41 a homestead for a particular assessment date if:
- 42 (1) either:



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





1 *subdivision (4): If the property listed on the statement filed under*  
 2 *subdivision (4) is located in another county, the county auditor who*  
 3 *receives the statement shall forward the statement to the county*  
 4 *auditor of that other county, and the county auditor of that other*  
 5 *county shall cancel the deduction under this section for that property.*

6 (q) This subsection applies to an application for the deduction  
 7 provided by this section that is filed for an assessment date occurring  
 8 after December 31, 2013. Notwithstanding any other provision of this  
 9 section, an individual buying a mobile home that is not assessed as real  
 10 property or a manufactured home that is not assessed as real property  
 11 under a contract providing that the individual is to pay the property  
 12 taxes on the mobile home or manufactured home is not entitled to the  
 13 deduction provided by this section unless the parties to the contract  
 14 comply with IC 9-17-6-17.

15 (r) This subsection:

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

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

20 The owner of a mobile home that is not assessed as real property or a  
 21 manufactured home that is not assessed as real property must attach a  
 22 copy of the owner's title to the mobile home or manufactured home to  
 23 the application for the deduction provided by this section.

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

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

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

29 (3) was otherwise eligible, without regard to this subsection, for  
 30 the deduction under this section for the property for the  
 31 assessment date immediately preceding the transfer date specified  
 32 in the order described in subdivision (2).

33 For property to qualify under this subsection for the deduction provided  
 34 by this section, the individual described in subdivisions (1) through (3)  
 35 must submit to the county auditor a copy of the individual's transfer  
 36 orders or other information sufficient to show that the individual was  
 37 ordered to transfer to a location outside Indiana. The property continues  
 38 to qualify for the deduction provided by this section until the individual  
 39 ceases to be on active duty, the property is sold, or the individual's  
 40 ownership interest is otherwise terminated, whichever occurs first.  
 41 Notwithstanding subsection (a)(2), the property remains a homestead  
 42 regardless of whether the property continues to be the individual's



1 principal place of residence after the individual transfers to a location  
 2 outside Indiana. *The property continues to qualify as a homestead*  
 3 *under this subsection if the property is leased while the individual is*  
 4 *away from Indiana and is serving on active duty, if the individual has*  
 5 *lived at the property at any time during the past ten (10) years.*  
 6 *However, Otherwise,* the property ceases to qualify as a homestead  
 7 under this subsection if the property is leased while the individual is  
 8 away from Indiana. Property that qualifies as a homestead under this  
 9 subsection shall also be construed as a homestead for purposes of  
 10 section 37.5 of this chapter.

11 SECTION 15. IC 6-1.1-18.5-13, AS AMENDED BY P.L.203-2016,  
 12 SECTION 10, AND AS AMENDED BY P.L.197-2016, SECTION 15,  
 13 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) With respect to an  
 15 appeal filed under section 12 of this chapter, the department may find  
 16 that a civil taxing unit should receive any one (1) or more of the  
 17 following types of relief:

18 (1) Permission to the civil taxing unit to increase its levy in excess  
 19 of the limitations established under section 3 of this chapter, if in  
 20 the judgment of the department the increase is reasonably  
 21 necessary due to increased costs of the civil taxing unit resulting  
 22 from annexation, consolidation, or other extensions of  
 23 governmental services by the civil taxing unit to additional  
 24 geographic areas. ~~or persons.~~ With respect to annexation,  
 25 consolidation, or other extensions of governmental services in a  
 26 calendar year, if those increased costs are incurred by the civil  
 27 taxing unit in that calendar year and more than one (1)  
 28 immediately succeeding calendar year, the unit may appeal under  
 29 section 12 of this chapter for permission to increase its levy under  
 30 this subdivision based on those increased costs in any of the  
 31 following:

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

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

35 ~~(2) 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 the civil taxing unit to increase its levy in excess of~~  
 38 ~~the limitations established under section 3 of this chapter, if the~~  
 39 ~~local government tax control board finds that the civil taxing unit~~  
 40 ~~needs the increase to meet the civil taxing unit's share of the costs~~  
 41 ~~of operating a court established by statute enacted after~~  
 42 ~~December 31, 1973. Before recommending such an increase, the~~



1 local government tax control board shall consider all other  
 2 revenues available to the civil taxing unit that could be applied  
 3 for that purpose. The maximum aggregate levy increases that the  
 4 local government tax control board may recommend for a  
 5 particular court equals the civil taxing unit's estimate of the unit's  
 6 share of the costs of operating a court for the first full calendar  
 7 year in which it is in existence. For purposes of this subdivision,  
 8 costs of operating a court include:

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

10 (B) the cost of supplies; and

11 (C) any other cost directly related to the operation of the  
 12 court.

13 ~~(3)~~ (2) Permission to the civil taxing unit to increase its levy in  
 14 excess of the limitations established under section 3 of this  
 15 chapter, if the department finds that the quotient determined  
 16 under STEP SIX of the following formula is equal to or greater  
 17 than one and two-hundredths (1.02):

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

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

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

30 (ii) for a particular calendar year after 2006, the total  
 31 assessed value of property tax deductions that applied in the  
 32 unit under IC 6-1.1-12-42 in 2006 plus for a particular  
 33 calendar year after 2009, the total assessed value of property  
 34 tax deductions that applied in the unit under  
 35 IC 6-1.1-12-37.5 in 2008;

36 divided by the sum determined under this STEP for the  
 37 calendar year immediately preceding the particular calendar  
 38 year.

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

41 STEP FOUR: Compute separately, for each of the calendar  
 42 years determined in STEP ONE, the quotient (rounded to the



1 nearest ten-thousandth (0.0001)) of the sum of the total  
2 assessed value of all taxable property in all counties and:

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

7 (ii) for a particular calendar year after 2006, the total  
8 assessed value of property tax deductions that applied in all  
9 counties under IC 6-1.1-12-42 in 2006 plus for a particular  
10 calendar year after 2009, the total assessed value of property  
11 tax deductions that applied in the unit under  
12 IC 6-1.1-12-37.5 in 2008;

13 divided by the sum determined under this STEP for the  
14 calendar year immediately preceding the particular calendar  
15 year.

16 STEP FIVE: Divide the sum of the three (3) quotients  
17 computed in STEP FOUR by three (3).

18 STEP SIX: Divide the STEP THREE amount by the STEP  
19 FIVE amount.

20 The civil taxing unit may increase its levy by a percentage not  
21 greater than the percentage by which the STEP THREE amount  
22 exceeds the percentage by which the civil taxing unit may  
23 increase its levy under section 3 of this chapter based on the  
24 assessed value growth quotient determined under section 2 of this  
25 chapter.

26 *(4) A levy increase may not be granted under this subdivision for*  
27 *property taxes first due and payable after December 31, 2008.*  
28 *Permission to the civil taxing unit to increase its levy in excess of*  
29 *the limitations established under section 3 of this chapter, if the*  
30 *local government tax control board finds that the civil taxing unit*  
31 *needs the increase to pay the costs of furnishing fire protection*  
32 *for the civil taxing unit through a volunteer fire department. For*  
33 *purposes of determining a township's need for an increased levy,*  
34 *the local government tax control board shall not consider the*  
35 *amount of money borrowed under IC 36-6-6-14 during the*  
36 *immediately preceding calendar year. However, any increase in*  
37 *the amount of the civil taxing unit's levy recommended by the*  
38 *local government tax control board under this subdivision for the*  
39 *ensuing calendar year may not exceed the lesser of:*

40 *(A) ten thousand dollars (\$10,000); or*

41 *(B) twenty percent (20%) of:*

42 *(i) the amount authorized for operating expenses of a*



1 volunteer fire department in the budget of the civil taxing  
 2 unit for the immediately preceding calendar year; plus  
 3 (ii) the amount of any additional appropriations authorized  
 4 during that calendar year for the civil taxing unit's use in  
 5 paying operating expenses of a volunteer fire department  
 6 under this chapter; minus  
 7 (iii) the amount of money borrowed under IC 36-6-6-14  
 8 during that calendar year for the civil taxing unit's use in  
 9 paying operating expenses of a volunteer fire department.

10 (5) A levy increase may not be granted under this subdivision for  
 11 property taxes first due and payable after December 31, 2008.  
 12 Permission to a civil taxing unit to increase its levy in excess of  
 13 the limitations established under section 3 of this chapter in order  
 14 to raise revenues for pension payments and contributions the civil  
 15 taxing unit is required to make under IC 36-8. The maximum  
 16 increase in a civil taxing unit's levy that may be recommended  
 17 under this subdivision for an ensuing calendar year equals the  
 18 amount, if any, by which the pension payments and contributions  
 19 the civil taxing unit is required to make under IC 36-8 during the  
 20 ensuing calendar year exceeds the product of one and one-tenth  
 21 (1.1) multiplied by the pension payments and contributions made  
 22 by the civil taxing unit under IC 36-8 during the calendar year  
 23 that immediately precedes the ensuing calendar year. For  
 24 purposes of this subdivision, "pension payments and  
 25 contributions made by a civil taxing unit" does not include that  
 26 part of the payments or contributions that are funded by  
 27 distributions made to a civil taxing unit by the state.

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

33 (A) the township's township assistance ad valorem property  
 34 tax rate is less than one and sixty-seven hundredths cents  
 35 (\$0.0167) per one hundred dollars (\$100) of assessed  
 36 valuation; and

37 (B) the township needs the increase to meet the costs of  
 38 providing township assistance under IC 12-20 and  
 39 IC 12-30-4.

40 The maximum increase that the board may recommend for a  
 41 township is the levy that would result from an increase in the  
 42 township's township assistance ad valorem property tax rate of



1           *one and sixty-seven hundredths cents (\$0.0167) per one hundred*  
 2           *dollars (\$100) of assessed valuation minus the township's ad*  
 3           *valorem property tax rate per one hundred dollars (\$100) of*  
 4           *assessed valuation before the increase.*

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

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

12           *(B) the local government tax control board finds that the civil*  
 13           *taxing unit needs the increase to provide adequate public*  
 14           *transportation services.*

15           *The local government tax control board shall consider tax rates*  
 16           *and levies in civil taxing units of comparable population, and the*  
 17           *effect (if any) of a loss of federal or other funds to the civil taxing*  
 18           *unit that might have been used for public transportation*  
 19           *purposes. However, the increase that the board may recommend*  
 20           *under this subdivision for a civil taxing unit may not exceed the*  
 21           *revenue that would be raised by the civil taxing unit based on a*  
 22           *property tax rate of one cent (\$0.01) per one hundred dollars*  
 23           *(\$100) of assessed valuation.*

24           *(8) A levy increase may not be granted under this subdivision for*  
 25           *property taxes first due and payable after December 31, 2008.*  
 26           *Permission to a civil taxing unit to increase the unit's levy in*  
 27           *excess of the limitations established under section 3 of this*  
 28           *chapter if the local government tax control board finds that:*

29           *(A) the civil taxing unit is:*

30           *(i) a county having a population of more than one hundred*  
 31           *seventy thousand (170,000) but less than one hundred*  
 32           *seventy-five thousand (175,000);*

33           *(ii) a city having a population of more than sixty-five*  
 34           *thousand (65,000) but less than seventy thousand (70,000);*

35           *(iii) a city having a population of more than twenty-nine*  
 36           *thousand five hundred (29,500) but less than twenty-nine*  
 37           *thousand six hundred (29,600);*

38           *(iv) a city having a population of more than thirteen*  
 39           *thousand four hundred fifty (13,450) but less than thirteen*  
 40           *thousand five hundred (13,500); or*

41           *(v) a city having a population of more than eight thousand*  
 42           *seven hundred (8,700) but less than nine thousand (9,000);*



1           *and*

2           *(B) the increase is necessary to provide funding to undertake*  
 3           *removal (as defined in IC 13-11-2-187) and remedial action*  
 4           *(as defined in IC 13-11-2-185) relating to hazardous*  
 5           *substances (as defined in IC 13-11-2-98) in solid waste*  
 6           *disposal facilities or industrial sites in the civil taxing unit*  
 7           *that have become a menace to the public health and welfare:*

8           *The maximum increase that the local government tax control*  
 9           *board may recommend for such a civil taxing unit is the levy that*  
 10           *would result from a property tax rate of six and sixty-seven*  
 11           *hundredths cents (\$.0667) for each one hundred dollars (\$100)*  
 12           *of assessed valuation. For purposes of computing the ad valorem*  
 13           *property tax levy limit imposed on a civil taxing unit under*  
 14           *section 3 of this chapter, the civil taxing unit's ad valorem*  
 15           *property tax levy for a particular year does not include that part*  
 16           *of the levy imposed under this subdivision. In addition, a property*  
 17           *tax increase permitted under this subdivision may be imposed for*  
 18           *only two (2) calendar years:*

19           *(9) A levy increase may not be granted under this subdivision for*  
 20           *property taxes first due and payable after December 31, 2008:*

21           *Permission for a county:*

22           *(A) having a population of more than eighty thousand*  
 23           *(80,000) but less than ninety thousand (90,000) to increase the*  
 24           *county's levy in excess of the limitations established under*  
 25           *section 3 of this chapter, if the local government tax control*  
 26           *board finds that the county needs the increase to meet the*  
 27           *county's share of the costs of operating a jail or juvenile*  
 28           *detention center, including expansion of the facility, if the jail*  
 29           *or juvenile detention center is opened after December 31,*  
 30           *1991;*

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

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

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

- 36           *(i) American Correctional Association Jail Construction*  
 37           *Standards; and*  
 38           *(ii) Indiana jail operation standards adopted by the*  
 39           *department of correction; or*

40           *(D) that operates a juvenile detention center that fails to meet*  
 41           *standards equivalent to the standards described in clause (C)*  
 42           *for the operation of juvenile detention centers:*



1        *Before recommending an increase, the local government tax*  
 2        *control board shall consider all other revenues available to the*  
 3        *county that could be applied for that purpose. An appeal for*  
 4        *operating funds for a jail or a juvenile detention center shall be*  
 5        *considered individually; if a jail and juvenile detention center are*  
 6        *both opened in one (1) county. The maximum aggregate levy*  
 7        *increases that the local government tax control board may*  
 8        *recommend for a county equals the county's share of the costs of*  
 9        *operating the jail or a juvenile detention center for the first full*  
 10       *calendar year in which the jail or juvenile detention center is in*  
 11       *operation.*

12       *(10) A levy increase may not be granted under this subdivision*  
 13       *for property taxes first due and payable after December 31, 2008.*  
 14       *Permission for a township to increase its levy in excess of the*  
 15       *limitations established under section 3 of this chapter, if the local*  
 16       *government tax control board finds that the township needs the*  
 17       *increase so that the property tax rate to pay the costs of*  
 18       *furnishing fire protection for a township, or a portion of a*  
 19       *township, enables the township to pay a fair and reasonable*  
 20       *amount under a contract with the municipality that is furnishing*  
 21       *the fire protection. However, for the first time an appeal is*  
 22       *granted the resulting rate increase may not exceed fifty percent*  
 23       *(50%) of the difference between the rate imposed for fire*  
 24       *protection within the municipality that is providing the fire*  
 25       *protection to the township and the township's rate. A township is*  
 26       *required to appeal a second time for an increase under this*  
 27       *subdivision if the township wants to further increase its rate.*  
 28       *However, a township's rate may be increased to equal but may*  
 29       *not exceed the rate that is used by the municipality. More than*  
 30       *one (1) township served by the same municipality may use this*  
 31       *appeal.*

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

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

40                *(B) the increase has been approved by the legislative body of*  
 41                *the city; and the legislative body of the city has by resolution*  
 42                *determined that the increase is necessary to pay normal*





- 1                    *operating expenses:*
- 2                    *The maximum amount of the increase is equal to the amount of*
- 3                    *property tax replacement credits under IC 6-3.5-1.1 (repealed)*
- 4                    *that the city petitioned under this section to have reallocated in*
- 5                    *2001 for a purpose other than property tax relief.*
- 6                    ~~(12)~~ (3) A levy increase may be granted under this subdivision
- 7                    only for property taxes first due and payable after December 31,
- 8                    2008. Permission to a civil taxing unit to increase its levy in
- 9                    excess of the limitations established under section 3 of this
- 10                   chapter if the civil taxing unit cannot carry out its governmental
- 11                   functions for an ensuing calendar year under the levy limitations
- 12                   imposed by section 3 of this chapter due to a natural disaster, an
- 13                   accident, or another unanticipated emergency.
- 14                   ~~(13)~~ *Permission to Jefferson County to increase its levy in excess*
- 15                   *of the limitations established under section 3 of this chapter if the*
- 16                   *department finds that the county experienced a property tax*
- 17                   *revenue shortfall that resulted from an erroneous estimate of the*
- 18                   *effect of the supplemental deduction under IC 6-1.1-12-37.5 on*
- 19                   *the county's assessed valuation. An appeal for a levy increase*
- 20                   *under this subdivision may not be denied because of the amount*
- 21                   *of cash balances in county funds. The maximum increase in the*
- 22                   *county's levy that may be approved under this subdivision is three*
- 23                   *hundred thousand dollars (\$300,000).*
- 24                   (b) The department of local government finance shall increase the
- 25                   maximum permissible ad valorem property tax levy under section 3 of
- 26                   this chapter for the city of Goshen for 2012 and thereafter by an
- 27                   amount equal to the greater of zero (0) or the result of:
- 28                   (1) the city's total pension costs in 2009 for the 1925 police
- 29                   pension fund (IC 36-8-6) and the 1937 firefighters' pension fund
- 30                   (IC 36-8-7); minus
- 31                   (2) the sum of:
- 32                   (A) the total amount of state funds received in 2009 by the city
- 33                   and used to pay benefits to members of the 1925 police
- 34                   pension fund (IC 36-8-6) or the 1937 firefighters' pension fund
- 35                   (IC 36-8-7); plus
- 36                   (B) any previous permanent increases to the city's levy that
- 37                   were authorized to account for the transfer to the state of the
- 38                   responsibility to pay benefits to members of the 1925 police
- 39                   pension fund (IC 36-8-6) and the 1937 firefighters' pension
- 40                   fund (IC 36-8-7).
- 41                   ~~(c)~~ *In calendar year 2013, the department of local government*
- 42                   *finance shall allow a township to increase its maximum permissible ad*



1 *valorem property tax levy in excess of the limitations established under*  
 2 *section 3 of this chapter, if the township:*

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

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

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

13 SECTION 16. IC 6-1.1-24-7, AS AMENDED BY P.L.187-2016,  
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 7. (a) When real property is sold under this  
 16 chapter, the purchaser at the sale shall immediately pay the amount of  
 17 the bid to the county treasurer. The county treasurer shall apply the  
 18 payment in the following manner:

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

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

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

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

31 (c) The:

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

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

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

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



1 (1) a person who has a contract or agreement described under  
 2 section 7.5 of this chapter with a person described in subsection  
 3 (c)(1); or

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

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

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

10 (1) on petition by the claimant;

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

13 (3) in the case of a petitioner to whom subsection (d)(1) applies,  
 14 if the petitioner has satisfied the requirements of section 7.5 of  
 15 this chapter.

16 (f) Unless the redemption period specified under IC 6-1.1-25 has  
 17 been extended under federal bankruptcy law, an amount deposited in  
 18 the tax sale surplus fund shall be transferred by the county auditor to  
 19 the county general fund and may not be disbursed under subsection (c)  
 20 if it is not claimed within the three (3) year period after the date of its  
 21 receipt.

22 (g) If an amount applied to taxes under this section is later paid out  
 23 of the county general fund to the purchaser or the purchaser's successor  
 24 due to the invalidity of the sale, all the taxes shall be reinstated and  
 25 recharged to the tax duplicate and collected in the same manner as if  
 26 the property had not been offered for sale.

27 (h) When a refund is made to any purchaser or purchaser's successor  
 28 by reason of the invalidity of a sale, the county auditor shall, at the  
 29 December settlement immediately following the refund, deduct the  
 30 amount of the refund from the gross collections in the taxing district in  
 31 which the land lies and shall pay that amount into the county general  
 32 fund.

33 SECTION 17. IC 6-1.1-24-17, AS AMENDED BY P.L.187-2016,  
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 17. (a) For purposes of this section, in a  
 36 county containing a consolidated city, "county executive" refers to the  
 37 board of commissioners of the county as provided in IC 36-3-3-10.

38 (b) As used in this section, "nonprofit entity" means an organization  
 39 exempt from federal income taxation under 26 U.S.C. 501(c)(3).

40 (c) The county executive may by resolution:

41 (1) identify tax sale certificates issued under section 6 of this  
 42 chapter that the county executive desires to assign to one (1) or



- 1 more nonprofit entities; and  
 2 (2) set a date, time, and place for a public hearing to consider the  
 3 assignment of the tax sale certificates to the nonprofit entities.  
 4 (d) Except as otherwise provided in subsection (e), notice of the tax  
 5 sale certificates identified under subsection (c) and the date, time, and  
 6 place for the hearing on the proposed transfer of the tax sale certificates  
 7 on the list shall be published in accordance with IC 5-3-1. The notice  
 8 must include a description of the properties associated with the tax sale  
 9 certificates being considered for assignment by:  
 10 (1) parcel number;  
 11 (2) legal description; and  
 12 (3) street address or other common description.  
 13 The notice must specify that the county executive will hear any  
 14 opposition to the proposed assignments.  
 15 (e) For tax sale certificates that are not assigned when initially  
 16 identified for assignment under this section, the county executive may  
 17 omit from the notice the descriptions of the tax sale certificates and the  
 18 properties associated with the tax sale certificates identified under  
 19 subsection (c) if:  
 20 (1) the county executive includes in the notice a statement that the  
 21 descriptions of those tax sale certificates and the tracts or items of  
 22 real property associated with the tax sale certificates are available  
 23 on the Internet web site of the county government or the county  
 24 government's contractor and the information may be obtained in  
 25 ~~an alternative form~~ from the county executive in an alternative  
 26 form upon request in accordance with section 3.4 of this chapter;  
 27 and  
 28 (2) the descriptions of those tax sale certificates and the tracts or  
 29 items of real property associated with the tax sale certificates are  
 30 made available on the Internet web site of the county government  
 31 or the county government's contractor and may be obtained from  
 32 the county executive in an alternative form upon request in  
 33 accordance with section 3.4 of this chapter.  
 34 (f) After the hearing set under subsection (c), the county executive  
 35 shall by resolution make a final determination concerning:  
 36 (1) the tax sale certificates that are to be assigned to a nonprofit  
 37 entity;  
 38 (2) the nonprofit entity to which each tax sale certificate is to be  
 39 assigned; and  
 40 (3) the terms and conditions of the assignment.  
 41 (g) If a county executive assigns a tax sale certificate to a nonprofit  
 42 entity under this section, the period of redemption of the real property



1 under IC 6-1.1-25 expires one hundred twenty (120) days after the date  
 2 of the assignment to the nonprofit entity. If a nonprofit entity takes  
 3 assignment of a tax sale certificate under this section, the nonprofit  
 4 entity acquires the same rights and obligations as a purchaser of a tax  
 5 sale certificate under section 6.1 of this chapter.

6 SECTION 18. IC 6-1.1-28-0.4, AS ADDED BY P.L.207-2016,  
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 0.4. (a) The fiscal bodies of the counties that  
 9 establish a multiple county property tax assessment board of appeals  
 10 under section 0.1 of this chapter shall adopt substantially similar  
 11 ordinances to appoint the members of the multiple county property tax  
 12 assessment board of appeals subject to the qualifications and  
 13 requirements set forth in section 0.2 of this chapter.

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

- 16 (1) is one (1) year; and
- 17 (2) begins January 1.

18 A member is eligible for reappointment.

19 (c) If:

- 20 (1) the term of a member of a multiple county property tax
  - 21 assessment board of appeals appointed under this section expires;
  - 22 (2) the member is not reappointed as provided in subsection ~~(a)~~;
  - 23 **(b)**; and
  - 24 (3) a successor is not appointed as provided in subsection (a);
- 25 the term of the member continues until a successor is appointed.

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

- 33 (1) the county assessor has not transmitted to the department of
- 34 local government finance by October 1 of the year in which the
- 35 distribution is scheduled to be made the data for all townships in
- 36 the county required to be transmitted under IC 6-1.1-4-25;
- 37 (2) the county auditor has not paid a bill for services under
- 38 IC 6-1.1-4-31.5 to the department of local government finance in
- 39 a timely manner;
- 40 (3) the county assessor has not forwarded to the department of
- 41 local government finance in a timely manner sales disclosure
- 42 form data under IC 6-1.1-5.5-3;



- 1 (4) the county auditor has not forwarded to the department of  
 2 local government finance the duplicate copies of all approved  
 3 exemption applications required to be forwarded by that date  
 4 under IC 6-1.1-11-8(a);  
 5 (5) by the date the distribution is scheduled to be made, the  
 6 county auditor has not sent a certified statement required to be  
 7 sent by that date under IC 6-1.1-17-1 to the department of local  
 8 government finance;  
 9 (6) the county does not maintain a certified computer system that  
 10 meets the requirements of IC 6-1.1-31.5-3.5;  
 11 (7) the county auditor has not transmitted the data described in  
 12 IC 36-2-9-20 to the department of local government finance in the  
 13 form and on the schedule specified by IC 36-2-9-20;  
 14 (8) the county has not established a parcel index numbering  
 15 system under ~~50 IAC 23-8-1~~ **50 IAC 26-8-1** in a timely manner;  
 16 (9) a county official has not provided other information to the  
 17 department of local government finance in a timely manner as  
 18 required by the department of local government finance; or  
 19 (10) the department of local government finance incurs additional  
 20 costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to  
 21 issue tax statements within the time frame specified in  
 22 IC 6-1.1-22.6-18(b) for each year that the county experienced  
 23 delayed property taxes (as defined in IC 6-1.1-22.6-2) before the  
 24 year in which the county qualifies as a covered county.
- 25 The percentage to be withheld is the percentage determined by the  
 26 department of local government finance. However, the percentage  
 27 withheld for a reason stated in subdivision (10) may not exceed the  
 28 percentage needed to reimburse the department of local government  
 29 finance for the costs incurred by the department of local government  
 30 finance to take the actions necessary to permit a covered county (as  
 31 defined in IC 6-1.1-22.6-1) to issue reconciling tax statements for prior  
 32 year delayed property taxes (as defined in IC 6-1.1-22.6-2) within the  
 33 time frame specified in IC 6-1.1-22.6-18(b). The county governmental  
 34 taxing unit of a covered county (as defined in IC 6-1.1-22.6-1) shall  
 35 reimburse the department of local government finance for these  
 36 expenses. The amount withheld under subdivision (10) reduces only  
 37 the amount that would otherwise be distributed to the county  
 38 governmental taxing unit of a covered county (as defined in  
 39 IC 6-1.1-22.6-1) and not money distributable to any other political  
 40 subdivision. The withholding of an amount under subdivision (10) does  
 41 not relieve the county government of a covered county (as defined in  
 42 IC 6-1.1-22.6-1) from making bond or lease payments that would



1 otherwise be paid from withheld amounts or providing property tax  
 2 credits that would otherwise be provided under IC 6-3.6 from withheld  
 3 amounts. Subdivision (10) does not apply to any county other than a  
 4 covered county (as defined in IC 6-1.1-22.6-1).

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

9 (1) provide information; or

10 (2) pay a bill for services;

11 has been corrected.

12 (c) The restrictions on distributions under subsection (a) do not  
 13 apply if the department of local government finance determines that the  
 14 failure to:

15 (1) provide information; or

16 (2) pay a bill for services;

17 in a timely manner is justified by unusual circumstances.

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

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

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

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

38 (b) *Each* If a county auditor ~~that~~ makes a determination that  
 39 property was not eligible for a standard deduction under IC 6-1.1-12-37  
 40 in a particular year *within three (3) years after the date on which taxes*  
 41 *for the particular year are first due, the county auditor may issue a*  
 42 *notice of taxes, interest, and penalties due to the owner that improperly*



1 received the standard deduction and include a statement that the  
 2 payment is to be made payable to the county auditor. The additional  
 3 taxes and civil penalties that result from the removal of the deduction,  
 4 if any, are imposed for property taxes first due and payable for an  
 5 assessment date occurring before the earlier of the date of the notation  
 6 made under subsection (c)(2)(A) or the date a notice of an ineligible  
 7 homestead lien is recorded under subsection (e)(2) in the office of the  
 8 county recorder. The notice must require full payment of the amount  
 9 owed within:

10 (1) one (1) year with no penalties and interest, if:

11 (A) the taxpayer did not comply with the requirement to return  
 12 the homestead verification form under IC 6-1.1-22-8.1(b)(9)  
 13 (expired January 1, 2015); and

14 (B) the county auditor allowed the taxpayer to receive the  
 15 standard deduction in error; or

16 (2) thirty (30) days, if subdivision (1) does not apply.

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

21 (c) If a county auditor issues a notice of taxes, interest, and  
 22 penalties due to an owner under subsection (b), the county auditor  
 23 shall:

24 (1) notify the county treasurer of the determination; and

25 (2) do one (1) or more of the following:

26 (A) Make a notation on the tax duplicate that the property is  
 27 ineligible for the standard deduction and indicate the date the  
 28 notation is made.

29 (B) Record a notice of an ineligible homestead lien under  
 30 subsection ~~(d)(2)~~: (e)(2).

31 *The county auditor shall issue a notice of taxes, interest, and penalties*  
 32 *due to the owner that improperly received the standard deduction and*  
 33 *include a statement that the payment is to be made payable to the*  
 34 *county auditor. The notice must require full payment of the amount*  
 35 *owed within thirty (30) days. The additional taxes and civil penalties*  
 36 *that result from the removal of the deduction, if any, are imposed for*  
 37 *property taxes first due and payable for an assessment date occurring*  
 38 *before the earlier of the date of the notation made under subdivision*  
 39 *(2)(A) or the date a notice of an ineligible homestead lien is recorded*  
 40 *under subsection ~~(d)(2)~~ in the office of the county recorder. With*  
 41 *respect to property subject to a determination made under this*  
 42 *subsection that is owned by a bona fide purchaser without knowledge*





1 *of the determination, no lien attaches for any additional taxes and civil*  
 2 *penalties that result from the removal of the deduction.*

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

8 (1) in the nonreverting fund, if the county contains a consolidated  
 9 city; or

10 (2) if the county does not contain a consolidated city:

11 (A) in the nonreverting fund, to the extent that the amount  
 12 collected, after deducting the direct cost of any contract,  
 13 including contract related expenses, under which the  
 14 contractor is required to identify homestead deduction  
 15 eligibility, does not cause the total amount deposited in the  
 16 nonreverting fund under this subsection for the year during  
 17 which the amount is collected to exceed one hundred thousand  
 18 dollars (\$100,000); or

19 (B) in the county general fund, to the extent that the amount  
 20 collected exceeds the amount that may be deposited in the  
 21 nonreverting fund under clause (A).

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

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

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

29 The adjustment in tax due (and any interest and penalties on that  
 30 amount) after the termination of a deduction or credit as specified in  
 31 subsection (b) shall be deposited as specified in subsection ~~(c)~~ (d) only  
 32 in the first year in which that amount is collected. Upon the collection  
 33 of the amount due under subsection (b) or the release of a lien recorded  
 34 under subdivision (2), the county auditor shall submit the appropriate  
 35 documentation to the county recorder, who shall amend the information  
 36 recorded under subdivision (2) without charge to indicate that the lien  
 37 has been released or the amount has been paid in full.

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



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

2 (2) Homestead credits under IC 6-1.1-20.4, ~~IC 6-3.5-1.1-26,~~  
 3 ~~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,~~  
 4 ~~IC 6-3.6-5, IC 6-3.6-11-3,~~ or any other law.

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

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

10 ~~(f)~~ (g) Money deposited under subsection ~~(c)(1)~~ (d)(1) or ~~(c)(2)~~  
 11 (d)(2) shall be treated as miscellaneous revenue. Distributions shall be  
 12 made from the nonreverting fund established under this section upon  
 13 appropriation by the county fiscal body and shall be made only for the  
 14 following purposes:

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

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

19 The amount of deposits in a reverting fund, the balance of a  
 20 nonreverting fund, and expenditures from a reverting fund may not be  
 21 considered in establishing the budget of the office of the county auditor  
 22 or in setting property tax levies that will be used in any part to fund the  
 23 office of the county auditor.

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

34 (1) shall be liable to the state of Indiana for the payment of the tax  
 35 required to be deducted and retained under this section and shall  
 36 not be liable to such partner for the amount deducted from such  
 37 payment or credit and paid over in compliance or intended  
 38 compliance with this section; and

39 (2) shall make return of and payment to the department monthly  
 40 whenever the amount of tax due under IC 6-3 and ~~IC 6-3.5~~  
 41 ~~IC 6-3.6~~ exceeds an aggregate amount of fifty dollars (\$50) per  
 42 month with such payment due on the thirtieth day of the following



1 month, unless an earlier date is specified by section 8.1 of this  
2 chapter.

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

9 (b) Every partnership shall, at the time of each payment made by it  
10 to the department pursuant to this section, deliver to the department a  
11 return upon such form as shall be prescribed by the department  
12 showing the total amounts paid or credited to its nonresident partners,  
13 the amount deducted therefrom in accordance with the provisions of  
14 this section, and such other information as the department may require.  
15 Every partnership making the deduction and retention provided in this  
16 section shall furnish to its nonresident partners annually, but not later  
17 than the fifteenth day of the third month after the end of its taxable  
18 year, a record of the amount of tax deducted and retained from such  
19 partners on forms to be prescribed by the department.

20 (c) All money deducted and retained by the partnership, as provided  
21 in this section, shall immediately upon such deduction be the money of  
22 the state of Indiana and every partnership which deducts and retains  
23 any amount of money under the provisions of IC 6-3 shall hold the  
24 same in trust for the state of Indiana and for payment thereof to the  
25 department in the manner and at the times provided in IC 6-3. Any  
26 partnership may be required to post a surety bond in such sum as the  
27 department shall determine to be appropriate to protect the state of  
28 Indiana with respect to money deducted and retained pursuant to this  
29 section.

30 (d) The provisions of IC 6-8.1 relating to additions to tax in case of  
31 delinquency and penalties shall apply to partnerships subject to the  
32 provisions of this section, and for these purposes any amount deducted,  
33 or required to be deducted and remitted to the department under this  
34 section, shall be considered to be the tax of the partnership, and with  
35 respect to such amount it shall be considered the taxpayer.

36 (e) Amounts deducted from payments or credits to a nonresident  
37 partner during any taxable year of the partnership in accordance with  
38 the provisions of this section shall be considered to be in part payment  
39 of the tax imposed on such nonresident partner for the nonresident  
40 partner's taxable year within or with which the partnership's taxable  
41 year ends. A return made by the partnership under subsection (b) shall  
42 be accepted by the department as evidence in favor of the nonresident



1 partner of the amount so deducted for the nonresident partner's  
2 distributive share.

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

7 (g) Instead of the reporting periods required under subsection (a),  
8 the department may permit a partnership to file one (1) return and  
9 payment each year if the partnership pays or credits amounts to its  
10 nonresident partners only one (1) time each year. The return and  
11 payment are due on or before the fifteenth day of the fourth month after  
12 the end of the year. However, if a partnership is permitted an extension  
13 to file its income tax return under IC 6-8.1-6-1, the return and payment  
14 due under this subsection shall be allowed the same treatment as an  
15 extended income tax return with respect to due dates, interest, and  
16 penalties under IC 6-8.1-6-1.

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

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

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

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

- 37 (1) eighty percent (80%) of the withholding tax due for the  
38 current year; or
- 39 (2) one hundred percent (100%) of the withholding tax due for the  
40 preceding year.

41 ~~(l)~~ (l) Notwithstanding subsection (a) or ~~(i)~~, a pass through  
42 entity is not required to withhold tax or file a composite adjusted gross



1 income tax return for a nonresident member if the entity:

- 2 (1) is a publicly traded partnership as defined by Section 7704(b)  
 3 of the Internal Revenue Code;  
 4 (2) meets the exception for partnerships under Section 7704(c) of  
 5 the Internal Revenue Code; and  
 6 (3) has agreed to file an annual information return reporting the  
 7 name, address, taxpayer identification number, and other  
 8 information requested by the department of each unit holder.

9 The department may issue written guidance explaining circumstances  
 10 under which limited partnerships or limited liability companies owned  
 11 by a publicly traded partnership may be excluded from the withholding  
 12 requirements of this section.

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

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

- 21 (1) an individual who does not reside in Indiana;  
 22 (2) a trust that does not reside in Indiana;  
 23 (3) an estate that does not reside in Indiana;  
 24 (4) a partnership not domiciled in Indiana;  
 25 (5) a C corporation not domiciled in Indiana; or  
 26 (6) an S corporation not domiciled in Indiana.

27 SECTION 22. IC 6-3.5-5-9.5, AS ADDED BY P.L.211-2007,  
 28 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 9.5. (a) This section applies to a wheel tax  
 30 adopted after June 30, 2007.

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

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



1 SECTION 23. IC 6-3.6-6-3, AS AMENDED BY P.L.180-2016,  
 2 SECTION 17, AND AS AMENDED BY P.L.197-2016, SECTION 47,  
 3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE UPON PASSAGE]: Sec. 3. Revenue raised from a tax  
 5 imposed under this chapter shall be treated as follows:

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

10 ~~(1)~~ *(2) After making the distribution described in subdivision (1),*  
 11 *if any, to make distributions to school corporations and civil*  
 12 *taxing units in counties that formerly imposed a tax under*  
 13 *IC 6-3.5-1.1 (repealed). The revenue categorized from the first*  
 14 *next twenty-five hundredths percent (0.25%) of the rate for a*  
 15 *former tax adopted under IC 6-3.5-1.1 (repealed) shall be*  
 16 *allocated to school corporations and civil taxing units. The*  
 17 *amount of the allocation to a school corporation or civil taxing*  
 18 *unit shall be determined using the allocation amounts for civil*  
 19 *taxing units and school corporations in the ~~determination~~ county.*

20 ~~(2)~~ *(3) After making the distributions described in subdivisions*  
 21 *(1) and (2), the remaining revenue shall be treated as additional*  
 22 *revenue (referred to as "additional revenue" in this chapter).*  
 23 *Additional revenue may not be considered by the department of*  
 24 *local government finance in determining:*

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

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

28 *In the case of a civil taxing unit that has pledged the tax from*  
 29 *additional revenue for the payment of bonds, leases, or other*  
 30 *obligations as reported by the civil taxing unit under IC 5-1-18,*  
 31 *the adopting body may not, under section 4 of this chapter,*  
 32 *reduce the proportional allocation of the additional revenue that*  
 33 *was allocated in the preceding year if the reduction for that year*  
 34 *would result in an amount less than the amount necessary for the*  
 35 *payment of bonds, leases, or other obligations payable or*  
 36 *required to be deposited in a sinking fund or other reserve in that*  
 37 *year for the bonds, leases, or other obligations for which the tax*  
 38 *from additional revenue has been pledged.*

39 SECTION 24. IC 6-3.6-6-11, AS AMENDED BY P.L.180-2016,  
 40 SECTION 18, AND AS AMENDED BY P.L.197-2016, SECTION 54,  
 41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in



1 this chapter and IC 6-3.6-11, this section applies to an allocation of  
2 certified shares in all counties.

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

6 (c) A school corporation is not a civil taxing unit for the purpose of  
7 receiving an allocation of certified shares under this chapter. The  
8 distributions to school corporations and civil taxing units in counties  
9 that formerly imposed a tax under IC 6-3.5-1.1 (*repealed*) as provided  
10 in section ~~3(1)~~ 3(2) of this chapter is not considered an allocation of  
11 certified shares. A school corporation's allocation amount for purposes  
12 of section ~~3(1)~~ 3(2) of this chapter shall be determined under section  
13 12 of this chapter.

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

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

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

25 SECTION 25. IC 6-3.6-6-20, AS AMENDED BY P.L.180-2016,  
26 SECTION 20, AND AS AMENDED BY P.L.197-2016, SECTION 55,  
27 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) *This section does not*  
29 *apply to distributions of revenue under section 9 of this chapter.*

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

- 31 (1) *Any allocation or distribution of revenue under section ~~3(1)~~*  
32 **3(2)** *of this chapter that is made on the basis of property tax*  
33 *levies in counties that formerly imposed a tax under IC 6-3.5-1.1*  
34 *(before its repeal January 1, 2017).*
- 35 (2) *Any allocation or distribution of revenue under section ~~3(2)~~ or*  
36 *3(3) of this chapter that is made on the basis of property tax levies*  
37 *in counties that formerly imposed a tax under IC 6-3.5-6 (before*  
38 *its repeal January 1, 2017).*

39 (c) *Subject to subsection (b), if a school corporation or civil taxing*  
40 *unit of an adopting county does not impose a property tax levy that is*  
41 *first due and payable in a calendar year in which revenue under section*  
42 *~~3(2)~~ 3(2) or ~~3~~ 3(3) of this chapter is being allocated or distributed, that*



1 school corporation or civil taxing unit is entitled to receive a part of the  
 2 revenue under section ~~3(1)~~ or 3(2) or 3(3) of this chapter (as  
 3 appropriate) to be distributed within the county. The fractional amount  
 4 that such a school corporation or civil taxing unit is entitled to receive  
 5 each month during that calendar year equals the product of the  
 6 following:

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

10 (2) A fraction. The numerator of the fraction equals the budget of  
 11 that school corporation or civil taxing unit for that calendar year.  
 12 The denominator of the fraction equals the aggregate budgets of  
 13 all school corporations or civil taxing units of that county for that  
 14 calendar year.

15 ~~(b)~~ (d) *Subject to subsection (b)*, if for a calendar year a school  
 16 corporation or civil taxing unit is allocated a part of a county's revenue  
 17 under section ~~3(2)~~ **3(2)** or ~~3(3)~~ of this chapter by subsection ~~(a)~~ (c),  
 18 the calculations used to determine the shares of revenue of all other  
 19 school corporations and civil taxing units under section ~~3(2)~~ **3(2)** or ~~3(3)~~  
 20 3(3) of this chapter (as appropriate) shall be changed each month for  
 21 that same year by reducing the amount of revenue to be distributed by  
 22 the amount of revenue under section ~~3(2)~~ **3(2)** or ~~3(3)~~ of this chapter  
 23 allocated under subsection ~~(a)~~ (c) for that same month. The department  
 24 of local government finance shall make any adjustments required by  
 25 this subsection and provide them to the appropriate county auditors.

26 SECTION 26. IC 6-3.6-9-17, AS ADDED BY P.L.126-2016,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 17. (a) As used in this section, "fiscal body"  
 29 has the meaning set forth in IC 36-1-2-6.

30 (b) This section refers to a county's trust account maintained under  
 31 the former local income tax laws set forth in IC 6-3.5-1.1, IC 6-3.5-6,  
 32 and IC 6-3.5-7 **(all as repealed January 1, 2017)**.

33 (c) Before May 1, 2016, the budget agency shall make a one (1)  
 34 time special distribution to each county having a positive balance in the  
 35 county's trust account as of December 31, 2014.

36 (d) The amount of the special distribution from a county's trust  
 37 account is one hundred percent (100%) of the balance in the county's  
 38 trust account as of December 31, 2014, as determined by the budget  
 39 agency.

40 (e) Before May 1, 2016, the budget agency and **the** department of  
 41 local government **finance** shall do the following:

42 (1) For any county having a positive balance in the county's trust





1 account as of December 31, 2014, determine the amount of the  
 2 trust account balance as of December 31, 2014 (referred to as the  
 3 county's trust balance amount).

4 (2) Determine each taxing unit's share of the county's trust  
 5 balance amount (referred to as the taxing unit's allocation  
 6 amount), using the following allocation method for each former  
 7 tax:

8 (A) For county adjusted gross income taxes (IC 6-3.5-1.1)  
 9 **(repealed)** as follows:

10 (i) First, the taxing units that would have received property  
 11 tax replacement credits shall be allocated that part of the  
 12 county's allocation amount that would have been considered  
 13 property tax replacements under IC 6-3.5-1.1 **(repealed)**.

14 (ii) The remaining amount of the county's allocation amount  
 15 shall be allocated in the same manner as certified shares  
 16 under IC 6-3.5-1.1 **(repealed)**.

17 (B) For county option income taxes (IC 6-3.5-6) **(repealed)**,  
 18 the county's allocation amount shall be allocated in the same  
 19 manner as certified shares under IC 6-3.5-6 **(repealed)**.

20 (C) For county economic development income taxes, the  
 21 county's allocation amount shall be allocated in the same  
 22 manner as a certified distribution under IC 6-3.5-7-12(b)  
 23 **(repealed)** or IC 6-3.5-7-12(c) **(repealed)**, whichever applies.

24 (f) Before May 1, 2016, the budget agency and the department of  
 25 local government finance shall jointly determine and provide to the  
 26 county auditor the following:

27 (1) The county's trust balance amount.

28 (2) Each taxing unit's allocation amount.

29 (g) Before June 1, 2016, the county auditor shall distribute to each  
 30 taxing unit an amount equal to the taxing unit's allocation amount.

31 (h) Money distributed to a county, city, or town may be expended  
 32 only upon an appropriation by the county's, city's, or town's fiscal body  
 33 as follows:

34 (1) At least seventy-five percent (75%) of the special distribution  
 35 must be:

36 (A) used exclusively by the county, city, or town for:

37 (i) engineering, land acquisition, construction, resurfacing,  
 38 maintenance, restoration, or rehabilitation of both local and  
 39 arterial road and street systems;

40 (ii) the payment of principal and interest on bonds sold  
 41 primarily to finance road, street, or thoroughfare projects;

42 (iii) any local costs required to undertake a recreational or



- 1 reservoir road project under IC 8-23-5;
- 2 (iv) the purchase, rental, or repair of highway equipment;
- 3 (v) providing a match for a grant from the local road and
- 4 bridge matching grant fund under IC 8-23-30; or
- 5 (vi) capital projects for aviation related property or facilities,
- 6 including capital projects of a board of aviation
- 7 commissioners established under IC 8-22-2 or an airport
- 8 authority established under IC 8-22-3-1; or
- 9 (B) deposited in the county's, city's, or town's rainy day fund
- 10 established under IC 36-1-8-5.1. The money deposited in a
- 11 rainy day fund under this clause may not be appropriated from
- 12 the rainy day fund or transferred to another fund under
- 13 IC 36-1-8-5.1(g), unless the money will be used exclusively
- 14 for purposes set forth in clause (A).
- 15 (2) The remaining part of the special distribution may be used by
- 16 the county, city, or town for any of the purposes of the county,
- 17 city, or town.

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

21 SECTION 27. IC 6-3.6-10-7, AS AMENDED BY P.L.188-2016,  
 22 SECTION 7, AND AS AMENDED BY P.L.197-2016, SECTION 68,  
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The general assembly  
 25 finds that counties and municipalities in Indiana have a need to foster  
 26 economic development, the development of new technology, and  
 27 industrial and commercial growth. The general assembly finds that it  
 28 is necessary and proper to provide an alternative method for counties  
 29 and municipalities to foster the following:

- 30 (1) Economic development.
- 31 (2) The development of new technology.
- 32 (3) Industrial and commercial growth.
- 33 (4) Employment opportunities.
- 34 (5) The diversification of industry and commerce.

35 The fostering of economic development and the development of new  
 36 technology under this section or section 8 of this chapter for the benefit  
 37 of the general public, including industrial and commercial enterprises,  
 38 is a public purpose.

- 39 (b) The fiscal bodies of two (2) or more counties or municipalities  
 40 may, by resolution, do the following:
- 41 (1) Determine that part or all of the revenue described in section  
 42 2 of this chapter should be combined to foster:



- 1 (A) economic development;  
 2 (B) the development of new technology; and  
 3 (C) industrial and commercial growth.  
 4 (2) Establish a regional venture capital fund.  
 5 (c) Each unit participating in a regional venture capital fund  
 6 established under subsection (b) may deposit the following in the fund:  
 7 (1) Revenues described in section 2 of this chapter.  
 8 (2) The proceeds of public or private grants.  
 9 (d) A regional venture capital fund shall be administered by a  
 10 governing board. The expenses of administering the fund shall be paid  
 11 from money in the fund. The governing board shall invest the money  
 12 in the fund not currently needed to meet the obligations of the fund in  
 13 the same manner as other public money may be invested. Interest that  
 14 accrues from these investments shall be deposited into the fund. The  
 15 fund is subject to audit by the state board of accounts *under IC 5-11-1*.  
 16 The fund must bear the full costs of the audit.  
 17 (e) The fiscal body of each participating unit shall approve an  
 18 interlocal agreement created under IC 36-1-7 establishing the terms for  
 19 the administration of the regional venture capital fund. The terms must  
 20 include the following:  
 21 (1) The membership of the governing board.  
 22 (2) The amount of each unit's contribution to the fund.  
 23 (3) The procedures and criteria under which the governing board  
 24 may loan or grant money from the fund.  
 25 (4) The procedures for the dissolution of the fund and for the  
 26 distribution of money remaining in the fund at the time of the  
 27 dissolution.  
 28 (f) An interlocal agreement made by the participating units under  
 29 subsection (e) must provide that:  
 30 (1) each of the participating units is represented by at least one (1)  
 31 member of the governing board; and  
 32 (2) the membership of the governing board is established on a  
 33 bipartisan basis so that the number of the members of the  
 34 governing board who are members of one (1) political party may  
 35 not exceed the number of members of the governing board  
 36 required to establish a quorum.  
 37 (g) A majority of the governing board constitutes a quorum, and the  
 38 concurrence of a majority of the governing board is necessary to  
 39 authorize any action.  
 40 (h) An interlocal agreement made by the participating units under  
 41 subsection (e) must be submitted to the Indiana economic development  
 42 corporation for approval before the participating units may contribute



- 1 to the fund.
- 2 (i) A majority of members of a governing board of a regional  
3 venture capital fund established under this section must have at least  
4 five (5) years of experience in business, finance, or venture capital.
- 5 (j) The governing board of the fund may loan or grant money from  
6 the fund to a private or public entity if the governing board finds that  
7 the loan or grant will be used by the borrower or grantee for at least one  
8 (1) of the following economic development purposes:
- 9 (1) To promote significant employment opportunities for the  
10 residents of the units participating in the regional venture capital  
11 fund.
- 12 (2) To attract a major new business enterprise to a participating  
13 unit.
- 14 (3) To develop, retain, or expand a significant business enterprise  
15 in a participating unit.
- 16 (k) The expenditures of a borrower or grantee of money from a  
17 regional venture capital fund that are considered to be for an economic  
18 development purpose include expenditures for any of the following:
- 19 (1) Research and development of technology.
- 20 (2) Job training and education.
- 21 (3) Acquisition of property interests.
- 22 (4) Infrastructure improvements.
- 23 (5) New buildings or structures.
- 24 (6) Rehabilitation, renovation, or enlargement of buildings or  
25 structures.
- 26 (7) Machinery, equipment, and furnishings.
- 27 (8) Funding small business development with respect to:
- 28 (A) prototype products or processes;
- 29 (B) marketing studies to determine the feasibility of new  
30 products or processes; or
- 31 (C) business plans for the development and production of new  
32 products or processes.
- 33 SECTION 28. IC 6-4.1-7-4, AS AMENDED BY P.L.190-2016,  
34 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 UPON PASSAGE]: Sec. 4. (a) After the appraiser, if any, appointed  
36 under section 3 of this chapter files an appraisal report, the probate  
37 court shall redetermine the inheritance tax due with respect to the  
38 property interests transferred by the resident decedent. In making the  
39 redetermination, the court shall follow the same procedures:
- 40 (1) the court is required to follow under IC 6-4.1-5-9,  
41 IC 6-4.1-5-10, and IC 6-4.1-5-11 when making an original  
42 inheritance tax determination, in the case of an inheritance tax



1 return filed before April 1, 2016; or  
 2 (2) the department of state revenue is required to follow under  
 3 ~~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  
 4 when making an original inheritance tax determination, in the  
 5 case of an inheritance tax return filed after March 31, 2016.

6 (b) The probate court's redetermination of the inheritance tax due  
 7 supersedes:

8 (1) the court's original determination; or

9 (2) an original determination by the department of state revenue;  
 10 whichever is applicable. The court shall file a copy of the  
 11 redetermination with the clerk of the court.

12 SECTION 29. IC 6-8.1-1-1, AS AMENDED BY P.L.198-2016,  
 13 SECTION 57, AND AS AMENDED BY P.L.197-2016, SECTION 74,  
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)]: Sec. 1. "Listed  
 16 taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3  
 17 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the  
 18 riverboat wagering tax (IC 4-33-13); the slot machine wagering tax  
 19 (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross  
 20 income tax (IC 6-2.1) (repealed); the utility receipts and utility services  
 21 use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the  
 22 adjusted gross income tax (IC 6-3); the supplemental net income tax  
 23 (IC 6-3-8) (repealed); the county adjusted gross income tax  
 24 (IC 6-3.5-1.1) (*repealed*); the county option income tax (IC 6-3.5-6)  
 25 (*repealed*); the county economic development income tax (IC 6-3.5-7)  
 26 (*repealed*); the local income tax (IC 6-3.6); the auto rental excise tax  
 27 (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax  
 28 (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax  
 29 (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement  
 30 under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the aviation  
 31 fuel excise tax (IC 6-6-13); the commercial vehicle excise tax  
 32 (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck  
 33 campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6)  
 34 (repealed); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2);  
 35 the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the  
 36 hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5);  
 37 the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes  
 38 (IC 6-9); the various food and beverage taxes (IC 6-9); the county  
 39 admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee  
 40 (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3  
 41 and ~~IC 9-30~~; IC 9-20-18); the fees and penalties assessed for  
 42 overweight vehicles (IC 9-20-4 and ~~IC 9-30~~; IC 9-20-18); and any



1 other tax or fee that the department is required to collect or administer.

2 SECTION 30. IC 7.1-3-9.5-1 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Application. The  
 4 commission may issue a supplemental caterer's permit only to a person  
 5 who is, and continues to be, the holder of a three-way permit and who  
 6 desires to sell, on a temporary basis only, alcoholic beverages for ~~on~~  
 7 ~~premise~~ **on-premises** consumption at locations other than ~~his~~ **the**  
 8 ~~person's~~ licensed premises.

9 SECTION 31. IC 7.1-3-9.5-3, AS AMENDED BY P.L.153-2015,  
 10 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 3. The holder of a supplemental caterer's  
 12 permit is entitled to purchase alcoholic beverages only from a permittee  
 13 entitled to sell to ~~him~~ **the holder** under this title. Except as provided in  
 14 IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a supplemental caterer's  
 15 permit is entitled to sell alcoholic beverages only for ~~on~~ **premise**  
 16 **on-premises** consumption at those locations approved by the  
 17 commission and at times lawful under ~~his~~ **the holder's** retailers'  
 18 permits. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder  
 19 of a supplemental caterer's permit is not entitled to sell alcoholic  
 20 beverages at wholesale, nor for carry-out or at-home delivery.

21 SECTION 32. IC 7.1-3-12-5, AS AMENDED BY P.L.214-2016,  
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 5. (a) The holder of a farm winery permit:

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

26 (2) is entitled to serve complimentary samples of the winery's  
 27 wine on the licensed premises or an outside area that is  
 28 contiguous to the licensed premises as approved by the  
 29 commission if each employee who serves wine on the licensed  
 30 premises:

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

33 (B) completes a server training program approved by the  
 34 commission;

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

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

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

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

42 (7) is entitled to advertise the name and address of any retailer or



- 1 dealer who sells wine produced by the permit holder's winery;  
 2 (8) for wine described in IC 7.1-1-2-3(a)(4):  
 3 (A) may allow transportation to and consumption of the wine  
 4 on the licensed premises; and  
 5 (B) may not sell, offer to sell, or allow the sale of the wine on  
 6 the licensed premises;  
 7 (9) is entitled to purchase and sell bulk wine as set forth in this  
 8 chapter;  
 9 (10) is entitled to sell wine as authorized by this section for  
 10 carryout on Sunday; and  
 11 (11) is entitled to sell and ship the farm winery's wine to a person  
 12 located in another state in accordance with the laws of the other  
 13 state.
- 14 (b) With the approval of the commission, a holder of a permit under  
 15 this chapter may conduct business at not more than three (3) additional  
 16 locations that are separate from the winery. At the additional locations,  
 17 the holder of a permit may conduct any business that is authorized at  
 18 the first location, except for the manufacturing or bottling of wine.
- 19 (c) With the approval of the commission, a holder of a permit under  
 20 this chapter may:  
 21 (1) individually; or  
 22 (2) with other permit holders under this chapter, holders of artisan  
 23 distiller's permits, holders of a brewer's permits issued under  
 24 IC 7.1-3-2-2(b), or any combination of holders described in this  
 25 subdivision;
- 26 participate in a trade show or an exposition at which products of each  
 27 permit holder participant are displayed, promoted, and sold. The  
 28 commission may not grant approval under this subsection to a holder  
 29 of a permit under this chapter for more than forty-five (45) days in a  
 30 calendar year.
- 31 SECTION 33. IC 7.1-3-20-18.7, AS ADDED BY P.L.214-2016,  
 32 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: Sec. 18.7. (a) This section applies to the premises  
 34 of a hotel that is owned by an accredited college or university (as  
 35 described in IC 24-4-11-2).
- 36 (b) Subject to subsection (c), the holder of a ~~retailer~~ **retailer's**  
 37 permit that is issued for the premises of a hotel may sell or dispense,  
 38 for ~~on premise~~ **on-premises** consumption only, alcoholic beverages, for  
 39 which the permittee holds the appropriate permit, from a:  
 40 (1) nonpermanent bar located on an outside patio or terrace; or  
 41 (2) service window located on the licensed premises that opens to  
 42 an outside patio or terrace;



1 that is contiguous to the main building of the licensed premises of the  
2 hotel.

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

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

8 (A) part of the licensed premises; and

9 (B) clearly delineated and completely enclosed on all sides by  
10 a fence, rail, wall, or hedge that is at least four (4) feet in  
11 height.

12 (2) Access to the nonpermanent bar or service window is limited  
13 by a barrier that reasonably deters free access by minors to the bar  
14 or window.

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

19 SECTION 34. IC 7.1-3-20-27, AS ADDED BY P.L.133-2016,  
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 UPON PASSAGE]: Sec. 27. (a) This section applies to the premises of  
22 a restaurant.

23 (b) Subject to subsection (c), the holder of a ~~retailer~~ **retailer's**  
24 permit that is issued for the premises of a restaurant may sell or  
25 dispense, for ~~on premise~~ **on-premises** consumption only, alcoholic  
26 beverages, for which the permittee holds the appropriate permit, from  
27 a service window located on the licensed premises that opens to an  
28 outside patio or terrace that is contiguous to the main building of the  
29 licensed premises of the restaurant.

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

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

35 (A) part of the licensed premises; and

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

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

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





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

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

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

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

- 13 (A) state issued driver's license;
- 14 (B) state issued identification card; or
- 15 (C) passport;

16 showing the performer to be at least eighteen (18) years of age.

17 (2) Require a performer who provides adult entertainment on the  
 18 licensed premises to provide proof of legal residency in the  
 19 United States by means of:

- 20 (A) a birth certificate;
- 21 (B) a Social Security card;
- 22 (C) a passport;
- 23 (D) valid documentary evidence described in IC 9-24-9-2.5; or
- 24 (E) other valid documentary evidence issued by the United  
 25 States demonstrating that the performer is entitled to reside in  
 26 the United States.

27 (3) Take a photograph of each adult entertainer who auditions to  
 28 provide adult entertainment at the licensed premises at the time  
 29 of the audition and retain the photograph for at least three (3)  
 30 years after:

- 31 (A) the date of the audition; or
- 32 (B) the last day on which the performer provides adult  
 33 entertainment at the licensed premises;

34 whichever is later. A photograph taken under this subdivision  
 35 **must only may** show **only** the adult entertainer's facial features.

36 (4) Require all performers and other employees of the retail  
 37 permit holder to sign a document approved by the commission to  
 38 acknowledge their awareness of the problem of human trafficking.

39 (5) Display human trafficking awareness posters in at least two  
 40 (2) of the following locations on the licensed premises:

- 41 (A) The office of the manager of the licensed premises.
- 42 (B) The locker room used by performers or other employees.



- 1 (C) The break room used by performers or other employees.  
 2 Posters displayed under this subdivision must describe human  
 3 trafficking, state indicators of human trafficking (such as  
 4 restricted freedom of movement and signs of physical abuse), set  
 5 forth hotline telephone numbers for law enforcement, and be  
 6 approved by the commission.
- 7 (6) Cooperate with any law enforcement investigation concerning  
 8 allegations of a violation of this section.
- 9 (d) The commission may revoke, suspend, or refuse to renew the  
 10 permit issued for the licensed premises if the holder fails to comply  
 11 with subsection (c).
- 12 (e) In determining whether to revoke, suspend, or refuse to renew  
 13 the permit issued for a licensed premises under subsection (d), the  
 14 commission may consider:
- 15 (1) the extent to which the permit holder has cooperated with any  
 16 law enforcement investigation as required by subsection (c)(6);  
 17 and  
 18 (2) whether the permit holder has provided training to performers  
 19 who provide adult entertainment at the permit holder's licensed  
 20 premises and other employees of the licensed premises through a  
 21 program that:
- 22 (A) is designed to increase the awareness of human trafficking  
 23 and assist victims of human trafficking; and  
 24 (B) has been approved by:
- 25 (i) a department of the United States government; or  
 26 (ii) a nationwide association made up of operators who run  
 27 adult entertainment establishments.
- 28 SECTION 36. IC 8-1-30.3-6, AS AMENDED BY P.L.98-2016,  
 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 UPON PASSAGE]: Sec. 6. For purposes of section 5(c)(2) of this  
 31 chapter, a distressed utility is not furnishing or maintaining adequate,  
 32 efficient, safe, and reasonable service and facilities if the commission  
 33 finds one (1) or more of the following:
- 34 (1) The distressed utility violated one (1) or more state or federal  
 35 statutory or regulatory requirements in a manner that the  
 36 commission determines affects the safety, adequacy, efficiency,  
 37 or reasonableness of its services or facilities.
- 38 (2) The distressed utility has inadequate financial, managerial, or  
 39 technical ability or expertise.
- 40 (3) The distressed utility fails to provide water in sufficient  
 41 amounts, that is palatable, or at adequate volume or pressure.
- 42 (4) The distressed utility, due to necessary improvements to its



1 plant or distribution or collection system or operations, is unable  
 2 to furnish and maintain adequate service to its customers at rates  
 3 equal to or less than those of the ~~public~~ **acquiring** utility  
 4 **company.**

5 (5) The distressed utility:

6 (A) is municipally owned utility property of a municipally  
 7 owned utility that serves fewer than five thousand (5,000)  
 8 customers; and

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

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

13 SECTION 37. IC 8-2.1-19.1-8, AS ADDED BY P.L.175-2015,  
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 8. (a) Not later than July 15, 2015, a TNC  
 16 driver, or a TNC on the TNC driver's behalf, shall maintain primary  
 17 motor vehicle insurance that meets the following requirements:

18 (1) The motor vehicle insurance is issued:

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

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

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

25 (A) recognizes that the driver is a TNC driver or otherwise  
 26 uses the personal vehicle to transport passengers for  
 27 compensation; and

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

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

30 (ii) engaged in a prearranged ride.

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

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

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

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

40 (iii) twenty-five thousand dollars (\$25,000) per incident for  
 41 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 (4) The motor vehicle insurance must meet the following
- 7 coverage requirements while a TNC driver is engaged in a
- 8 prearranged ride:
- 9 (A) Primary motor vehicle liability insurance in an amount
- 10 equal to at least one million dollars (\$1,000,000) per incident
- 11 for death, bodily injury, and property damage.
- 12 (B) The insurance required by clause (A) may be provided by
- 13 any of the following:
- 14 (i) Motor vehicle insurance maintained by the TNC driver.
- 15 (ii) Motor vehicle insurance maintained by the TNC.
- 16 (iii) Motor vehicle insurance maintained by any combination
- 17 of **persons or entities under** items (i) and (ii).
- 18 (b) If motor vehicle insurance maintained by a TNC driver as
- 19 described in subsection (a) lapses or does not provide the required
- 20 coverage:
- 21 (1) motor vehicle insurance maintained by the TNC must provide
- 22 the required coverage beginning with the first dollar of a claim;
- 23 and
- 24 (2) the insurance company that issues the motor vehicle insurance
- 25 described in subdivision (1) has a duty to defend the claim
- 26 described in subdivision (1).
- 27 (c) Coverage under motor vehicle insurance maintained by a TNC
- 28 may not be dependent on a personal motor vehicle insurance company's
- 29 first denying a claim for coverage under a personal motor vehicle
- 30 insurance policy, nor may a personal motor vehicle insurance company
- 31 be required to first deny a claim.
- 32 (d) A motor vehicle insurance policy that meets the coverage
- 33 requirements of subsection (a) satisfies the financial responsibility
- 34 requirement of IC 9-25 while the driver of the personal vehicle is:
- 35 ~~(A)~~ **(1)** logged on to the TNC's digital network; or
- 36 ~~(B)~~ **(2)** engaged in a prearranged ride.
- 37 (e) A TNC driver shall do the following:
- 38 (1) At all times during which the TNC driver uses a personal
- 39 vehicle in connection with a TNC's digital network, carry proof of
- 40 the coverage required by subsection (a).
- 41 (2) In the event of an accident, upon request, provide to directly
- 42 interested parties, motor vehicle insurance companies, and



1 investigating law enforcement officers:

- 2 (A) the proof described in subdivision (1); and  
 3 (B) a disclosure of whether the TNC driver was:  
 4 (i) logged on to the TNC's digital network; or  
 5 (ii) engaged in a prearranged ride;  
 6 at the time of the accident.

7 Information provided under this subdivision may be provided in  
 8 electronic form under IC 27-1-43-3, as applicable.

9 (f) If a TNC's motor vehicle insurance provides comprehensive  
 10 coverage or collision coverage for a claim for repair to a personal  
 11 vehicle, the TNC shall direct the insurance company to make the claim  
 12 payment:

- 13 (1) directly to the person that repairs the personal vehicle as  
 14 payment in full for the completed repairs; or  
 15 (2) jointly to:  
 16 (A) the owner of; and  
 17 (B) any primary lienholder on;  
 18 the personal vehicle.

19 SECTION 38. IC 8-23-10-0.5, AS ADDED BY P.L.144-2016,  
 20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: Sec. 0.5. (a) The definitions in IC 5-16-13 apply  
 22 to this section.

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

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

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

- 37 (1) the total amount of the contract awarded to the contractor for  
 38 work on the public works project is less than three hundred  
 39 thousand dollars (\$300,000); and  
 40 (2) the local unit complies with IC 36-1-12 in awarding the  
 41 contract for the public works project.

42 SECTION 39. IC 9-24-2.5-7, AS AMENDED BY P.L.164-2006,



1 SECTION 139, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: Sec. 7. If a manager or an employee  
 3 transmits paper copies of registration applications by hand delivery  
 4 under section ~~6(+)~~ **6(a)(1)** of this chapter, the county voter registration  
 5 office shall provide the manager or employee with a receipt for the  
 6 forms. The receipt must state the date and time of delivery and the  
 7 printed name and signature of the person who received the forms.

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

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

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

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

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

- 26 (1) maintain proof of future financial responsibility insurance  
 27 during the period of specialized driving privileges;  
 28 (2) carry a copy of the order granting specialized driving  
 29 privileges or have the order in the vehicle being operated by the  
 30 individual;  
 31 (3) produce the copy of the order granting specialized driving  
 32 privileges upon the request of a police officer; and  
 33 (4) carry a validly issued driver's license.

34 (e) An individual who holds a commercial driver's license and has  
 35 been granted specialized driving privileges under this chapter may not,  
 36 for the duration of the suspension for which the specialized driving  
 37 privileges are sought, operate a motor vehicle that requires the  
 38 individual to hold a commercial driver's license to operate the motor  
 39 vehicle.

40 (f) An individual who seeks specialized driving privileges must file  
 41 a petition for specialized driving privileges in each court that has  
 42 ordered or imposed a suspension of the individual's driving privileges.



1 Each petition must:

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

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

9 SECTION 41. IC 10-17-9-8, AS AMENDED BY P.L.197-2011,  
 10 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 8. (a) Each member, the estate of a deceased  
 12 member, or the estate of a member under guardianship is liable for the  
 13 costs of maintenance of the member in an amount up to one hundred  
 14 percent (100%) of the daily per capita cost of personal services and all  
 15 other operating expenses for the preceding fiscal year. The per capita  
 16 charge may be adjusted to reflect the level of care provided.

17 (b) The level of care must be as consistent as possible with:  
 18 (1) the care category of the facility in which the member is  
 19 placed;  
 20 (2) the rules of the ~~Indiana health facilities, home health care, and~~  
 21 ~~hospice council~~ **state department of health** adopted under  
 22 IC 16-28; and  
 23 (3) the applicable code of the federal government covering  
 24 reimbursement from the United States Department of Veterans'  
 25 Affairs or another department of the federal government.

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

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

36 SECTION 43. IC 12-7-2-34, AS AMENDED BY P.L.53-2014,  
 37 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 34. "Commission" means the following:

- 39 (1) For purposes of IC 12-10-2, the meaning set forth in  
 40 IC 12-10-2-1.  
 41 (2) For purposes of IC 12-12-2, the meaning set forth in  
 42 IC 12-12-2-1.



- 1 (3) For purposes of IC 12-13-14, the meaning set forth in  
 2 IC 12-13-14-1.
- 3 ~~(4) For purposes of IC 12-15-46-2, the meaning set forth in~~  
 4 ~~IC 12-15-46-2(a).~~
- 5 ~~(5)~~ (4) For purposes of IC 12-28-1, the meaning set forth in  
 6 IC 12-28-1-3.
- 7 SECTION 44. IC 12-7-2-35, AS AMENDED BY P.L.87-2016,  
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 35. "Committee" means the following:
- 10 (1) For purposes of IC 12-15-33, the meaning set forth in  
 11 IC 12-15-33-1.
- 12 (2) For purposes of IC 12-17.2-3.6, the meaning set forth in  
 13 IC 12-17.2-3.6-1.
- 14 ~~(3) For purposes of IC 12-21-4.5, the meaning set forth in~~  
 15 ~~IC 12-21-4.5-1.~~
- 16 SECTION 45. IC 12-7-2-41.2 IS ADDED TO THE INDIANA  
 17 CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 41.2. "Contracting state", for**  
 18 **purposes of IC 12-11-14, has the meaning set forth in**  
 19 **IC 12-11-14-4.**
- 20
- 21 SECTION 46. IC 12-7-2-69, AS AMENDED BY P.L.13-2013,  
 22 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 69. (a) "Division", except as provided in  
 24 subsections (b) and (c), refers to any of the following:
- 25 (1) The division of disability and rehabilitative services  
 26 established by IC 12-9-1-1.
- 27 (2) The division of aging established by IC 12-9.1-1-1.
- 28 (3) The division of family resources established by IC 12-13-1-1.
- 29 (4) The division of mental health and addiction established by  
 30 IC 12-21-1-1.
- 31 (b) The term refers to the following:
- 32 (1) For purposes of the following statutes, the division of  
 33 disability and rehabilitative services established by IC 12-9-1-1:
- 34 (A) IC 12-9.  
 35 (B) IC 12-11.  
 36 (C) IC 12-12.  
 37 (D) IC 12-12.5.  
 38 (E) IC 12-12.7.  
 39 ~~(F) IC 12-15-46-2.~~  
 40 ~~(G)~~ (F) IC 12-28-5.
- 41 (2) For purposes of the following statutes, the division of aging  
 42 established by IC 12-9.1-1-1:





- 1 (A) IC 12-9.1.  
 2 (B) IC 12-10.  
 3 (C) IC 12-10.5.  
 4 (3) For purposes of the following statutes, the division of family  
 5 resources established by IC 12-13-1-1:  
 6 (A) IC 12-13.  
 7 (B) IC 12-14.  
 8 (C) IC 12-15.  
 9 (D) IC 12-16.  
 10 (E) IC 12-17.2.  
 11 (F) IC 12-18.  
 12 (G) IC 12-19.  
 13 (H) IC 12-20.  
 14 (4) For purposes of the following statutes, the division of mental  
 15 health and addiction established by IC 12-21-1-1:  
 16 (A) IC 12-21.  
 17 (B) IC 12-22.  
 18 (C) IC 12-23.  
 19 (D) IC 12-25.  
 20 (c) With respect to a particular state institution, the term refers to  
 21 the division whose director has administrative control of and  
 22 responsibility for the state institution.  
 23 (d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term  
 24 refers to the division whose director has administrative control of and  
 25 responsibility for the appropriate state institution.  
 26 SECTION 47. IC 12-7-2-82.4 IS REPEALED [EFFECTIVE UPON  
 27 PASSAGE]. Sec. 82.4: "Family planning services", for purposes of  
 28 IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(a).  
 29 SECTION 48. IC 12-7-2-85.1 IS REPEALED [EFFECTIVE UPON  
 30 PASSAGE]. Sec. 85.1: "Fertilization", for purposes of IC 12-15-46-1,  
 31 has the meaning set forth in IC 12-15-46-1(b).  
 32 SECTION 49. IC 12-7-2-168 IS REPEALED [EFFECTIVE UPON  
 33 PASSAGE]. Sec. 168: "Respite care" means, for purposes of  
 34 IC 12-10-5, temporary care or supervision of an individual with  
 35 Alzheimer's disease or a related senile dementia that is provided  
 36 because the individual's family or caretaker is temporarily unable or  
 37 unavailable to provide needed care.  
 38 SECTION 50. IC 12-7-2-186.2 IS REPEALED [EFFECTIVE  
 39 UPON PASSAGE]. Sec. 186.2: "State plan amendment", for purposes  
 40 of IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(c).  
 41 SECTION 51. IC 12-7-2-190 IS REPEALED [EFFECTIVE UPON  
 42 PASSAGE]. Sec. 190: "Task force", for purposes of IC 12-10-5, has the



1 ~~meaning set forth in IC 12-10-5-1.~~

2 SECTION 52. IC 12-7-2-199.8 IS REPEALED [EFFECTIVE  
3 UPON PASSAGE]. ~~Sec. 199.8: As used in IC 12-15-46-2, "waiver" has~~  
4 ~~the meaning set forth in IC 12-15-46-2(c).~~

5 SECTION 53. IC 12-10-6-5, AS AMENDED BY P.L.197-2011,  
6 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 5. (a) An individual who is determined under  
8 section 2.1(a)(2) of this chapter to be incapable of residing in the  
9 individual's own home because of mental illness may be admitted to a  
10 home or facility that provides residential care to the extent that money  
11 is available for the care.

12 (b) Within thirty (30) days after an individual with a mental illness  
13 is placed in a home or facility that provides residential care, a  
14 comprehensive care plan must be developed for the individual.

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

- 20 (1) Psychosocial rehabilitation services that are provided within  
21 the community.  
22 (2) A comprehensive range of activities to meet multiple levels of  
23 need, including the following:  
24 (A) Recreational and socialization activities.  
25 (B) Social skills.  
26 (C) Educational, training, occupational, and work programs.  
27 (D) Opportunities for progression into less restrictive and  
28 more independent living arrangements.  
29 (3) Appropriate alternate placement if the individual's needs  
30 cannot be met by the facility.

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

- 35 (1) residential care; and  
36 (2) the comprehensive care plan;

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

39 SECTION 54. IC 12-11-2.1-1, AS AMENDED BY P.L.197-2011,  
40 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 1. (a) The bureau shall determine whether or  
42 not an individual has a developmental disability. For individuals for



1 whom there is not enough current information available to make a  
 2 determination of eligibility, the bureau shall use the results of a  
 3 diagnostic assessment in determining whether an individual has a  
 4 developmental disability. A diagnostic assessment must include the  
 5 following:

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

8 (2) All information necessary for the use of the office of Medicaid  
 9 policy and planning, the ~~Indiana health facilities, home health~~  
 10 ~~care, and hospice council~~, **state department of health**, and the  
 11 division.

12 (3) The use of all appropriate assessments conducted under rules  
 13 adopted under IC 16-28.

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

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

19 SECTION 55. IC 12-15-2-13, AS AMENDED BY P.L.278-2013,  
 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: Sec. 13. (a) A pregnant woman:

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

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

25 is eligible to receive Medicaid.

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

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

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

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

42 SECTION 56. IC 12-15-2-14, AS AMENDED BY P.L.278-2013,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 14. (a) An individual:

- 3 (1) who is less than nineteen (19) years of age;  
4 (2) who is not described in ~~42 U.S.C. 1396a(a)(10)(A)(i);~~ **42**  
5 **U.S.C. 1396a(a)(10)(A)(i);** and  
6 (3) whose family income does not exceed the income level  
7 established in subsection (b);

8 is eligible to receive Medicaid.

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

13 ~~(c) The office may apply a resource standard in determining the~~  
14 ~~eligibility of an individual described in this section. This subsection~~  
15 ~~expires December 31, 2013.~~

16 SECTION 57. IC 12-15-5-14, AS ADDED BY P.L.87-2016,  
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 UPON PASSAGE]: Sec. 14. (a) As used in this section, "advanced  
19 practice nurse" means:

- 20 (1) a nurse practitioner; or  
21 (2) a clinical nurse specialist;

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

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

- 28 (1) The office of the secretary of family and social services.  
29 (2) A managed care organization that has contracted with the  
30 office of Medicaid policy and planning under this article.  
31 (3) A person that has contracted with a managed care organization  
32 described in subdivision (2).

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

- 37 (1) Mental health services.  
38 (2) Behavioral health services.  
39 (3) Substance ~~use~~ **abuse** treatment.  
40 (4) Primary care services.  
41 (5) Evaluation and management services for inpatient or  
42 outpatient psychiatric treatment.



- 1 (6) Prescription drugs.
- 2 (d) The office shall include an advanced practice nurse as an  
3 eligible provider for the supervision of a plan of treatment for a  
4 patient's outpatient mental health or substance abuse treatment  
5 services, if the supervision is in the advanced practice nurse's scope of  
6 practice, education, and training.
- 7 (e) This section:
- 8 (1) may not be construed to expand an advanced practice nurse's  
9 scope of practice; and
- 10 (2) is subject to IC 25-23-1-19.4(c) and applies only if the service  
11 is included in the ~~advance~~ **advanced** practice nurse's practice  
12 agreement with a collaborating physician.
- 13 SECTION 58. IC 12-15-5-15, AS ADDED BY P.L.87-2016,  
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]: Sec. 15. (a) This section is effective upon approval  
16 by the federal government of the office's Medicaid state plan  
17 amendment to implement the requirements of this section. The office  
18 shall submit the Medicaid state plan amendment not later than  
19 December 1, 2016.
- 20 (b) As used in this section, "office" includes the following:
- 21 (1) The office of the secretary of family and social services.
- 22 (2) A managed care organization that has contracted with the  
23 office of Medicaid policy and planning under this article.
- 24 (3) A person that has contracted with a managed care organization  
25 described in subdivision (2).
- 26 (c) The office shall authorize Medicaid reimbursement for eligible  
27 Medicaid services provided by a student ~~who~~ **if**:
- 28 (1) **the student** is currently enrolled in a graduate or postgraduate  
29 degree level:
- 30 (A) medical;
- 31 (B) nursing;
- 32 (C) mental health;
- 33 (D) behavioral health; or
- 34 (E) addiction treatment;
- 35 accredited college or university program;
- 36 (2) **the student** has been approved by the college or university to  
37 work as an intern or practicum student at a community mental  
38 health center under the direct supervision of a licensed  
39 professional who holds a master's degree or doctoral level degree  
40 related to the area of study; and
- 41 (3) the services being provided by the student are within the scope  
42 of practice of the supervising practitioner.



1 (d) Medicaid claims for eligible Medicaid services provided under  
 2 this section must be submitted by the supervising practitioner. Only one  
 3 (1) Medicaid claim may be submitted per episode of care.

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

8 SECTION 59. IC 12-15-46 IS REPEALED [EFFECTIVE UPON  
 9 PASSAGE]. (Medicaid Waivers and State Plan Amendments).

10 SECTION 60. IC 12-17.2-7.2-8, AS ADDED BY P.L.202-2014,  
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: Sec. 8. (a) The office shall determine:

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

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

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

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

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

35 SECTION 61. IC 12-17.2-7.2-9 IS REPEALED [EFFECTIVE  
 36 UPON PASSAGE]. Sec. 9: (a) ~~The pilot program, including the  
 37 longitudinal study under section 12 of this chapter, must be funded  
 38 from one (1) or both of the following:~~

- 39 ~~(1) After review by the budget committee and approval by the  
 40 budget agency, from Child Care and Development Fund (CCDF)  
 41 grant funding received from the United States government that is  
 42 designated by the budget agency as available for funding the pilot~~



1 program:

2 (2) After review by the budget committee and approval by the  
3 budget agency, from amounts reverted in a state fiscal year from  
4 funds appropriated to the divisions, departments, and bureaus  
5 administered by the office that are designated by the budget  
6 agency as available for funding the pilot program:

7 This subsection expires June 30, 2015.

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

13 SECTION 62. IC 12-17.2-7.2-12, AS ADDED BY P.L.202-2014,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]: Sec. 12. (a) The office shall carry out a  
16 longitudinal study of students who participate in the pilot program to  
17 determine the achievement levels of those students in kindergarten and  
18 later grades.

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

- 21 (1) the eligible children who participated in the pilot program;  
22 and  
23 (2) a control group determined by the office that consists of  
24 children who did not participate in the pilot program.

25 (c) The office may, after consulting with the state board of  
26 education, enter into a contract with one (1) or more persons to carry  
27 out the longitudinal study under this section. The office may expend  
28 not more than one million dollars (\$1,000,000) from the funds  
29 appropriated under section 9 of this chapter (**repealed**) to carry out the  
30 longitudinal study. The amount expended to carry out the longitudinal  
31 study under this section is in addition to the ten million dollar  
32 (\$10,000,000) limit under section 8(d) of this chapter on the amount of  
33 grants under the pilot program in a state fiscal year.

34 SECTION 63. IC 12-20-16-3.5, AS ADDED BY P.L.134-2016,  
35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 3.5. (a) This section applies only to a  
37 township assistance recipient who has prepaid service.

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

- 40 (1) IC 8-1-13; or  
41 (2) IC 23-17 that:  
42 (A) is an electric cooperative; and



- 1 (B) has at least one (1) member that is a corporation organized  
 2 under IC 8-1-13.
- 3 (c) As used in this section, "prepaid service" refers to a payment  
 4 option offered by an electric service provider in which payments for  
 5 electric usage are charged against a prepaid credit balance in a service  
 6 account as electric service is rendered.
- 7 (d) As used in this section, "recipient" means a township assistance  
 8 recipient.
- 9 (e) As used in this section, "service account" means a customer or  
 10 member account with an electric service provider.
- 11 (f) Notwithstanding IC 12-20-20-1 or any other law, if the  
 12 requirements of this section are met, a township trustee and an electric  
 13 service provider may do the following:
- 14 (1) A township trustee may deposit township assistance funds into  
 15 a service account to create a credit balance.
- 16 (2) An electric service provider may pay a recipient's electric  
 17 usage charges with the deposited township assistance funds as  
 18 those electric usage charges are incurred. However, any personal  
 19 funds that are present in the service account at the time the  
 20 township assistance funds are deposited must be used to pay any  
 21 electric usage charges first, before the use of township assistance  
 22 funds.
- 23 (g) An electric service provider shall do the following:
- 24 (1) Hold any funds deposited under subsection (f)(1) in a  
 25 fiduciary capacity for the township trustee. The township trustee  
 26 is the beneficiary of any township assistance funds remaining:
- 27 (A) at the close of business:
- 28 (i) on the day that a service account is terminated; or  
 29 (ii) on the next business day, if the service account is  
 30 terminated after the close of normal business hours; or
- 31 (B) at the close of business:
- 32 (i) on the day a request is received by the electric service  
 33 provider from the township trustee for remittance of the  
 34 funds; or  
 35 (ii) on the next business day, if the request for remittance  
 36 occurs after the close of normal business hours.
- 37 (2) Remit any funds remaining in a service account or terminated  
 38 service account not later than fifteen (15) business days after:
- 39 (A) the service account is terminated as set forth in  
 40 subdivision (1)(A); or  
 41 (B) the electric service provider receives a request for  
 42 remittance from the township trustee as set forth in subdivision





- 1 (1)(B).  
 2 (h) For any month that:  
 3 (1) an electric service provider receives or expends township  
 4 assistance funds provided by a township trustee; or  
 5 (2) a service account has a remaining balance of township  
 6 assistance funds, including any balance of township assistance  
 7 funds remaining in an individual service account for any prior  
 8 months;  
 9 the electric service provider shall provide the township trustee with a  
 10 monthly accounting statement not later than fifteen (15) business days  
 11 following the last calendar day of the month. A monthly accounting  
 12 statement must detail the receipt and expenditure of funds from service  
 13 accounts during that month and any balances remaining in individual  
 14 service accounts.  
 15 (i) This section may not be interpreted as requiring an electric  
 16 service provider to:  
 17 (1) remit to a township trustee more funds than are available in a  
 18 service account at the close of business on the day that:  
 19 (A) a service account is terminated as set forth in subsection  
 20 (g)(1)(A); or  
 21 (B) the electric service provider receives a request for  
 22 remittance as set forth in **subsection (g)(1)(B)**; or  
 23 (2) maintain separate service accounts or account numbers for  
 24 township assistance funds.  
 25 (j) The funds deposited into a service account may be used only to  
 26 pay for a recipient's electric usage, including any facility charges, and  
 27 may not be used to pay administrative charges, equipment,  
 28 maintenance, repair, disconnection fees, delinquent bills, or any other  
 29 charge.  
 30 (k) If the electric service provider refunds charges paid from the  
 31 service account, or repays any remaining credit balance in the service  
 32 account, the refund or repayment shall be paid directly to the township  
 33 trustee.  
 34 (l) During any calendar month, the township trustee may deposit  
 35 township assistance funds in the service account only to the extent that  
 36 the credit balance in the service account does not exceed the charges  
 37 incurred by the recipient during the immediately preceding calendar  
 38 month.  
 39 SECTION 64. IC 12-20-25-39, AS AMENDED BY P.L.197-2016,  
 40 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE UPON PASSAGE]: Sec. 39. The proceeds of the local  
 42 income tax imposed under this chapter shall be deposited by the



1 treasurer of state on behalf of the county into a separate ~~county~~ local  
 2 income tax account. The money in the account shall be disbursed as  
 3 provided in section 38(b) of this chapter.

4 SECTION 65. IC 13-13-7.1-3, AS ADDED BY P.L.53-2014,  
 5 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE UPON PASSAGE]: Sec. 3. The term of a member  
 7 appointed to the panel is two (2) years. However, an appointing  
 8 authority may replace a member at any time during the member's term.  
 9 Notwithstanding this section, the initial members of the panel are the  
 10 members serving on the advisory compliance panel established by  
 11 IC 13-13-7-2 (before its repeal) on March 15, 2014. The terms of the  
 12 initial legislative members of the panel appointed under  
 13 IC 13-13-7-3(b)(1) (before its repeal) and IC 13-13-7-3(b)(2) (before  
 14 its repeal) expire on the earlier of the following:

15 (1) The date the two (2) year appointment would have expired  
 16 under IC 13-13-7-4 (before its repeal);

17 (2) December 31, 2014.

18 If subdivision (1) applies, a legislative member appointed under section  
 19 2(1) or 2(2) of this chapter before January 1, 2015, to succeed the  
 20 initial legislative member expires December 31, 2014.

21 SECTION 66. IC 13-18-3-2.1, AS AMENDED BY P.L.112-2016,  
 22 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 2.1. (a) If:

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

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

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

29 is sought; and

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

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

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

41 SECTION 67. IC 14-16-1-18, AS AMENDED BY P.L.198-2016,  
 42 SECTION 640, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) A dealer shall maintain  
 2 in safe operating condition all vehicles rented, leased, or furnished by  
 3 the dealer. The dealer or the dealer's agents or employees shall explain  
 4 the operation of a vehicle being rented, leased, or furnished. If the  
 5 dealer or the dealer's agent or employee believes the person to whom  
 6 the vehicle is to be rented, leased, or furnished is not competent to  
 7 operate the vehicle with safety to the person or others, the dealer or the  
 8 dealer's agent or employee shall refuse to rent, lease, or furnish the  
 9 vehicle.

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

13 (1) Twenty thousand dollars (\$20,000) for bodily injury to or  
 14 death of one (1) person in any one (1) accident.

15 (2) Subject to the limit for one (1) person, forty thousand dollars  
 16 (\$40,000) for bodily injury to or death of at least two (2) persons  
 17 in any one (1) accident.

18 (3) Ten thousand dollars (\$10,000) for injury to or destruction of  
 19 property of others in any one (1) accident.

20 (c) In the alternative, a dealer may demand and must be shown proof  
 21 that the person renting, leasing, or being furnished a vehicle carries a  
 22 liability policy of at least the type and coverage specified in subsection  
 23 (b).

24 (d) A dealer:

25 (1) shall prepare an application for a certificate of title as required  
 26 by IC 9-17-2-1 for a purchaser of an off-road vehicle and shall  
 27 submit the application for the certificate of title in the format  
 28 required by IC 9-17-2-2 to the bureau of motor vehicles; and

29 (2) may charge a processing fee for this service that may not  
 30 exceed ten dollars (\$10).

31 (e) This subsection does not apply to an off-road vehicle that is at  
 32 least five (5) model years old. After January 1, 2008, a dealer may not  
 33 have on its **premise premises** an off-road vehicle that does not have a  
 34 certificate of:

35 (1) origin from its manufacturer; or

36 (2) title issued by;

37 (A) the bureau of motor vehicles or its equivalent in another  
 38 state; or

39 (B) a foreign country.

40 SECTION 68. IC 14-22-38-4, AS AMENDED BY P.L.89-2016,  
 41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that

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- 1 involves:
- 2 (1) unlawfully taking or possessing a deer or wild turkey;
- 3 (2) taking or possessing a deer or wild turkey by illegal methods
- 4 or with illegal devices; or
- 5 (3) except as provided in ~~subsections~~ **subsection (c), and (d)**;
- 6 selling, offering to sell, purchasing, or offering to purchase a deer
- 7 or wild turkey or a part of a deer or wild turkey;
- 8 the court may order the person to reimburse the state five hundred
- 9 dollars (\$500) for the first violation and one thousand dollars (\$1,000)
- 10 for each subsequent violation.
- 11 (b) The money shall be deposited in the conservation officers fish
- 12 and wildlife fund. This penalty is in addition to any other penalty under
- 13 the law.
- 14 (c) Notwithstanding section 6 of this chapter, if a properly tagged
- 15 deer is brought to a meat processing facility and the owner of the deer:
- 16 (1) fails to pick up the processed deer within a reasonable time;
- 17 or
- 18 (2) notifies the meat processing facility that the owner does not
- 19 want the processed deer;
- 20 the deer meat may be given away by the meat processing facility to
- 21 another person. The meat processing facility may charge the person
- 22 receiving the deer meat a reasonable and customary processing fee.
- 23 (d) In addition to being liable for the reimbursement required under
- 24 subsection (a), a person who recklessly, knowingly, or intentionally
- 25 violates subsection (a)(1) or (a)(2) while using or possessing:
- 26 (1) a sound suppressor designed for use with or on a firearm,
- 27 commonly called a silencer; or
- 28 (2) a device used as a silencer;
- 29 commits unlawful hunting while using or possessing a silencer, a Class
- 30 C misdemeanor.
- 31 SECTION 69. IC 16-18-2-112 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 112. "Emergency
- 33 medical technician", for purposes of IC 16-31, means an individual
- 34 who is certified under ~~this article~~ **IC 16-31** to provide basic life support
- 35 at the scene of an accident, illness, or during transport.
- 36 SECTION 70. IC 16-31-3-14, AS AMENDED BY P.L.59-2016,
- 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 UPON PASSAGE]: Sec. 14. (a) A person holding a certificate or
- 39 license issued under this article must comply with the applicable
- 40 standards and rules established under this article. A certificate holder
- 41 or license holder is subject to disciplinary sanctions under subsection
- 42 (b) if the department of homeland security determines that the



- 1 certificate holder or license holder:
- 2 (1) engaged in or knowingly cooperated in fraud or material
- 3 deception in order to obtain a certificate or license, including
- 4 cheating on a certification or licensure examination;
- 5 (2) engaged in fraud or material deception in the course of
- 6 professional services or activities;
- 7 (3) advertised services or goods in a false or misleading manner;
- 8 (4) falsified or knowingly allowed another person to falsify
- 9 attendance records or certificates of completion of continuing
- 10 education courses required under this article or rules adopted
- 11 under this article;
- 12 (5) is convicted of a crime, if the act that resulted in the
- 13 conviction has a direct bearing on determining if the certificate
- 14 holder or license holder should be entrusted to provide emergency
- 15 medical services;
- 16 (6) is convicted of violating IC 9-19-14.5;
- 17 (7) fails to comply and maintain compliance with or violates any
- 18 applicable provision, standard, or other requirement of this article
- 19 or rules adopted under this article;
- 20 (8) continues to practice if the certificate holder or license holder
- 21 becomes unfit to practice due to:
- 22 (A) professional incompetence that includes the undertaking
- 23 of professional activities that the certificate holder or license
- 24 holder is not qualified by training or experience to undertake;
- 25 (B) failure to keep abreast of current professional theory or
- 26 practice;
- 27 (C) physical or mental disability; or
- 28 (D) addiction to, abuse of, or dependency on alcohol or other
- 29 drugs that endanger the public by impairing the certificate
- 30 holder's or license holder's ability to practice safely;
- 31 (9) engages in a course of lewd or immoral conduct in connection
- 32 with the delivery of services to the public;
- 33 (10) allows the certificate holder's or license holder's name or a
- 34 certificate or license issued under this article to be used in
- 35 connection with a person who renders services beyond the scope
- 36 of that person's training, experience, or competence;
- 37 (11) is subjected to disciplinary action in another state or
- 38 jurisdiction on grounds similar to those contained in this chapter.
- 39 For purposes of this subdivision, a certified copy of a record of
- 40 disciplinary action constitutes prima facie evidence of a
- 41 disciplinary action in another jurisdiction;
- 42 (12) assists another person in committing an act that would



- 1 constitute a ground for disciplinary sanction under this chapter;  
 2 or  
 3 (13) allows a certificate or license issued by the commission to  
 4 be:
- 5 (A) used by another person; or
  - 6 (B) displayed to the public when the certificate or license is  
 7 expired, inactive, invalid, revoked, or suspended.
- 8 (b) The department of homeland security may issue an order under  
 9 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 10 the department of homeland security determines that a certificate  
 11 holder or license holder is subject to disciplinary sanctions under  
 12 subsection (a):
- 13 (1) Revocation of a certificate holder's certificate or license  
 14 holder's license for a period not to exceed seven (7) years.
  - 15 (2) Suspension of a certificate holder's certificate or license  
 16 holder's license for a period not to exceed seven (7) years.
  - 17 (3) Censure of a certificate holder or license holder.
  - 18 (4) Issuance of a letter of reprimand.
  - 19 (5) Assessment of a civil penalty against the certificate holder or  
 20 license holder in accordance with the following:
    - 21 (A) The civil penalty may not exceed five hundred dollars  
 22 (\$500) per day per violation.
    - 23 (B) If the certificate holder or license holder fails to pay the  
 24 civil penalty within the time specified by the department of  
 25 homeland security, the department of homeland security may  
 26 suspend the certificate holder's certificate or license holder's  
 27 license without additional proceedings.
  - 28 (6) Placement of a certificate holder or license holder on  
 29 probation status and requirement of the certificate holder or  
 30 license holder to:
    - 31 (A) report regularly to the department of homeland security  
 32 upon the matters that are the basis of probation;
    - 33 (B) limit practice to those areas prescribed by the department  
 34 of homeland security;
    - 35 (C) continue or renew professional education approved by the  
 36 department of homeland security until a satisfactory degree of  
 37 skill has been attained in those areas that are the basis of the  
 38 probation; or
    - 39 (D) perform or refrain from performing any acts, including  
 40 community restitution or service without compensation, that  
 41 the department of homeland security considers appropriate to  
 42 the public interest or to the rehabilitation or treatment of the



- 1 certificate holder or license holder.  
2 The department of homeland security may withdraw or modify  
3 this probation if the department of homeland security finds after  
4 a hearing that the deficiency that required disciplinary action is  
5 remedied or that changed circumstances warrant a modification  
6 of the order.
- 7 (c) If an applicant or a certificate holder or license holder has  
8 engaged in or knowingly cooperated in fraud or material deception to  
9 obtain a certificate or license, including cheating on the certification or  
10 licensure examination, the department of homeland security may  
11 rescind the certificate or license if it has been granted, void the  
12 examination or other fraudulent or deceptive material, and prohibit the  
13 applicant from reapplying for the certificate or license for a length of  
14 time established by the department of homeland security.
- 15 (d) The department of homeland security may deny certification or  
16 licensure to an applicant who would be subject to disciplinary sanctions  
17 under subsection (b) if that person were a certificate holder or license  
18 holder, has had disciplinary action taken against the applicant or the  
19 applicant's certificate or license to practice in another state or  
20 jurisdiction, or has practiced without a certificate or license in violation  
21 of the law. A certified copy of the record of disciplinary action is  
22 conclusive evidence of the other jurisdiction's disciplinary action.
- 23 (e) The department of homeland security may order a certificate  
24 holder or license holder to submit to a reasonable physical or mental  
25 examination if the certificate holder's or license holder's physical or  
26 mental capacity to practice safely and competently is at issue in a  
27 disciplinary proceeding. Failure to comply with a department of  
28 homeland security order to submit to a physical or mental examination  
29 makes a certificate holder or license holder liable to temporary  
30 suspension under subsection (i).
- 31 (f) Except as provided under subsection (a), subsection (g), and  
32 section 14.5 of this chapter, a certificate or license may not be denied,  
33 revoked, or suspended because the applicant, certificate holder, or  
34 license holder has been convicted of an offense. The acts from which  
35 the applicant's, certificate holder's, or license holder's conviction  
36 resulted may be considered as to whether the applicant or certificate  
37 holder or license holder should be entrusted to serve the public in a  
38 specific capacity.
- 39 (g) The department of homeland security may deny, suspend, or  
40 revoke a certificate or license issued under this article if the individual  
41 who holds or is applying for the certificate or license is convicted of  
42 any of the following:



- 1 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 2 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 3 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 4 (4) Fraudulently obtaining a controlled substance under
- 5 IC 35-48-4-7(c).
- 6 (5) Manufacture of paraphernalia as a Class D felony (for a crime
- 7 committed before July 1, 2014) or Level 6 felony (for a crime
- 8 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 9 (6) Dealing in paraphernalia as a Class D felony (for a crime
- 10 committed before July 1, 2014) or Level 6 felony (for a crime
- 11 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 12 (7) Possession of paraphernalia as a Class D felony (for a crime
- 13 committed before July 1, 2014) or Level 6 felony (for a crime
- 14 committed after June 30, 2014) under IC 35-48-4-8.3(b) (**before**
- 15 **its amendment on July 1, 2015**).
- 16 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
- 17 D felony (for a crime committed before July 1, 2014) or Level 6
- 18 felony (for a crime committed after June 30, 2014) under
- 19 IC 35-48-4-11.
- 20 (9) Possession of a synthetic drug or synthetic drug lookalike
- 21 substance as a Class D felony (for a crime committed before July
- 22 1, 2014) or Level 6 felony (for a crime committed after June 30,
- 23 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its
- 24 amendment in 2013).
- 25 (10) Maintaining a common nuisance under IC 35-48-4-13
- 26 (repealed) or IC 35-45-1-5, if the common nuisance involves a
- 27 controlled substance.
- 28 (11) An offense relating to registration, labeling, and prescription
- 29 forms under IC 35-48-4-14.
- 30 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 31 in this section.
- 32 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
- 33 this section.
- 34 (14) 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 (h) A decision of the department of homeland security under
- 38 subsections (b) through (g) may be appealed to the commission under
- 39 IC 4-21.5-3-7.
- 40 (i) The department of homeland security may temporarily suspend
- 41 a certificate holder's certificate or license holder's license under
- 42 IC 4-21.5-4 before a final adjudication or during the appeals process if





1 the department of homeland security finds that a certificate holder or  
 2 license holder would represent a clear and immediate danger to the  
 3 public's health, safety, or property if the certificate holder or license  
 4 holder were allowed to continue to practice.

5 (j) On receipt of a complaint or information alleging that a person  
 6 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
 7 or is engaging in a practice that is subject to disciplinary sanctions  
 8 under this chapter, the department of homeland security must initiate  
 9 an investigation against the person.

10 (k) The department of homeland security shall conduct a factfinding  
 11 investigation as the department of homeland security considers proper  
 12 in relation to the complaint.

13 (l) The department of homeland security may reinstate a certificate  
 14 or license that has been suspended under this section if the department  
 15 of homeland security is satisfied that the applicant is able to practice  
 16 with reasonable skill, competency, and safety to the public. As a  
 17 condition of reinstatement, the department of homeland security may  
 18 impose disciplinary or corrective measures authorized under this  
 19 chapter.

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

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

26 (o) A certificate holder may not surrender the certificate holder's  
 27 certificate, and a license holder may not surrender the license holder's  
 28 license, without the written approval of the department of homeland  
 29 security, and the department of homeland security may impose any  
 30 conditions appropriate to the surrender or reinstatement of a  
 31 surrendered certificate or license.

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

- 34 (1) an unlimited certificate;
- 35 (2) a limited or probationary certificate; or
- 36 (3) an inactive certificate.

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

- 39 (1) an unlimited license;
- 40 (2) a limited or probationary license; or
- 41 (3) an inactive license.

42 SECTION 71. IC 16-31-3-25, AS ADDED BY P.L.64-2013,

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1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 25. (a) An individual who meets the following  
3 qualifications may operate as a tactical emergency medicine provider:

4 (1) Is an emergency medical technician, an advanced emergency  
5 medical technician, or a paramedic.

6 (2) Is employed by:

7 (A) a law enforcement agency; or

8 (B) an emergency medical services agency established by  
9 IC 16-31-5-1 that has an agreement with a law enforcement  
10 agency;

11 to provide retrieval and field medical treatment to victims of  
12 violent confrontations.

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

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

19 (B) a program accredited by a federal or state governmental  
20 agency; or

21 (C) a program provided by the National Association of  
22 Emergency Medical Technicians that is accredited by the  
23 Continuing Education Coordinating Board for Emergency  
24 Medical Services;

25 that substantially meets the core curriculum requirements  
26 approved by the commission.

27 (b) An individual who meets the requirements set forth in  
28 subsection (a) may practice emergency medicine according to the  
29 individual's scope of training and as approved by the medical director  
30 of the law enforcement agency or an emergency medical services  
31 agency supervising the individual.

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

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

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

41 ~~(1) Criteria for basic and advanced life support personnel to~~  
42 ~~function as tactical medical support for law enforcement agencies~~



1 as adopted by the commission under IC 4-22-7-7 in nonrule  
2 policy statement EMS-02-2002 adopted on March 15, 2002.

3 ~~(2) Tactical emergency medical support core curriculum~~  
4 ~~requirements approved by the commission on September 13,~~  
5 ~~2007.~~

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

8 SECTION 72. IC 16-34-3-2, AS AMENDED BY P.L.213-2016,  
9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 UPON PASSAGE]: Sec. 2. (a) A pregnant woman who has an abortion  
11 under this article has the right to determine the final disposition of the  
12 aborted fetus.

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

17 (1) in writing; and

18 (2) on a form prescribed by the state department;

19 of the pregnant woman's decision for final disposition of the aborted  
20 fetus before the aborted fetus may be discharged from the abortion  
21 clinic or the health care facility.

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

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

29 SECTION 73. IC 20-20-8-8, AS AMENDED BY P.L.127-2016,  
30 SECTION 4, AND AS AMENDED BY P.L.179-2016, SECTION 1, IS  
31 CORRECTED AND AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include  
33 the following information:

34 (1) Student enrollment.

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

38 (3) Attendance rate.

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

41 (A) All state standardized assessment scores.

42 (B) Scores for assessments under IC 20-32-5-21, if



- 1 appropriate.
- 2 (C) For a freeway school, scores on a locally adopted
- 3 assessment program, if appropriate.
- 4 (5) Average class size.
- 5 (6) The school's performance category or designation of school
- 6 improvement assigned under IC 20-31-8.
- 7 (7) The number and percentage of students in the following
- 8 groups or programs:
- 9 (A) Alternative education, if offered.
- 10 (B) Career and technical education.
- 11 (C) Special education.
- 12 (D) High ability.
- 13 ~~(E) Remediation.~~
- 14 ~~(E)~~ (E) Limited English language proficiency.
- 15 ~~(F)~~ (F) Students receiving free or reduced price lunch under
- 16 the national school lunch program.
- 17 ~~(H) School flex program, if offered.~~
- 18 (8) Advanced placement, including the following:
- 19 (A) For advanced placement tests, the percentage of students:
- 20 (i) scoring three (3), four (4), and five (5); and
- 21 (ii) taking the test.
- 22 (B) For the Scholastic Aptitude Test:
- 23 (i) *the average* test scores for all students taking the test;
- 24 (ii) *the average* test scores for students completing the
- 25 academic honors diploma program; and
- 26 (iii) the percentage of students taking the test.
- 27 (9) Course completion, including the number and percentage of
- 28 students completing the following programs:
- 29 (A) Academic honors diploma.
- 30 (B) Core 40 curriculum.
- 31 (C) Career and technical programs.
- 32 ~~(10) The percentage of grade 8 students enrolled in algebra I.~~
- 33 ~~(H)~~ (10) The percentage of graduates considered college and
- 34 career ready in a manner prescribed by the state board.
- 35 ~~(I)~~ (11) School safety, including:
- 36 (A) the number of students receiving suspension or expulsion
- 37 for the possession of alcohol, drugs, or weapons;
- 38 (B) the number of incidents reported under IC 20-33-9; and
- 39 (C) the number of bullying incidents reported under
- 40 IC 20-34-6 by category.
- 41 ~~(J)~~ (12) Financial information and various school cost factors
- 42 ~~including the following:~~ required to be provided to the office of



- 1           management and budget under IC 20-42.5-3-5.  
 2           (A) Expenditures per pupil.  
 3           (B) Average teacher salary.  
 4           (C) Remediation funding.  
 5           ~~(14)~~ Interdistrict and intradistrict student mobility rates; if that  
 6           information is available.  
 7           ~~(15)~~ (13) The number and percentage of each of the following  
 8           within the school corporation:  
 9           (A) Teachers who are certificated employees (as defined in  
 10           IC 20-29-2-4).  
 11           (B) Teachers who teach the subject area for which the teacher  
 12           is certified and holds a license.  
 13           (C) Teachers with national board certification.  
 14           ~~(16)~~ (14) The percentage of grade 3 students reading at grade 3  
 15           level.  
 16           ~~(17)~~ (15) The number of students expelled, *including the number*  
 17           *participating in other recognized education programs during*  
 18           *their expulsion*, including the percentage of students expelled by  
 19           race, grade, gender, free or reduced price lunch status, and  
 20           eligibility for special education.  
 21           ~~(18)~~ (16) Chronic absenteeism, which includes the number of  
 22           students who have been absent from school for ten percent (10%)  
 23           or more of a school year for any reason.  
 24           ~~(19)~~ (17) Habitual truancy, which includes the number of students  
 25           who have been absent ten (10) days or more from school within  
 26           a school year without being excused or without being absent  
 27           under a parental request that has been filed with the school.  
 28           ~~(20)~~ (18) The number of students who have dropped out of  
 29           school, including the reasons for dropping out, including the  
 30           percentage of students who have dropped out by race, grade,  
 31           gender, free or reduced price lunch status, and eligibility for  
 32           special education.  
 33           ~~(21)~~ (19) The number of out of school suspensions assigned,  
 34           including the percentage of students suspended by race, grade,  
 35           gender, free or reduced price lunch status, and eligibility for  
 36           special education.  
 37           ~~(22)~~ (20) The number of in school suspensions assigned,  
 38           including the percentage of students suspended by race, grade,  
 39           gender, free or reduced price lunch status, and eligibility for  
 40           special education.  
 41           ~~(23)~~ (21) The number of student work permits revoked.  
 42           ~~(24)~~ (22) The number of students receiving an international



- 1           baccalaureate diploma.
- 2           (b) *Section 3(a) of this chapter does not apply to the publication of*
- 3 *information required under this subsection.* This subsection applies to
- 4 schools, including charter schools, located in a county having a
- 5 consolidated city, including schools located in excluded cities (as
- 6 defined in IC 36-3-1-7). *A separate report including the information*
- 7 *reported under subsection (a) must be disaggregated by race, grade,*
- 8 *gender, free or reduced price lunch status, and eligibility for special*
- 9 *education and must be made available on the Internet as provided in*
- 10 *section 3(b) of this chapter.*
- 11           SECTION 74. IC 20-20-42-1, AS ADDED BY P.L.136-2016,
- 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 UPON PASSAGE]: Sec. 1. As used in this chapter, "board" refers to
- 14 the out of school time learning advisory board established by section
- 15 6 4 of this chapter.
- 16           SECTION 75. IC 20-20-42-4, AS ADDED BY P.L.136-2016,
- 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 UPON PASSAGE]: Sec. 4. (a) The out of school time learning advisory
- 19 board is established to recommend to the department and the general
- 20 assembly procedures, policies, funding levels, and eligibility criteria for
- 21 out of school time programs.
- 22           (b) The board is composed of at least the following members:
- 23           (1) The state superintendent or the state superintendent's
- 24           designee, who serves as chairperson of the board.
- 25           (2) The secretary of the family and social services administration
- 26           or the secretary's designee.
- 27           (3) The commissioner of the department of workforce
- 28           development or the commissioner's designee.
- 29           (4) The commissioner of the commission for higher education or
- 30           the commissioner's designee.
- 31           (5) A direct services provider appointed by the secretary of the
- 32           family and social services administration.
- 33           (6) The following individuals appointed by the state
- 34           superintendent:
- 35           (A) A direct services provider.
- 36           (B) A superintendent who is nominated by a statewide
- 37           association of public school superintendents.
- 38           (C) A principal who is nominated by a statewide association
- 39           of school principals.
- 40           (D) A governing body member who is nominated by a
- 41           statewide association of school boards.
- 42           (E) A teacher who is nominated by the largest statewide



- 1 teachers' association.
- 2 (F) A teacher who is nominated by the second largest
- 3 statewide teachers' association.
- 4 (G) A member of a statewide afterschool program network
- 5 who is nominated by the network.
- 6 (H) A member of a statewide parents' organization who is
- 7 nominated by the organization.
- 8 Additional members may be appointed by the state superintendent or
- 9 the secretary of the family and social services administration. In
- 10 addition, the board may consult with other individuals who are not
- 11 members of the board.
- 12 (c) The board shall meet at least two (2) times each year. The
- 13 chairperson may call additional meetings.
- 14 (d) The department shall provide staff for the board.
- 15 (e) In making recommendations to the department and the general
- 16 assembly, the board shall consider at least the following:
- 17 (1) Existing data and research concerning best practices for out of
- 18 school **time** programs.
- 19 (2) Current and proposed future access to, quality of, and
- 20 affordability of out of school **time** programs.
- 21 (3) Collaboration between agencies and coordination of existing
- 22 resources.
- 23 (4) The need for out of school **time** programs to address college
- 24 and career readiness and academic standards.
- 25 (5) Existing statutory and regulatory provisions and the possibility
- 26 of recommending amendments to statutes and rules.
- 27 (f) The board shall make an initial report to the general assembly
- 28 and the legislative council not later than November 1, 2016. The report
- 29 must be in an electronic format under IC 5-14-6.
- 30 (g) This section expires June 30, 2019.
- 31 SECTION 76. IC 20-24-7-2, AS AMENDED BY P.L.119-2016,
- 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 UPON PASSAGE]: Sec. 2. The department shall distribute state tuition
- 34 support distributions, and in the case of an adult high school (as
- 35 defined in IC 20-24-1-2.3), funding provided in the state biennial
- 36 budget for adult high schools, to the organizer. The department shall
- 37 make a distribution under this ~~subsection~~ **section** at the same time and
- 38 in the same manner as the department makes a distribution of state
- 39 tuition support under IC 20-43-2 to other school corporations.
- 40 SECTION 77. IC 20-26-5-11, AS AMENDED BY P.L.65-2016,
- 41 SECTION 10, AND AS AMENDED BY P.L.106-2016, SECTION 5,
- 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



- 1 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies to:  
 2 (1) a school corporation;  
 3 (2) a charter school; and  
 4 (3) an entity:  
 5 (A) with which the school corporation contracts for services;  
 6 and  
 7 (B) that has employees who are likely to have direct, ongoing  
 8 contact with children within the scope of the employees'  
 9 employment.
- 10 (b) A school corporation, charter school, or entity may use  
 11 information obtained under section 10 of this chapter concerning an  
 12 individual's conviction for one (1) of the following offenses as grounds  
 13 to not employ or contract with the individual:  
 14 (1) Murder (IC 35-42-1-1).  
 15 (2) Causing suicide (IC 35-42-1-2).  
 16 (3) Assisting suicide (IC 35-42-1-2.5).  
 17 (4) Voluntary manslaughter (IC 35-42-1-3).  
 18 (5) Reckless homicide (IC 35-42-1-5).  
 19 (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from  
 20 the date the individual was discharged from probation,  
 21 imprisonment, or parole, whichever is later.  
 22 (7) Aggravated battery (IC 35-42-2-1.5).  
 23 (8) Kidnapping (IC 35-42-3-2).  
 24 (9) Criminal confinement (IC 35-42-3-3).  
 25 (10) A sex offense under IC 35-42-4.  
 26 (11) Carjacking (IC 35-42-5-2) (repealed).  
 27 (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed  
 28 from the date the individual was discharged from probation,  
 29 imprisonment, or parole, whichever is later.  
 30 (13) Incest (IC 35-46-1-3).  
 31 (14) Neglect of a dependent as a Class B felony (for a crime  
 32 committed before July 1, 2014) or a Level 1 felony or Level 3  
 33 felony (for a crime committed after June 30, 2014)  
 34 (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the  
 35 date the individual was discharged from probation, imprisonment,  
 36 or parole, whichever is later.  
 37 (15) Child selling (IC 35-46-1-4(d)).  
 38 (16) Contributing to the delinquency of a minor (IC 35-46-1-8),  
 39 unless ten (10) years have elapsed from the date the individual  
 40 was discharged from probation, imprisonment, or parole,  
 41 whichever is later.  
 42 (17) An offense involving a weapon under IC 35-47 or





- 1 IC 35-47.5, unless ten (10) years have elapsed from the date the  
 2 individual was discharged from probation, imprisonment, or  
 3 parole, whichever is later.
- 4 (18) An offense relating to controlled substances under  
 5 IC 35-48-4, unless ten (10) years have elapsed from the date the  
 6 individual was discharged from probation, imprisonment, or  
 7 parole, whichever is later.
- 8 (19) An offense relating to material or a performance that is  
 9 harmful to minors or obscene under IC 35-49-3, unless ten (10)  
 10 years have elapsed from the date the individual was discharged  
 11 from probation, imprisonment, or parole, whichever is later.
- 12 (20) An offense relating to operating a motor vehicle while  
 13 intoxicated under IC 9-30-5, unless five (5) years have elapsed  
 14 from the date the individual was discharged from probation,  
 15 imprisonment, or parole, whichever is later.
- 16 *(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years*  
 17 *have elapsed from the date the individual was discharged from*  
 18 *probation, imprisonment, or parole, whichever is latest.*
- 19 ~~(21)~~ (22) An offense that is substantially equivalent to any of the  
 20 offenses listed in this subsection in which the judgment of  
 21 conviction was entered under the law of any other jurisdiction.
- 22 (c) An individual employed by a school corporation, charter school,  
 23 or an entity described in subsection (a) shall notify the governing body  
 24 of the school corporation, if during the course of the individual's  
 25 employment, the individual is convicted in Indiana or another  
 26 jurisdiction of an offense described in subsection (b).
- 27 *(d) A school corporation, charter school, or entity may use*  
 28 *information obtained under section 10 of this chapter concerning an*  
 29 *individual being the subject of a substantiated report of child abuse or*  
 30 *neglect as grounds to not employ or contract with the individual.*
- 31 *(e) An individual employed by a school corporation, charter school,*  
 32 *or entity described in subsection (a) shall notify the governing body of*  
 33 *the school corporation, if during the course of the individual's*  
 34 *employment, the individual is the subject of a substantiated report of*  
 35 *child abuse or neglect.*
- 36 SECTION 78. IC 20-28-5-3, AS AMENDED BY P.L.106-2016,  
 37 SECTION 7, AND AS AMENDED BY P.L.121-2016, SECTION 28,  
 38 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department shall  
 40 designate the grade point average required for each type of license.
- 41 (b) The department shall determine details of licensing not provided  
 42 in this chapter, including requirements regarding the following:



- 1 (1) The conversion of one (1) type of license into another.  
 2 (2) The accreditation of teacher education schools and  
 3 departments.  
 4 (3) The exchange and renewal of licenses.  
 5 (4) The endorsement of another state's license.  
 6 (5) The acceptance of credentials from teacher education  
 7 institutions of another state.  
 8 (6) The academic and professional preparation for each type of  
 9 license.  
 10 (7) The granting of permission to teach a high school subject area  
 11 related to the subject area for which the teacher holds a license.  
 12 (8) The issuance of licenses on credentials.  
 13 (9) The type of license required for each school position.  
 14 (10) The size requirements for an elementary school requiring a  
 15 licensed principal.  
 16 (11) Any other related matters.

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

19 (c) This subsection does not apply to an applicant for a substitute  
 20 teacher license *or to an individual granted a license under section 18*  
 21 *of this chapter*. After June 30, 2011, the department may not issue an  
 22 initial practitioner license at any grade level to an applicant for an  
 23 initial practitioner license unless the applicant shows evidence that the  
 24 applicant:

- 25 (1) has successfully completed training approved by the  
 26 department in:  
 27 (A) cardiopulmonary resuscitation that includes a test  
 28 demonstration on a mannequin;  
 29 (B) removing a foreign body causing an obstruction in an  
 30 airway;  
 31 (C) the Heimlich maneuver; and  
 32 (D) the use of an automated external defibrillator;  
 33 (2) holds a valid certification in each of the procedures described  
 34 in subdivision (1) issued by:  
 35 (A) the American Red Cross;  
 36 (B) the American Heart Association; or  
 37 (C) a comparable organization or institution approved by the  
 38 *advisory state* board; or  
 39 (3) has physical limitations that make it impracticable for the  
 40 applicant to complete a course or certification described in  
 41 subdivision (1) or (2).

42 The training in this subsection applies to a teacher (as defined in



1 IC 20-18-2-22(b)).

2 (d) This subsection does not apply to an applicant for a substitute  
3 teacher license *or to an individual granted a license under section 18*  
4 *of this chapter*. After June 30, 2013, the department may not issue an  
5 initial teaching license at any grade level to an applicant for an initial  
6 teaching license unless the applicant shows evidence that the applicant  
7 has successfully completed education and training on the prevention of  
8 child suicide and the recognition of signs that a student may be  
9 considering suicide.

10 (e) This subsection does not apply to an applicant for a substitute  
11 teacher license. After June 30, 2012, the department may not issue a  
12 teaching license renewal at any grade level to an applicant unless the  
13 applicant shows evidence that the applicant:

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

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

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

20 (C) the Heimlich maneuver; and

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

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

24 (A) the American Red Cross;

25 (B) the American Heart Association; or

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

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

31 (f) The department shall periodically publish bulletins regarding:

32 (1) the details described in subsection (b);

33 (2) information on the types of licenses issued;

34 (3) the rules governing the issuance of each type of license; and

35 (4) other similar matters.

36 SECTION 79. IC 20-30-5-20, AS AMENDED BY P.L.222-2015,  
37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 UPON PASSAGE]: Sec. 20. (a) As used in this section, "psychomotor  
39 skills" means skills using hands on practice to support cognitive  
40 learning.

41 (b) Except as provided in subsection (e), each school corporation  
42 and accredited nonpublic school shall include in the school



1 corporation's or accredited nonpublic school's high school health  
 2 education curriculum instruction in cardiopulmonary resuscitation and  
 3 use of an automated external defibrillator for its students. The  
 4 instruction must incorporate the psychomotor skills necessary to  
 5 perform cardiopulmonary resuscitation and use an automated external  
 6 defibrillator and must include either of the following:

7 (1) An instructional program developed by the American Heart  
 8 Association or the American Red Cross.

9 (2) An instructional program that is nationally recognized and is  
 10 based on the most current national evidence based emergency  
 11 cardiovascular care guidelines for cardiopulmonary resuscitation  
 12 and the use of an automated external defibrillator.

13 (c) A school corporation or an accredited nonpublic school may  
 14 offer the instruction required in subsection (b) or may arrange for the  
 15 instruction to be provided by available community based providers.  
 16 The instruction is not required to be provided by a teacher. If  
 17 instruction is provided by a teacher, the teacher is not required to be a  
 18 certified trainer of cardiopulmonary resuscitation.

19 (d) This section shall not be construed to require a student to  
 20 become certified in cardiopulmonary resuscitation and the use of an  
 21 automated external defibrillator. However, if a school corporation or  
 22 accredited nonpublic school chooses to offer a course that results in  
 23 certification being earned, the course must be taught by an instructor  
 24 authorized to provide the instruction by the American Heart  
 25 Association, the American Red Cross, or a similar nationally  
 26 recognized association.

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

31 (f) If a school is unable to comply with the psychomotor skill  
 32 component of the instruction required under subsection (b), the  
 33 governing body may submit a request to the state superintendent to  
 34 waive the psychomotor skill component. The state superintendent shall  
 35 take action on the waiver request within thirty (30) days of receiving  
 36 the request for a waiver. A waiver request must:

37 (1) be in writing;

38 (2) include the reason or reasons that necessitated the waiver  
 39 request;

40 (3) indicate the extent to which the school attempted to comply  
 41 with the requirements under subsection (b); and

42 (4) be submitted each year for the school year the school requests



1 the waiver:

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

3 SECTION 80. IC 20-33-8-34, AS AMENDED BY P.L.233-2015,  
4 SECTION 265, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) Notwithstanding any  
6 other law, a suspension, an expulsion, or another disciplinary action  
7 against a student who is a student with a disability (as defined in  
8 IC 20-35-1-8) is subject to the:

- 9 (1) procedural requirements of 20 U.S.C. 1415; and  
10 (2) rules adopted by the state board.

11 (b) The division of special education shall propose rules ~~under~~  
12 ~~IC 20-35-2-1(b)(5)~~ to the state board for adoption under IC 4-22-2  
13 governing suspensions, expulsions, and other disciplinary action for a  
14 student who is a student with a disability (as defined in IC 20-35-1-8).

15 SECTION 81. IC 20-40-9-6, AS AMENDED BY P.L.257-2013,  
16 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: Sec. 6. ~~(a)~~ Money in the fund may be used for  
18 payment of the following:

- 19 (1) All debt and other obligations arising out of funds borrowed  
20 or advanced for school buildings when purchased from the  
21 proceeds of a bond issue for capital construction.  
22 (2) A lease to provide capital construction.  
23 (3) Interest on emergency and temporary loans.  
24 (4) All debt and other obligations arising out of funds borrowed  
25 or advanced for the purchase or lease of school buses when  
26 purchased or leased from the proceeds of a bond issue, or from  
27 money obtained from a loan made under IC 20-27-4-5, for that  
28 purpose.  
29 (5) All debt and other obligations arising out of funds borrowed  
30 to pay judgments against the school corporation.  
31 (6) All debt and other obligations arising out of funds borrowed  
32 to purchase equipment.

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

37 SECTION 82. IC 20-43-1-30, AS AMENDED BY P.L.234-2007,  
38 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE UPON PASSAGE]: Sec. 30. "Career and technical  
40 education grant" refers to the amount determined under ~~IC 20-43-8-9~~  
41 **IC 20-43-8-12** as adjusted under IC 20-43-8-10.

42 SECTION 83. IC 20-43-4-9, AS AMENDED BY P.L.151-2016,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 9. (a) Subject to subsections (b) and (c), this  
3 subsection applies to the calculation of state tuition support  
4 distributions that are based on the current ADM of a school  
5 corporation. The fall count of ADM, as adjusted by the state board  
6 under section 2 of this chapter, shall be used to compute state tuition  
7 support distributions made in the first six (6) months of the current  
8 state fiscal year, and the spring count of ADM, as adjusted by the state  
9 board under section 2 of this chapter, shall be used to compute state  
10 tuition support distributions made in the second six (6) months of the  
11 state fiscal year.

12 (b) This subsection applies to a school corporation that does not  
13 provide the estimates required by section ~~2(b)(2)~~ **2(b)** of this chapter  
14 before the deadline. For monthly state tuition support distributions  
15 made before the fall count of ADM is finalized, the department shall  
16 determine the distribution amount for such a school corporation for a  
17 state fiscal year of the biennium, using data that were used by the  
18 general assembly in determining the state tuition support appropriation  
19 for the budget act for that state fiscal year. The department may adjust  
20 the data used under this subsection for errors.

21 (c) If the state board adjusts a count of ADM after a distribution is  
22 made under this article, the adjusted count retroactively applies to the  
23 amount of state tuition support distributed to a school corporation  
24 affected by the adjusted count. The department shall settle any  
25 overpayment or underpayment of state tuition support resulting from  
26 an adjusted count of ADM on the schedule determined by the  
27 department and approved by the budget agency.

28 SECTION 84. IC 20-46-1-14, AS AMENDED BY P.L.166-2014,  
29 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: Sec. 14. (a) The referendum shall be held in the  
31 next primary election, general election, or municipal election in which  
32 all the registered voters who are residents of the appellant school  
33 corporation are entitled to vote after certification of the question under  
34 IC 3-10-9-3. The certification of the question must occur not later than  
35 noon:

- 36 (1) sixty (60) days before a primary election if the question is to
- 37 be placed on the primary or municipal primary election ballot; or
- 38 (2) August 1 if the question is to be placed on the general or
- 39 municipal election ballot.

40 (b) However, if a primary election, general election, or municipal  
41 election will not be held during the first year in which the public  
42 question is eligible to be placed on the ballot under this chapter and if



1 the appellant school corporation requests the public question to be  
 2 placed on the ballot at a special election, the public question shall be  
 3 placed on the ballot at a special election to be held on the first Tuesday  
 4 after the first Monday in May or November of the year. The  
 5 certification must occur not later than noon:

6 (1) sixty (60) days before a special election to be held in May (if  
 7 the special election is to be held in May); or

8 (2) on August 1 (if the special election is to be held in  
 9 November).

10 ~~(b)~~ (c) If the referendum is not conducted at a primary election,  
 11 general election, or municipal election, the appellant school  
 12 corporation in which the referendum is to be held shall pay all the costs  
 13 of holding the referendum.

14 SECTION 85. IC 21-12-3-10, AS AMENDED BY P.L.281-2013,  
 15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 UPON PASSAGE]: Sec. 10. Out of funds available after commitments  
 17 have been met under sections 8 and 9 of this chapter, awards shall be  
 18 issued to persons who have successfully completed at least one (1)  
 19 academic year but not more than three (3) academic years in approved  
 20 postsecondary educational institutions if they meet the eligibility  
 21 requirements of:

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

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

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

27 SECTION 86. IC 21-12-4-4, AS AMENDED BY P.L.281-2013,  
 28 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 4. ~~(a) This subsection applies before~~  
 30 ~~September 1, 2014. The amount of a freedom of choice grant may not~~  
 31 ~~exceed the difference between:~~

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

34 ~~(2) the:~~

35 ~~(A) higher education award made under IC 21-12-3-1,~~  
 36 ~~IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and~~  
 37 ~~IC 21-12-3-5; or~~

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

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



1 **chapter.**

2 SECTION 87. IC 21-13-10-9, AS ADDED BY P.L.46-2014,  
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 9. The commission shall maintain complete  
5 and accurate records in implementing the fund, including records of the  
6 following:

- 7 (1) The receipt, disbursement, and uses of money from the fund.  
8 (2) The number of applications for loan repayment assistance.  
9 (3) The number and amount of loans for which loan repayment  
10 assistance has been provided by the ~~department~~: **commission**.  
11 (4) Other pertinent information requested by the commission.

12 SECTION 88. IC 21-18.5-4-5, AS AMENDED BY P.L.281-2013,  
13 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 5. For purposes of administering this chapter,  
15 if the commission receives an offer of a gift, grant, devise, or bequest,  
16 the commission may accept a stipulation on the use of the donated  
17 funds. In this case, ~~before September 1, 2014, IC 21-12-3-11 (higher~~  
18 ~~education award) and IC 21-12-4-4 (freedom of choice grant); or, after~~  
19 ~~August 31, 2014;~~ the requirements under IC 21-12-1.7-3 concerning  
20 higher education awards and freedom of choice grants do not apply.  
21 Before accepting a gift, grant, devise, or bequest, the commission shall  
22 determine that the purposes for which the donor proposes to provide  
23 funds are:

- 24 (1) lawful;  
25 (2) in the state's best interests; and  
26 (3) generally consistent with the commission's programs and  
27 purposes.

28 If the commission agrees to a stipulation on the use of donated funds,  
29 the commission and the donor, subject to approval by the budget  
30 agency and the governor or the governor's designee, shall execute an  
31 agreement.

32 SECTION 89. IC 22-15-5-16, AS AMENDED BY P.L.59-2016,  
33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the  
35 standards established under this licensing program. A practitioner is  
36 subject to the exercise of the disciplinary sanctions under subsection  
37 (b) if the department finds that a practitioner has:

- 38 (1) engaged in or knowingly cooperated in fraud or material  
39 deception in order to obtain a license to practice, including  
40 cheating on a licensing examination;  
41 (2) engaged in fraud or material deception in the course of  
42 professional services or activities;





- 1 (3) advertised services or goods in a false or misleading manner;  
 2 (4) falsified or knowingly allowed another person to falsify  
 3 attendance records or certificates of completion of continuing  
 4 education courses provided under this chapter;  
 5 (5) been convicted of a crime that has a direct bearing on the  
 6 practitioner's ability to continue to practice competently;  
 7 (6) knowingly violated a state statute or rule or federal statute or  
 8 regulation regulating the profession for which the practitioner is  
 9 licensed;  
 10 (7) continued to practice although the practitioner has become  
 11 unfit to practice due to:  
 12 (A) professional incompetence;  
 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 severe dependency on alcohol or  
 17 other drugs that endanger the public by impairing a  
 18 practitioner's ability to practice safely;  
 19 (8) engaged in a course of lewd or immoral conduct in connection  
 20 with the delivery of services to the public;  
 21 (9) allowed the practitioner's name or a license issued under this  
 22 chapter to be used in connection with an individual or business  
 23 who renders services beyond the scope of that individual's or  
 24 business's training, experience, or competence;  
 25 (10) had disciplinary action taken against the practitioner or the  
 26 practitioner's license to practice in another state or jurisdiction on  
 27 grounds similar to those under this chapter;  
 28 (11) assisted another person in committing an act that would  
 29 constitute a ground for disciplinary sanction under this chapter;  
 30 or  
 31 (12) allowed a license issued by the department to be:  
 32 (A) used by another person; or  
 33 (B) displayed to the public when the license has expired, is  
 34 inactive, is invalid, or has been revoked or suspended.
- 35 For purposes of subdivision (10), a certified copy of a record of  
 36 disciplinary action constitutes prima facie evidence of a disciplinary  
 37 action in another jurisdiction.
- 38 (b) The department may impose one (1) or more of the following  
 39 sanctions if the department finds that a practitioner is subject to  
 40 disciplinary sanctions under subsection (a):  
 41 (1) Permanent revocation of a practitioner's license.  
 42 (2) Suspension of a practitioner's license.



- 1 (3) Censure of a practitioner.
- 2 (4) Issuance of a letter of reprimand.
- 3 (5) ~~Assess~~ **Assessment of** a civil penalty against the practitioner
- 4 in accordance with the following:
- 5 (A) The civil penalty may not be more than one thousand
- 6 dollars (\$1,000) for each violation listed in subsection (a),
- 7 except for a finding of incompetency due to a physical or
- 8 mental disability.
- 9 (B) When imposing a civil penalty, the department shall
- 10 consider a practitioner's ability to pay the amount assessed. If
- 11 the practitioner fails to pay the civil penalty within the time
- 12 specified by the department, the department may suspend the
- 13 practitioner's license without additional proceedings. However,
- 14 a suspension may not be imposed if the sole basis for the
- 15 suspension is the practitioner's inability to pay a civil penalty.
- 16 (6) ~~Place~~ **Placement of** a practitioner on probation status and
- 17 ~~require~~ **requirement of** the practitioner to:
- 18 (A) report regularly to the department upon the matters that
- 19 are the basis of probation;
- 20 (B) limit practice to those areas prescribed by the department;
- 21 (C) continue or renew professional education approved by the
- 22 department until a satisfactory degree of skill has been attained
- 23 in those areas that are the basis of the probation; or
- 24 (D) perform or refrain from performing any acts, including
- 25 community restitution or service without compensation, that
- 26 the department considers appropriate to the public interest or
- 27 to the rehabilitation or treatment of the practitioner.
- 28 The department may withdraw or modify this probation if the
- 29 department finds after a hearing that the deficiency that required
- 30 disciplinary action has been remedied or that changed
- 31 circumstances warrant a modification of the order.
- 32 (c) If an applicant or a practitioner has engaged in or knowingly
- 33 cooperated in fraud or material deception to obtain a license to
- 34 practice, including cheating on the licensing examination, the
- 35 department may rescind the license if it has been granted, void the
- 36 examination or other fraudulent or deceptive material, and prohibit the
- 37 applicant from reapplying for the license for a length of time
- 38 established by the department.
- 39 (d) The department may deny licensure to an applicant who has had
- 40 disciplinary action taken against the applicant or the applicant's license
- 41 to practice in another state or jurisdiction or who has practiced without
- 42 a license in violation of the law. A certified copy of the record of



1 disciplinary action is conclusive evidence of the other jurisdiction's  
2 disciplinary action.

3 (e) The department may order a practitioner to submit to a  
4 reasonable physical or mental examination if the practitioner's physical  
5 or mental capacity to practice safely and competently is at issue in a  
6 disciplinary proceeding. Failure to comply with a department order to  
7 submit to a physical or mental examination makes a practitioner liable  
8 to temporary suspension under subsection (j).

9 (f) Except as provided under subsection (g) or (h), a license may not  
10 be denied, revoked, or suspended because the applicant or holder has  
11 been convicted of an offense. The acts from which the applicant's or  
12 holder's conviction resulted may, however, be considered as to whether  
13 the applicant or holder should be entrusted to serve the public in a  
14 specific capacity.

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

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

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

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

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

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

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

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

34 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class  
35 D felony (for a crime committed before July 1, 2014) or a Level  
36 6 felony (for a crime committed after June 30, 2014) under  
37 IC 35-48-4-11.

38 (9) Possession of a synthetic drug or synthetic drug lookalike  
39 substance as a:

40 (A) Class D felony for a crime committed before July 1, 2014,  
41 under:

42 (i) IC 35-48-4-11, before its amendment in 2013; or



- 1 (ii) IC 35-48-4-11.5; or  
 2 (B) Level 6 felony for a crime committed after June 30, 2014,  
 3 under IC 35-48-4-11.5.  
 4 (10) Maintaining a common nuisance under IC 35-48-4-13  
 5 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 6 controlled substance.  
 7 (11) An offense relating to registration, labeling, and prescription  
 8 forms under IC 35-48-4-14.  
 9 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 10 in this subsection.  
 11 (13) Attempt under IC 35-41-5-1 to commit an offense listed in  
 12 this subsection.  
 13 (14) An offense in any other jurisdiction in which the elements of  
 14 the offense for which the conviction was entered are substantially  
 15 similar to the elements of an offense described in this subsection.  
 16 (h) The department shall deny, revoke, or suspend a license issued  
 17 under this chapter if the individual who holds the license is convicted  
 18 of any of the following:  
 19 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.  
 20 (2) Dealing in methamphetamine under IC 35-48-4-1.1.  
 21 (3) Dealing in a schedule I, II, or III controlled substance under  
 22 IC 35-48-4-2.  
 23 (4) Dealing in a schedule IV controlled substance under  
 24 IC 35-48-4-3.  
 25 (5) Dealing in a schedule V controlled substance under  
 26 IC 35-48-4-4.  
 27 (6) Dealing in a substance represented to be a controlled  
 28 substance under IC 35-48-4-4.5.  
 29 (7) Knowingly or intentionally manufacturing, advertising,  
 30 distributing, or possessing with intent to manufacture, advertise,  
 31 or distribute a substance represented to be a controlled substance  
 32 under IC 35-48-4-4.6.  
 33 (8) Dealing in a counterfeit substance under IC 35-48-4-5.  
 34 (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony  
 35 under IC 35-48-4-10.  
 36 (10) Dealing in a synthetic drug or synthetic drug lookalike  
 37 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)  
 38 before its amendment in 2013).  
 39 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 40 in this subsection.  
 41 (12) Attempt under IC 35-41-5-1 to commit an offense listed in  
 42 this subsection.



- 1 (13) 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 (14) A violation of any federal or state drug law or rule related to  
5 wholesale legend drug distributors licensed under IC 25-26-14.
- 6 (i) A decision of the department under subsections (b) through (h)  
7 may be appealed to the commission under IC 4-21.5-3-7.
- 8 (j) The department may temporarily suspend a practitioner's license  
9 under IC 4-21.5-4 before a final adjudication or during the appeals  
10 process if the department finds that a practitioner represents a clear and  
11 immediate danger to the public's health, safety, or property if the  
12 practitioner is allowed to continue to practice.
- 13 (k) On receipt of a complaint or an information alleging that a  
14 person licensed under this chapter has engaged in or is engaging in a  
15 practice that jeopardizes the public health, safety, or welfare, the  
16 department shall initiate an investigation against the person.
- 17 (l) Any complaint filed with the office of the attorney general  
18 alleging a violation of this licensing program shall be referred to the  
19 department for summary review and for its general information and any  
20 authorized action at the time of the filing.
- 21 (m) The department shall conduct a fact finding investigation as the  
22 department considers proper in relation to the complaint.
- 23 (n) The department may reinstate a license that has been suspended  
24 under this section if, after a hearing, the department is satisfied that the  
25 applicant is able to practice with reasonable skill, safety, and  
26 competency to the public. As a condition of reinstatement, the  
27 department may impose disciplinary or corrective measures authorized  
28 under this chapter.
- 29 (o) The department may not reinstate a license that has been  
30 revoked under this chapter. An individual whose license has been  
31 revoked under this chapter may not apply for a new license until seven  
32 (7) years after the date of revocation.
- 33 (p) The department shall seek to achieve consistency in the  
34 application of sanctions authorized in this chapter. Significant  
35 departures from prior decisions involving similar conduct must be  
36 explained in the department's findings or orders.
- 37 (q) A practitioner may petition the department to accept the  
38 surrender of the practitioner's license instead of having a hearing before  
39 the commission. The practitioner may not surrender the practitioner's  
40 license without the written approval of the department, and the  
41 department may impose any conditions appropriate to the surrender or  
42 reinstatement of a surrendered license.



1 (r) A practitioner who has been subjected to disciplinary sanctions  
 2 may be required by the commission to pay the costs of the proceeding.  
 3 The practitioner's ability to pay shall be considered when costs are  
 4 assessed. If the practitioner fails to pay the costs, a suspension may not  
 5 be imposed solely upon the practitioner's inability to pay the amount  
 6 assessed. The costs are limited to costs for the following:

- 7 (1) Court reporters.
- 8 (2) Transcripts.
- 9 (3) Certification of documents.
- 10 (4) Photo duplication.
- 11 (5) Witness attendance and mileage fees.
- 12 (6) Postage.
- 13 (7) Expert witnesses.
- 14 (8) Depositions.
- 15 (9) Notarizations.

16 SECTION 90. IC 23-14-42.5-7, AS ADDED BY P.L.176-2016,  
 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: Sec. 7. (a) Subject to subsection (b), the cremated  
 19 remains of a deceased animal of a deceased ~~record~~ owner of ~~burial~~  
 20 ~~rights in a burial plot~~ may be:

- 21 (1) removed from the temporary container or urn described in  
 22 section 3(3) of this chapter and scattered or placed on top of the  
 23 deceased owner's burial plot; or
- 24 (2) interred on top of the deceased owner's burial plot as long as  
 25 the interment of the deceased animal's cremated remains does not:
  - 26 (A) encroach upon or interfere with a neighboring burial plot  
 27 of which the deceased owner is not the record owner;
  - 28 (B) involve the disinterment of:
    - 29 (i) the deceased owner's remains; or
    - 30 (ii) the remains of a deceased individual other than the  
 31 deceased owner; or
    - 32 (C) involve the digging or penetration of earth at a depth that  
 33 exceeds one (1) foot.

34 The cremated remains of a deceased animal of a deceased ~~record~~ owner  
 35 may be scattered, placed, or interred in a manner described in this  
 36 subsection before, after, or in conjunction with the interment of the  
 37 remains of the deceased owner.

38 (b) The cremated remains of a deceased animal of a deceased ~~record~~  
 39 owner may be scattered, placed, or interred in a manner described in  
 40 subsection (a) only if the following apply:

- 41 (1) The person or entity owning the deceased animal at the time  
 42 of the deceased animal's death:



1 (A) consents in writing to the scattering, placement, or  
 2 interment of the cremated remains of the deceased animal in  
 3 a manner described in subsection (a); and  
 4 (B) before the scattering, placement, or interment of the  
 5 cremated remains of the deceased animal is to take place,  
 6 provides the written consent described in clause (A) to the  
 7 owner of the cemetery in which the deceased owner's burial  
 8 plot is located;  
 9 if the deceased ~~record~~ owner is not the owner of the deceased  
 10 animal at the time of the deceased animal's death.  
 11 (2) The deceased owner provides for or directs the scattering,  
 12 placement, or interment of the cremated remains of the deceased  
 13 animal in a manner described in subsection (a):  
 14 (A) in the deceased owner's last will and testament;  
 15 (B) in a written designation provided to a cemetery under  
 16 IC 23-14-42-2; or  
 17 (C) in a funeral planning declaration executed under  
 18 IC 29-2-19.  
 19 (3) If subdivision (2) does not apply, a person who has the right  
 20 under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18,  
 21 IC 29-2-19-17, or any other applicable statute to:  
 22 (A) control the disposition of the deceased owner's remains;  
 23 (B) make arrangements for the funeral services of the deceased  
 24 owner; or  
 25 (C) make other ceremonial arrangements after the deceased  
 26 owner's death;  
 27 provides for or directs the scattering, placement, or interment of  
 28 the cremated remains of the deceased animal in a manner  
 29 described in subsection (a).  
 30 SECTION 91. IC 24-4-20-3, AS ADDED BY P.L.195-2016,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 3. A **temporary** registration issued under this  
 33 chapter expires not later than twenty-eight (28) days after the date on  
 34 which the **temporary** registration is issued.  
 35 SECTION 92. IC 24-4-20-5, AS ADDED BY P.L.195-2016,  
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 5. A foreign entity registered under this  
 38 chapter is entitled to sell precious metals bullion and currency at a  
 39 trade fair or coin show in Indiana during the term of the **temporary**  
 40 registration if the contract:  
 41 (1) is for the purchase of precious ~~metal~~ **metals** bullion or  
 42 currency;



1 (2) requires physical delivery of the quantity of the precious  
 2 metals bullion or currency purchased not later than twenty-eight  
 3 (28) calendar days after payment in full of the purchase price; and  
 4 (3) provides for the purchaser to receive physical delivery of the  
 5 quantity of precious metals bullion or currency purchased not  
 6 later than twenty-eight (28) calendar days after payment in full of  
 7 the purchase price.

8 SECTION 93. IC 24-4.5-1-301.5, AS AMENDED BY P.L. 73-2016,  
 9 SECTION 5, AND AS AMENDED BY P.L. 153-2016, SECTION 2, IS  
 10 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE UPON PASSAGE]: Sec. 301.5. In addition to definitions  
 12 appearing in subsequent chapters in this article, the following  
 13 definitions apply throughout this article:

14 (1) "Affiliate", with respect to any person subject to this article,  
 15 means a person that, directly or indirectly, through one (1) or more  
 16 intermediaries:

- 17 (a) controls;
- 18 (b) is controlled by; or
- 19 (c) is under common control with;

20 the person subject to this article.

21 (2) "Agreement" means the bargain of the parties in fact as found in  
 22 their language or by implication from other circumstances, including  
 23 course of dealing or usage of trade or course of performance.

24 (3) "Agricultural purpose" means a purpose related to the  
 25 production, harvest, exhibition, marketing, transportation, processing,  
 26 or manufacture of agricultural products by a natural person who  
 27 cultivates, plants, propagates, or nurtures the agricultural products.  
 28 "Agricultural products" includes agricultural, horticultural, viticultural,  
 29 and dairy products, livestock, wildlife, poultry, bees, forest products,  
 30 fish and shellfish, and any and all products raised or produced on farms  
 31 and any processed or manufactured products thereof.

32 (4) "Average daily balance" means the sum of each of the daily  
 33 balances in a billing cycle divided by the number of days in the billing  
 34 cycle, and if the billing cycle is a month, the creditor may elect to treat  
 35 the number of days in each billing cycle as thirty (30).

36 (5) "Closing costs" with respect to a subordinate lien mortgage  
 37 transaction includes:

- 38 (a) fees or premiums for title examination, title insurance, or  
 39 similar purposes, including surveys;
- 40 (b) fees for preparation of a deed, settlement statement, or other  
 41 documents;
- 42 (c) escrows for future payments of taxes and insurance;





- 1 (d) fees for notarizing deeds and other documents;
- 2 (e) appraisal fees; and
- 3 (f) fees for credit reports.
- 4 (6) "Conspicuous" refers to a term or clause when it is so written
- 5 that a reasonable person against whom it is to operate ought to have
- 6 noticed it.
- 7 (7) "Consumer credit" means credit offered or extended to a
- 8 consumer primarily for a personal, family, or household purpose.
- 9 (8) "Consumer credit sale" is a sale of goods, services, or an interest
- 10 in land in which:
- 11 (a) credit is granted by a person who regularly engages as a seller
- 12 in credit transactions of the same kind;
- 13 (b) the buyer is a person other than an organization;
- 14 (c) the goods, services, or interest in land are purchased primarily
- 15 for a personal, family, or household purpose;
- 16 (d) either the debt is payable in installments or a credit service
- 17 charge is made; and
- 18 (e) with respect to a sale of goods or services, either:
- 19 (i) the amount of credit extended, the written credit limit, or
- 20 the initial advance does not exceed *fifty-three thousand five*
- 21 *hundred dollars (\$53,500) or another the exempt threshold*
- 22 *amount, as adjusted in accordance with the annual adjustment*
- 23 *of the exempt threshold amount, specified in Regulation Z (12*
- 24 *CFR 226.3 or 12 CFR 1026.3(b), as applicable); or*
- 25 (ii) the debt is secured by personal property used or expected
- 26 to be used as the principal dwelling of the buyer.
- 27 Unless the sale is made subject to this article by agreement
- 28 (IC 24-4.5-2-601), "consumer credit sale" does not include a sale
- 29 in which the seller allows the buyer to purchase goods or services
- 30 pursuant to a lender credit card or similar arrangement or, except
- 31 as provided with respect to disclosure (IC 24-4.5-2-301), debtors'
- 32 remedies (IC 24-4.5-5-201), providing payoff amounts
- 33 (IC 24-4.5-2-209), and powers and functions of the department
- 34 (IC 24-4.5-6), a sale of an interest in land which is a first lien
- 35 mortgage transaction.
- 36 (9) "Consumer loan" means a loan made by a person regularly
- 37 engaged in the business of making loans in which:
- 38 (a) the debtor is a person other than an organization;
- 39 (b) the debt is primarily for a personal, family, or household
- 40 purpose;
- 41 (c) either the debt is payable in installments or a loan finance
- 42 charge is made; and



1 (d) either:

2 (i) the amount of credit extended, the written credit limit, or  
 3 the initial advance does not exceed *fifty-three thousand five*  
 4 *hundred dollars (\$53,500) or another the exempt threshold*  
 5 amount, as adjusted in accordance with the annual adjustment  
 6 of the exempt threshold amount, specified in Regulation Z (12  
 7 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or

8 (ii) the debt is secured by an interest in land or by personal  
 9 property used or expected to be used as the principal dwelling  
 10 of the debtor.

11 Except as described in IC 24-4.5-3-105, the term does not include a  
 12 first lien mortgage transaction.

13 (10) "Credit" means the right granted by a creditor to a debtor to  
 14 defer payment of debt or to incur debt and defer its payment.

15 (11) "Creditor" means a person:

16 (a) who regularly engages in the extension of consumer credit that  
 17 is subject to a credit service charge or loan finance charge, as  
 18 applicable, or is payable by written agreement in more than four  
 19 (4) installments (not including a down payment); and

20 (b) to whom the obligation is initially payable, either on the face  
 21 of the note or contract, or by agreement when there is not a note  
 22 or contract.

23 (12) "Depository institution" has the meaning set forth in the  
 24 Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and includes any  
 25 credit union.

26 (13) "Director" means the director of the department of financial  
 27 institutions or the director's designee.

28 (14) "Dwelling" means a residential structure that contains one (1)  
 29 to four (4) units, regardless of whether the structure is attached to real  
 30 property. The term includes an individual:

31 (a) condominium unit;

32 (b) cooperative unit;

33 (c) mobile home; or

34 (d) trailer;

35 that is used as a residence.

36 (15) "Earnings" means compensation paid or payable for personal  
 37 services, whether denominated as wages, salary, commission, bonus,  
 38 or otherwise, and includes periodic payments under a pension or  
 39 retirement program.

40 (16) "Employee" means an individual who is paid wages or other  
 41 compensation by an employer required under federal income tax law  
 42 to file Form W-2 on behalf of the individual.



1 (17) "Federal banking agencies" means the Board of Governors of  
2 the Federal Reserve System, the Office of the Comptroller of the  
3 Currency, the Office of Thrift Supervision, the National Credit Union  
4 Administration, and the Federal Deposit Insurance Corporation.

5 (18) "First lien mortgage transaction" means:

6 (a) a consumer loan; or

7 (b) a consumer credit sale;

8 that is or will be used by the debtor primarily for personal, family, or  
9 household purposes and that is secured by a mortgage or a land  
10 contract (or another consensual security interest equivalent to a  
11 mortgage or a land contract) that constitutes a first lien on a dwelling  
12 or on residential real estate upon which a dwelling is constructed or  
13 intended to be constructed.

14 (19) "Immediate family member" means a spouse, child, sibling,  
15 parent, grandparent, or grandchild. The term includes stepparents,  
16 stepchildren, stepsiblings, and adoptive relationships.

17 (20) "Individual" means a natural person.

18 (21) "Lender credit card or similar arrangement" means an  
19 arrangement or loan agreement, other than a seller credit card, pursuant  
20 to which a lender gives a debtor the privilege of using a credit card,  
21 letter of credit, or other credit confirmation or identification in  
22 transactions out of which debt arises:

23 (a) by the lender's honoring a draft or similar order for the  
24 payment of money drawn or accepted by the debtor;

25 (b) by the lender's payment or agreement to pay the debtor's  
26 obligations; or

27 (c) by the lender's purchase from the obligee of the debtor's  
28 obligations.

29 (22) "Licensee" means a person licensed as a creditor under this  
30 article.

31 (23) "Loan brokerage business" means any activity in which a  
32 person, in return for any consideration from any source, procures,  
33 attempts to procure, or assists in procuring, a mortgage transaction  
34 from a third party or any other person, whether or not the person  
35 seeking the mortgage transaction actually obtains the mortgage  
36 transaction.

37 (24) "Loan processor or underwriter" means an individual who  
38 performs clerical or support duties as an employee at the direction of,  
39 and subject to the supervision and instruction of, a person licensed or  
40 exempt from licensing under this article. For purposes of this  
41 subsection, the term "clerical or support duties" may include, after the  
42 receipt of an application, the following:



- 1 (a) The receipt, collection, distribution, and analysis of
- 2 information common for the processing or underwriting of a
- 3 mortgage transaction.
- 4 (b) The communication with a consumer to obtain the information
- 5 necessary for the processing or underwriting of a loan, to the
- 6 extent that the communication does not include:
- 7 (i) offering or negotiating loan rates or terms; or
- 8 (ii) counseling consumers about mortgage transaction rates or
- 9 terms.
- 10 An individual engaging solely in loan processor or underwriter
- 11 activities shall not represent to the public through advertising or other
- 12 means of communicating or providing information, including the use
- 13 of business cards, stationery, brochures, signs, rate lists, or other
- 14 promotional items, that the individual can or will perform any of the
- 15 activities of a mortgage loan originator.
- 16 (25) "Mortgage loan originator" means an individual who, for
- 17 compensation or gain, or in the expectation of compensation or gain,
- 18 regularly engages in taking a mortgage transaction application or in
- 19 offering or negotiating the terms of a mortgage transaction that either
- 20 is made under this article or under IC 24-4.4 or is made by an employee
- 21 of a person licensed or exempt from licensing under this article or
- 22 under IC 24-4.4, while the employee is engaging in the loan brokerage
- 23 business. The term does not include the following:
- 24 (a) An individual engaged solely as a loan processor or
- 25 underwriter as long as the individual works exclusively as an
- 26 employee of a person licensed or exempt from licensing under
- 27 this article.
- 28 (b) Unless the person or entity is compensated by:
- 29 (i) a creditor;
- 30 (ii) a loan broker;
- 31 (iii) another mortgage loan originator; or
- 32 (iv) any agent of the creditor, loan broker, or other mortgage
- 33 loan originator described in items (i) through (iii);
- 34 a person or entity that only performs real estate brokerage
- 35 activities and is licensed or registered in accordance with
- 36 applicable state law.
- 37 (c) A person solely involved in extensions of credit relating to
- 38 timeshare plans (as defined in 11 U.S.C. 101(53D)).
- 39 (26) "Mortgage servicer" means the last person to whom a
- 40 mortgagor or the mortgagor's successor in interest has been instructed
- 41 by a mortgagee to send payments on a loan secured by a mortgage.
- 42 (27) "Mortgage transaction" means:



- 1 (a) a consumer loan; or  
 2 (b) a consumer credit sale;  
 3 that is or will be used by the debtor primarily for personal, family, or  
 4 household purposes and that is secured by a mortgage or a land  
 5 contract (or another consensual security interest equivalent to a  
 6 mortgage or a land contract) on a dwelling or on residential real estate  
 7 upon which a dwelling is constructed or intended to be constructed.
- 8 (28) "*Nationwide Multistate Licensing System and Registry*" (or  
 9 "*Nationwide Mortgage Licensing System and Registry*" or "NMLSR")  
 10 means a *mortgage multistate* licensing system *developed and*  
 11 *maintained by the Conference of State Bank Supervisors and the*  
 12 *American Association of Residential Mortgage Regulators* owned and  
 13 *operated by the State Regulatory Registry, LLC, or by any successor*  
 14 *or affiliated entity*, for the licensing and registration of creditors, *and*  
 15 *mortgage loan originators, and other persons in the mortgage or*  
 16 *financial services industries. The term includes any other name or*  
 17 *acronym that may be assigned to the system by the State Regulatory*  
 18 *Registry, LLC, or by any successor or affiliated entity.*
- 19 (29) "Nontraditional mortgage product" means any mortgage  
 20 product other than a thirty (30) year fixed rate mortgage.
- 21 (30) "Official fees" means:  
 22 (a) fees and charges prescribed by law which actually are or will  
 23 be paid to public officials for determining the existence of or for  
 24 perfecting, releasing, or satisfying a security interest related to a  
 25 consumer credit sale, consumer lease, or consumer loan; or  
 26 (b) premiums payable for insurance in lieu of perfecting a security  
 27 interest otherwise required by the creditor in connection with the  
 28 sale, lease, or loan, if the premium does not exceed the fees and  
 29 charges described in *paragraph subdivision* (a) that would  
 30 otherwise be payable.
- 31 (31) "Organization" means a corporation, a government or  
 32 governmental subdivision, an agency, a trust, an estate, a partnership,  
 33 a limited liability company, a cooperative, an association, a joint  
 34 venture, an unincorporated organization, or any other entity, however  
 35 organized.
- 36 (32) "Payable in installments" means that payment is required or  
 37 permitted by written agreement to be made in more than four (4)  
 38 installments not including a down payment.
- 39 (33) "Person" includes an individual or an organization.
- 40 (34) "Person related to" with respect to an individual means:  
 41 (a) the spouse of the individual;  
 42 (b) a brother, brother-in-law, sister, or sister-in-law of the



- 1 individual;
- 2 (c) an ancestor or lineal descendants of the individual or the
- 3 individual's spouse; and
- 4 (d) any other relative, by blood or marriage, of the individual or
- 5 the individual's spouse who shares the same home with the
- 6 individual.
- 7 (35) "Person related to" with respect to an organization means:
- 8 (a) a person directly or indirectly controlling, controlled by, or
- 9 under common control with the organization;
- 10 (b) a director, an executive officer, or a manager of the
- 11 organization or a person performing similar functions with respect
- 12 to the organization or to a person related to the organization;
- 13 (c) the spouse of a person related to the organization; and
- 14 (d) a relative by blood or marriage of a person related to the
- 15 organization who shares the same home with the person.
- 16 (36) "Presumed" or "presumption" means that the trier of fact must
- 17 find the existence of the fact presumed, unless and until evidence is
- 18 introduced that would support a finding of its nonexistence.
- 19 (37) "Real estate brokerage activity" means any activity that
- 20 involves offering or providing real estate brokerage services to the
- 21 public, including the following:
- 22 (a) Acting as a real estate agent or real estate broker for a buyer,
- 23 seller, lessor, or lessee of real property.
- 24 (b) Bringing together parties interested in the sale, purchase,
- 25 lease, rental, or exchange of real property.
- 26 (c) Negotiating, on behalf of any party, any part of a contract
- 27 relating to the sale, purchase, lease, rental, or exchange of real
- 28 property (other than in connection with providing financing with
- 29 respect to the sale, purchase, lease, rental, or exchange of real
- 30 property).
- 31 (d) Engaging in any activity for which a person is required to be
- 32 registered or licensed as a real estate agent or real estate broker
- 33 under any applicable law.
- 34 (e) Offering to engage in any activity, or act in any capacity,
- 35 described in this subsection.
- 36 (38) "Registered mortgage loan originator" means any individual
- 37 who:
- 38 (a) meets the definition of mortgage loan originator and is an
- 39 employee of:
- 40 (i) a depository institution;
- 41 (ii) a subsidiary that is owned and controlled by a depository
- 42 institution and regulated by a federal banking agency; or



- 1 (iii) an institution regulated by the Farm Credit  
 2 Administration; and  
 3 (b) is registered with, and maintains a unique identifier through,  
 4 the NMLSR.
- 5 (39) "Regularly engaged", with respect to a person who extends  
 6 consumer credit, refers to a person who:  
 7 (a) extended consumer credit:  
 8 (i) more than twenty-five (25) times; or  
 9 (ii) more than five (5) times for a mortgage transaction secured  
 10 by a dwelling;  
 11 in the preceding calendar year; or  
 12 (b) extends or will extend consumer credit:  
 13 (i) more than twenty-five (25) times; or  
 14 (ii) more than five (5) times for a mortgage transaction secured  
 15 by a dwelling;  
 16 in the current calendar year, if the person did not meet the  
 17 numerical standards described in subdivision (a) in the preceding  
 18 calendar year.
- 19 (40) "Residential real estate" means any real property that is located  
 20 in Indiana and on which there is located or intended to be constructed  
 21 a dwelling.
- 22 (41) "Seller credit card" means an arrangement that gives to a buyer  
 23 or lessee the privilege of using a credit card, letter of credit, or other  
 24 credit confirmation or identification for the purpose of purchasing or  
 25 leasing goods or services from that person, a person related to that  
 26 person, or from that person and any other person. The term includes a  
 27 card that is issued by a person, that is in the name of the seller, and that  
 28 can be used by the buyer or lessee only for purchases or leases at  
 29 locations of the named seller.
- 30 (42) "Subordinate lien 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) that constitutes a subordinate lien on a  
 37 dwelling or on residential real estate upon which a dwelling is  
 38 constructed or intended to be constructed.
- 39 (43) "Unique identifier" means a number or other identifier assigned  
 40 by protocols established by the NMLSR.
- 41 (44) "Land contract" means a contract for the sale of real estate in  
 42 which the seller of the real estate retains legal title to the real estate



1 until the total contract price is paid by the buyer.

2 (45) "Bona fide nonprofit organization" means an organization that  
3 does the following, as determined by the director under criteria  
4 established by the director:

5 (a) Maintains tax exempt status under Section 501(c)(3) of the  
6 Internal Revenue Code.

7 (b) Promotes affordable housing or provides home ownership  
8 education or similar services.

9 (c) Conducts the organization's activities in a manner that serves  
10 public or charitable purposes.

11 (d) Receives funding and revenue and charges fees in a manner  
12 that does not encourage the organization or the organization's  
13 employees to act other than in the best interests of the  
14 organization's clients.

15 (e) Compensates the organization's employees in a manner that  
16 does not encourage employees to act other than in the best  
17 interests of the organization's clients.

18 (f) Provides to, or identifies for, debtors mortgage transactions  
19 with terms that are favorable to the debtor (as described in section  
20 202(b)(15) of this chapter) and comparable to mortgage  
21 transactions and housing assistance provided under government  
22 housing assistance programs.

23 (g) Maintains certification by the United States Department of  
24 Housing and Urban Development or employs counselors who are  
25 certified by the Indiana housing and community development  
26 authority.

27 (46) "*Civil proceeding advance payment transaction*", or "*CPAP*  
28 *transaction*", has the meaning set forth in IC 24-4.5-3-110.

29 (47) "*Civil proceeding*", with respect to a CPAP transaction, has  
30 the meaning set forth in IC 24-4.5-3-110.5.

31 (48) "*Civil proceeding advance payment contract*", or "*CPAP*  
32 *contract*", has the meaning set forth in IC 24-4.5-3-110.5.

33 (49) "*Civil proceeding advance payment provider*", or "*CPAP*  
34 *provider*", has the meaning set forth in IC 24-4.5-3-110.5.

35 (50) "*Consumer claimant*", with respect to a CPAP transaction, has  
36 the meaning set forth in IC 24-4.5-3-110.5.

37 (51) "*Funded amount*", with respect to a CPAP transaction, has the  
38 meaning set forth in IC 24-4.5-3-110.5.

39 SECTION 94. IC 24-4.5-3-110.5, AS ADDED BY P.L.153-2016,  
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 110.5. (1) "Civil proceeding", with respect to  
42 a CPAP transaction, means:

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- 1 (a) a civil action;
- 2 (b) a mediation, an arbitration, or any other alternative dispute
- 3 resolution proceeding; or
- 4 (c) an administrative proceeding before:
  - 5 (i) an agency or instrumentality of the state; or
  - 6 (ii) a political subdivision, or an agency or instrumentality of
  - 7 a political subdivision, of the state;
- 8 that is filed in, or is under the jurisdiction of, a court with jurisdiction
- 9 in Indiana, a tribunal in Indiana, or an agency or instrumentality
- 10 described in subdivision (c) in Indiana. The term includes all
- 11 proceedings arising out of or relating to the proceeding, including any
- 12 proceedings on appeal or remand, and any enforcement, ancillary, or
- 13 parallel proceedings.
- 14 (2) "Civil proceeding advance payment contract", or "CPAP
- 15 contract", means a contract for a CPAP transaction that a CPAP
- 16 provider enters into, or offers to enter into, with a consumer claimant.
- 17 (3) "Civil proceeding advance payment provider", or "CPAP
- 18 provider", means a person that:
  - 19 (a) enters into, or offers to enter into, a CPAP transaction with a
  - 20 consumer claimant in connection with a civil proceeding; and
  - 21 (b) notwithstanding section 110(3) of this chapter, and subject to
  - 22 IC 24-12-9, is licensed with the department in accordance with
  - 23 this chapter and IC 24-12-9.
- 24 (4) "Consumer claimant", **with respect to a CPAP transaction**,
- 25 means an individual:
  - 26 (a) who is or may become a plaintiff, a claimant, or a demandant
  - 27 in a civil proceeding; and
  - 28 (b) who:
    - 29 (i) is offered a CPAP transaction by a CPAP provider; or
    - 30 (ii) enters into a CPAP transaction with a CPAP provider;
- 31 regardless of whether the individual is a resident of Indiana.
- 32 (5) "Funded amount", with respect to a CPAP transaction, means the
- 33 amount of money:
  - 34 (a) that is provided to the consumer claimant by the CPAP
  - 35 provider; and
  - 36 (b) the repayment of which is:
    - 37 (i) required only if the consumer claimant prevails in the
    - 38 consumer claimant's civil proceeding; and
    - 39 (ii) sourced from the proceeds of the civil proceeding, whether
    - 40 the proceeds result from a judgment, a settlement, or some
    - 41 other resolution;
    - 42 regardless of the term used by the CPAP provider in the CPAP contract



1 to identify the amount.  
 2 SECTION 95. IC 24-12-1-1, AS ADDED BY P.L.153-2016,  
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 UPON PASSAGE]: Sec. 1. The following definitions apply throughout  
 5 this article:  
 6 (1) "Advertise" means publishing or disseminating any written,  
 7 electronic, or printed communication, or any communication by  
 8 means of recorded telephone messages or transmitted on radio,  
 9 television, the Internet, or similar communications media,  
 10 including film strips, motion pictures, and videos, published,  
 11 disseminated, circulated, or placed before the public, directly or  
 12 indirectly, for the purpose of inducing a consumer to enter into a  
 13 CPAP transaction.  
 14 (2) "Charges" means the amount of money to be paid to a CPAP  
 15 provider by or on behalf of a consumer **claimant** above the  
 16 funded amount provided by or on behalf of the CPAP provider to  
 17 a consumer claimant. The term includes all administrative,  
 18 origination, underwriting, and other fees no matter how  
 19 denominated.  
 20 (3) "Civil proceeding", with respect to a CPAP transaction, has  
 21 the meaning set forth in IC 24-4.5-3-110.5.  
 22 **(4) "Civil proceeding advance payment contract", or "CPAP**  
 23 **contract", has the meaning set forth in IC 24-4.5-3-110.5.**  
 24 ~~(4)~~ **(5)** "Civil proceeding advance payment provider", or "CPAP  
 25 provider", has the meaning set forth in IC 24-4.5-3-110.5.  
 26 ~~(5)~~ **(6)** "Civil proceeding advance payment transaction", or  
 27 "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.  
 28 ~~(6)~~ **(7)** "Consumer claimant", with respect to a CPAP transaction,  
 29 has the meaning set forth in IC 24-4.5-3-110.5.  
 30 ~~(7)~~ **(8)** "Funded amount", with respect to a CPAP transaction, has  
 31 the meaning set forth in IC 24-4.5-3-110.5.  
 32 ~~(8)~~ **(9)** "Funding date" means the date on which the funded  
 33 amount is transferred to the consumer claimant by the CPAP  
 34 provider, by:  
 35 (A) personal delivery, wire, Automated Clearing House  
 36 (ACH), or other electronic means; or  
 37 (B) insured, certified, or registered United States mail.  
 38 ~~(9)~~ **(10)** "Resolution date" means the date the **funded** amount,  
 39 **funded to the consumer claimant**, plus the agreed upon charges,  
 40 **are** delivered to the CPAP provider.  
 41 SECTION 96. IC 24-12-3-1, AS ADDED BY P.L.153-2016,  
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 1. A CPAP provider may not do any of the  
2 following:

3 (1) Pay or offer to pay a commission, referral fee, or other form of  
4 consideration to any attorney, law firm, medical provider,  
5 chiropractor, or physical therapist, or any of their employees for  
6 referring a consumer claimant to the provider.

7 (2) Accept a commission, referral fee, rebate, or other form of  
8 consideration from an attorney, law firm, medical provider,  
9 chiropractor, or physical therapist, or any of their employees.

10 (3) Intentionally advertise materially false or misleading  
11 information regarding the CPAP provider's products or services.

12 (4) Refer, in furtherance of an initial CPAP transaction, a  
13 consumer claimant or potential consumer claimant to a specific  
14 attorney, law firm, medical provider, chiropractor, or physical  
15 therapist, or any of their employees. However, if a consumer  
16 claimant needs legal representation, the **company CPAP**  
17 **provider** may refer the person to a local or state bar association  
18 referral service.

19 (5) Knowingly provide funding to a consumer claimant who has  
20 previously assigned or sold a part of the consumer claimant's right  
21 to proceeds from the consumer claimant's civil proceeding  
22 without first making payment to or purchasing a prior unsatisfied  
23 CPAP provider's entire funded amount and contracted charges,  
24 unless a lesser amount is otherwise agreed to in writing by the  
25 prior CPAP provider. However, multiple CPAP providers may  
26 agree to provide a CPAP transaction to a consumer claimant  
27 simultaneously if the consumer claimant and the consumer  
28 claimant's attorney consent to the arrangement in writing.

29 (6) Receive any right to make any decision with respect to the  
30 conduct of the underlying civil proceeding or any settlement or  
31 resolution of the civil proceeding, or make any decision with  
32 respect to the conduct of the underlying civil proceeding or any  
33 settlement or resolution of the civil proceeding. The right to make  
34 these decisions remains solely with the consumer claimant and  
35 the attorney in the civil proceeding.

36 (7) Knowingly pay or offer to pay for court costs, filing fees, or  
37 attorney's fees either during or after the resolution of the civil  
38 proceeding, using funds from the CPAP transaction.

39 SECTION 97. IC 25-1-1.1-2, AS AMENDED BY P.L.59-2016,  
40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 2. Notwithstanding IC 25-1-7, a board, a  
42 commission, or a committee may suspend, deny, or revoke a license or



1 certificate issued under this title by the board, the commission, or the  
 2 committee without an investigation by the office of the attorney general  
 3 if the individual who holds the license or certificate is convicted of any  
 4 of the following and the board, commission, or committee determines,  
 5 after the individual has appeared in person, that the offense affects the  
 6 individual's ability to perform the duties of the profession:

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

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

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

10 (4) Fraudulently obtaining a controlled substance under  
 11 IC 35-48-4-7(c).

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 section.

41 (13) Attempt under IC 35-41-5-1 to commit an offense listed in  
 42 this section.



- 1 (14) A sex crime under IC 35-42-4.
- 2 (15) A felony that reflects adversely on the individual's fitness to
- 3 hold a professional license.
- 4 (16) An offense in any other jurisdiction in which the elements of
- 5 the offense for which the conviction was entered are substantially
- 6 similar to the elements of an offense described in this section.
- 7 SECTION 98. IC 25-20.5 IS REPEALED [EFFECTIVE UPON
- 8 PASSAGE]. (HYPNOTISTS).
- 9 SECTION 99. IC 25-38.1-1-12, AS AMENDED BY P.L.211-2015,
- 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 UPON PASSAGE]: Sec. 12. (a) "Practice of veterinary medicine"
- 12 means:
- 13 (1) representing oneself as engaged in the practice of veterinary
- 14 medicine, veterinary surgery, or veterinary dentistry or any of
- 15 their branches or specialties;
- 16 (2) using words, letters, or titles in a connection or under
- 17 circumstances that may induce another person to believe that the
- 18 person using them is engaged in the practice of veterinary
- 19 medicine, veterinary surgery, or veterinary dentistry;
- 20 (3) accepting compensation for doing any of the things described
- 21 in subdivisions (4) through (8);
- 22 (4) providing the diagnosis, treatment, correction, or prevention
- 23 of any disease, defect, injury, deformity, pain, or condition of
- 24 animals;
- 25 (5) prescribing, dispensing, or ordering the administration of a
- 26 drug, a medicine, a biologic, a medical appliance, an application,
- 27 or treatment of whatever nature for the prevention, cure, or relief
- 28 of any disease, ailment, defect, injury, deformity, pain, or other
- 29 condition of animals;
- 30 (6) performing a:
- 31 (A) surgical or dental operation; or
- 32 (B) ~~complimentary~~ **complementary** or alternative therapy;
- 33 upon an animal;
- 34 (7) certifying the health, fitness, or soundness of an animal; or
- 35 (8) performing any procedure for the diagnosis of pregnancy,
- 36 sterility, or infertility upon animals.
- 37 (b) The term does not include:
- 38 (1) administering a drug, medicine, appliance, application, or
- 39 treatment that is administered at the direction and under the direct
- 40 supervision of a veterinarian licensed under this article; or
- 41 (2) equine massage therapy.
- 42 (c) As used in this section, "equine massage therapy" means a



1 method of treating the body of a horse for remedial or hygienic  
2 purposes through techniques that:

- 3 (1) include rubbing, stroking, or kneading the body of the horse;  
4 and  
5 (2) may be applied with or without the aid of a massage device  
6 that mimics the actions possible using human hands.

7 Equine massage therapy does not include prescribing a drug,  
8 performing surgery, chiropractic, or acupuncture, or diagnosing a  
9 medical condition.

10 SECTION 100. IC 26-3-7-16.5, AS AMENDED BY P.L.75-2010,  
11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 16.5. (a) Upon learning of the possibility that  
13 a shortage exists, either as a result of an inspection or a report or  
14 complaint from a depositor, the agency, based on an ~~on-premise~~  
15 **on-premises** inspection, shall make a preliminary determination as to  
16 whether a shortage exists. If a shortage is not discovered, the agency  
17 shall treat the audit as it would any other audit.

18 (b) If it is determined that a shortage may exist, the director or the  
19 director's designated representative shall hold a hearing as soon as  
20 possible to confirm the existence of a shortage as indicated by the  
21 licensee's books and records and the grain on hand. Only the licensee,  
22 the surety company named on the licensee's bond, the issuer of the  
23 irrevocable letter of credit, and any grain depositor who has made a  
24 claim or complaint to the agency in conjunction with the shortage shall  
25 be considered as interested parties for the purposes of that hearing, and  
26 each shall be given notice of the hearing. At the hearing, the director  
27 or the director's designated representative shall determine whether  
28 there appears to be a reasonable probability that a shortage exists. If it  
29 is determined that a reasonable probability exists and that the bond or  
30 letter of credit proceeds or the cash deposit should be distributed, a  
31 preliminary determination shall be entered to the effect that the  
32 licensee has failed to meet its obligations under this chapter or the rules  
33 adopted under this chapter. At the hearing, the director or the director's  
34 designated representative may order that all proceeds from grain sales  
35 are to be held in the form in which they are received and to be kept  
36 separate from all other funds held by the licensee. The order may also  
37 provide for informal conferences between agency representatives and  
38 persons who have or who appear to have grain deposited with the  
39 licensee. The surety company shall be permitted to participate in those  
40 conferences.

41 (c) In the event that the director determines that the bond or letter  
42 of credit proceeds or cash deposit is to be distributed, the agency shall



1 hold a hearing on claims. Notice shall be given to the surety company  
2 named on the licensee's bond, the issuer of the irrevocable letter of  
3 credit, and to all persons shown by the licensee's books and records to  
4 have interests in grain deposited with the licensee. If the agency has  
5 actual knowledge of any other depositor or person claiming rights in  
6 the grain deposited with the licensee, the bond, the irrevocable letter of  
7 credit, or the cash deposit, notice shall also be provided to that person.  
8 In addition, public notice shall be provided in newspapers of general  
9 circulation that serve the counties in which licensed facilities are  
10 located, and notices shall be posted on the licensed premises. At the  
11 hearing on claims, the director may accept as evidence of claims the  
12 report of agency representatives who in informal conferences with  
13 depositors have concluded that a claim is directly and precisely  
14 supported by the licensee's books and records. When there is  
15 disagreement between the claims of a depositor and the licensee's  
16 books and records, the director or the director's designated  
17 representative shall hear oral claims and receive written evidence of  
18 claims in order to determine the validity of the claim.

19 (d) Any depositor who does not present a claim at the hearing may  
20 bring the claim to the agency within fifteen (15) days after the  
21 conclusion of the hearing.

22 (e) Following the hearing on claims, the director shall make a  
23 determination as to the total proven storage obligation of the claimants  
24 and the loss sustained by each depositor who has proven a claim.  
25 Depositors found to have proven their claims shall be proven  
26 claimants. In arriving at that loss, in accordance with section 19 of this  
27 chapter, the director shall apply all grain on hand or its identifiable  
28 proceeds to meet the licensee's obligations to grain depositors of grain  
29 of that type. Initial determinations of loss shall be made on the amount  
30 of grain on hand, or identifiable proceeds, and shall reduce the amount  
31 to which a depositor may have a proven claim. With respect to the  
32 remaining unfulfilled obligations, the director shall, for the sole  
33 purpose of establishing each depositor's claim under this chapter,  
34 establish a date upon which the loss is discovered, shall price the grain  
35 as of that date, shall treat all outstanding grain storage obligations not  
36 covered by grain on hand or identifiable proceeds as being sold as of  
37 that date, and shall determine the extent of each depositor's loss as  
38 being the actual loss sustained as of that date. Grain of a specific type  
39 on the premises of a licensee must first be applied to meet the licensee's  
40 storage obligations with respect to that type of grain. If there is  
41 insufficient grain of a specific type on hand to meet all storage  
42 obligations with respect to that type of grain, the grain that is present



1 shall be prorated in accordance with the procedures described in this  
2 section and section 16.8 of this chapter.

3 (f) Upon the failure of the agency to begin an audit, which would  
4 serve as the basis for a preliminary administrative determination,  
5 within forty-five (45) days of the agency's receipt of a written claim by  
6 a depositor, a depositor shall have a right of action upon the bond,  
7 letter of credit, or cash deposit. A depositor bringing a civil action need  
8 not join other depositors. If the agency has undertaken an audit within  
9 the forty-five (45) day period, the exclusive remedy for recovery  
10 against the bond, letter of credit, or cash deposit shall be through the  
11 recovery procedure prescribed by this section.

12 (g) When the proven claims exceed the amount of the bond, letter  
13 of credit, or cash deposit, recoveries of proven claimants shall be  
14 prorated in the same manner as priorities are prorated under section  
15 16.8 of this chapter.

16 (h) The proceedings and hearings under this section may be  
17 undertaken without regard to, in combination with, or in addition to  
18 those undertaken in accordance with section 17.1 of this chapter.

19 (i) The findings of the director shall be final, conclusive, and  
20 binding on all parties.

21 (j) The director may adopt rules under IC 4-22-2 to determine how  
22 the agency may distribute the interest that may accrue from funds held  
23 by the agency for the payment of claims.

24 (k) A claim of a licensee for stored grain may not be honored until  
25 the proven claims of all other claimants arising from the purchase,  
26 storage, and handling of the grain have been paid in full.

27 SECTION 101. IC 28-1-29-8, AS AMENDED BY P.L.73-2016,  
28 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 8. (a) An agreement between a licensee and  
30 a debtor must:

- 31 (1) be in a written form;  
32 (2) be dated and signed by the licensee and the debtor;  
33 (3) include the name of the debtor and the address where the  
34 debtor resides;  
35 (4) include the name, business address, and telephone number of  
36 the licensee;  
37 (5) be delivered to the debtor immediately upon formation of the  
38 agreement; and  
39 (6) disclose the following:  
40 (A) The services to be provided.  
41 (B) The amount or method of determining the amount of all  
42 fees and charges, individually itemized, to be paid by the





- 1 debtor.
- 2 (C) The schedule of payments to be made by or on behalf of
- 3 the debtor, including the amount of each payment, the date on
- 4 which each payment is due, and an estimate of the date of the
- 5 final payment.
- 6 (D) If a plan provides for regular periodic payments to
- 7 creditors:
- 8 (i) each creditor of the debtor to which payment will be
- 9 made, the amount owed to each creditor, and any
- 10 concessions the licensee reasonably believes each creditor
- 11 will offer; and
- 12 (ii) the schedule of expected payments to each creditor,
- 13 including the amount of each payment and the date on which
- 14 the payment will be made.
- 15 (E) Each creditor that the licensee believes will not participate
- 16 in the plan and to which the licensee will not direct payment.
- 17 (F) The manner in which the licensee will comply with the
- 18 licensee's obligations under section 9(k) of this chapter.
- 19 (G) That:
- 20 (i) the licensee may terminate the agreement for good cause,
- 21 upon return of unexpended money of the debtor; and
- 22 (ii) the debtor may contact the department with any
- 23 questions or complaints regarding the licensee.
- 24 (H) The address, telephone number, and Internet address or
- 25 web site of the department.
- 26 (I) That the debtor has a right to terminate the agreement at
- 27 any time without penalty (notwithstanding the close-out fee as
- 28 permitted by section 8.3(d) of this chapter) or obligation.
- 29 (J) That the debtor authorizes any bank insured by the Federal
- 30 Deposit Insurance Corporation in which the licensee or the
- 31 licensee's agent has established a trust account to disclose to
- 32 the department any financial records relating to the trust
- 33 account.
- 34 (K) That the licensee shall notify the debtor within five (5)
- 35 days after learning of a creditor's final decision to reject or
- 36 withdraw from a plan under the agreement.
- 37 (b) For purposes of subsection (a)(5), delivery of an electronic
- 38 record occurs when:
- 39 (1) the record is made available in a format in which the debtor
- 40 may retrieve, save, and print the record; and
- 41 (2) the debtor is notified that the record is available.
- 42 (c) A debtor may exercise the debtor's right to terminate the



1 agreement at any time without penalty (notwithstanding the close-out  
2 fee as permitted by section 8.3(d) of this chapter) or obligation, as  
3 described in subsection (a)(6)(I), by giving the licensee written or  
4 electronic notice, in which event:

5 (1) the licensee shall:

6 (A) refund all unexpended money that the licensee or the  
7 licensee's agent has received from or on behalf of the debtor  
8 for the reduction or satisfaction of the debtor's debt; and

9 (B) notify immediately in writing all creditors in the debt  
10 management plan of the cancellation by the contract debtor;  
11 and

12 (2) all powers of attorney granted by the debtor to the licensee are  
13 revoked and ineffective.

14 (d) A ~~licensee's~~ licensee's notice of a creditor's final decision to  
15 reject or withdraw from a plan under the agreement, as described in  
16 subsection (a)(6)(K) must include:

17 (1) the identity of the creditor; and

18 (2) a statement that the debtor has the right to modify or terminate  
19 the agreement.

20 (e) All creditors included in the plan must be notified of the contract  
21 debtor's and licensee's relationship.

22 (f) A licensee shall give to the contract debtor a dated receipt for  
23 each payment, at the time of the payment, unless the payment is made  
24 by check, money order, or automated clearinghouse withdrawal as  
25 authorized by the contract debtor.

26 (g) A licensee may not enter into an agreement with a debtor unless  
27 a thorough, written budget analysis of the debtor indicates that the  
28 debtor can reasonably meet the payments required under a proposed  
29 plan. The following must be included in the budget analysis:

30 (1) Documentation and verification of all income considered. All  
31 income verification must be dated not more than sixty (60) days  
32 before the completion of the budget analysis.

33 (2) Monthly living expense figures, which must be reasonable for  
34 the particular family size and part of Indiana. If expenditure  
35 reductions are part of the planned budget for the debtor, details of  
36 the expected savings must be documented in the debtor's file and  
37 set forth in the budget provided to the debtor.

38 (3) Documentation and verification, by a current credit bureau  
39 report, current debtor account statements, or direct documentation  
40 from the creditor, of monthly debt payments and balances to be  
41 paid outside the plan.

42 (4) Documentation and verification, by a current credit bureau



1 report, current debtor account statements, or direct documentation  
 2 from the creditor, of the monthly debt payments and current  
 3 balances to be paid through the plan.  
 4 (5) The date of the budget analysis and the signature of the debtor.  
 5 (h) A licensee may not enter into an agreement with a debtor for a  
 6 period longer than sixty (60) months.  
 7 (i) A licensee may provide services under this chapter in the same  
 8 place of business in which another business is operating, or from which  
 9 other products or services are sold, if the director issues a written  
 10 determination that:  
 11 (1) the operation of the other business; or  
 12 (2) the sale of other products and services;  
 13 from the location in question is not contrary to the best interests of  
 14 debtors.  
 15 (j) A licensee without a physical location in Indiana may:  
 16 (1) solicit sales of; and  
 17 (2) sell;  
 18 additional products and services to Indiana residents if the director  
 19 issues a written determination that the proposed solicitation or sale is  
 20 not contrary to the best interests of debtors.  
 21 (k) A licensee shall maintain a toll free communication system,  
 22 staffed at a level that reasonably permits a contract debtor to speak to  
 23 a counselor, debt specialist, or customer service representative, as  
 24 appropriate, during ordinary business hours.  
 25 (l) A debt management company shall act in good faith in all  
 26 matters under this chapter.  
 27 SECTION 102. IC 31-34-20-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If a court enters  
 29 a dispositional decree that includes a no contact order under section  
 30 ~~†(7) 1(a)(7)~~ of this chapter:  
 31 (1) the clerk of the court that enters a dispositional decree that  
 32 includes a no contact order under section ~~†(7) 1(a)(7)~~ of this  
 33 chapter shall comply with IC 5-2-9; and  
 34 (2) the petitioner shall file a confidential form prescribed or  
 35 approved by the division of state court administration with the  
 36 clerk.  
 37 SECTION 103. IC 31-34-20-6, AS AMENDED BY P.L.1-2005,  
 38 SECTION 206, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The juvenile court may  
 40 emancipate a child under section ~~†(5) 1(a)(5)~~ of this chapter if the  
 41 court finds that the child:  
 42 (1) wishes to be free from parental control and protection and no



- 1 longer needs that control and protection;  
 2 (2) has sufficient money for the child's own support;  
 3 (3) understands the consequences of being free from parental  
 4 control and protection; and  
 5 (4) has an acceptable plan for independent living.  
 6 (b) If the juvenile court partially or completely emancipates the  
 7 child, the court shall specify the terms of the emancipation, which may  
 8 include the following:  
 9 (1) Suspension of the parent's or guardian's duty to support the  
 10 child. In this case, the judgment of emancipation supersedes the  
 11 support order of a court.  
 12 (2) Suspension of the following:  
 13 (A) The parent's or guardian's right to the control or custody of  
 14 the child.  
 15 (B) The parent's right to the child's earnings.  
 16 (3) Empowering the child to consent to marriage.  
 17 (4) Empowering the child to consent to military enlistment.  
 18 (5) Empowering the child to consent to:  
 19 (A) medical;  
 20 (B) psychological;  
 21 (C) psychiatric;  
 22 (D) educational; or  
 23 (E) social;  
 24 services.  
 25 (6) Empowering the child to contract.  
 26 (7) Empowering the child to own property.  
 27 (c) An emancipated child remains subject to the following:  
 28 (1) IC 20-33-2 concerning compulsory school attendance.  
 29 (2) The continuing jurisdiction of the court.  
 30 SECTION 104. IC 31-37-19-1, AS AMENDED BY P.L.104-2015,  
 31 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 1. (a) Subject to section 6.5 of this chapter, if  
 33 a child is a delinquent child under IC 31-37-2, the juvenile court may  
 34 enter one (1) or more of the following dispositional decrees:  
 35 (1) Order supervision of the child by the probation department.  
 36 (2) Order the child to receive outpatient treatment:  
 37 (A) at a social service agency or a psychological, a psychiatric,  
 38 a medical, or an educational facility; or  
 39 (B) from an individual practitioner.  
 40 (3) Remove the child from the child's home and place the child in  
 41 another home or a shelter care facility, child caring institution,  
 42 group home, or secure private facility. Placement under this



1 subdivision includes authorization to control and discipline the  
2 child.  
3 (4) Award wardship to a:  
4 (A) person, other than the department; or  
5 (B) shelter care facility.  
6 (5) Partially or completely emancipate the child under section 27  
7 of this chapter.  
8 (6) Order:  
9 (A) the child; or  
10 (B) the child's parent, guardian, or custodian;  
11 to receive family services.  
12 (7) Order a person who is a party to refrain from direct or indirect  
13 contact with the child.  
14 (b) If the child is removed from the child's home and placed in a  
15 foster family home or another facility, the juvenile court shall:  
16 ~~(A)~~ (1) approve a permanency plan for the child;  
17 ~~(B)~~ (2) find whether or not reasonable efforts were made to  
18 prevent or eliminate the need for the removal;  
19 ~~(C)~~ (3) designate responsibility for the placement and care of the  
20 child with the probation department; and  
21 ~~(D)~~ (4) find whether it:  
22 (i) (A) serves the best interests of the child to be removed; and  
23 (ii) (B) would be contrary to the health and welfare of the child  
24 for the child to remain in the home.  
25 (c) If a dispositional decree under this section:  
26 (1) orders or approves removal of a child from the child's home or  
27 awards wardship of the child to a:  
28 (A) person other than the department; or  
29 (B) shelter care facility; and  
30 (2) is the first court order in the delinquent child proceeding that  
31 authorizes or approves removal of the child from the child's  
32 parent, guardian, or custodian;  
33 the court shall include in the decree the appropriate findings and  
34 conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).  
35 (d) If the juvenile court orders supervision of the child by the  
36 probation department under subsection (a)(1), the child or the child's  
37 parent, guardian, or custodian is responsible for any costs resulting  
38 from the participation in a rehabilitative service or educational class  
39 provided by the probation department. Any costs collected for services  
40 provided by the probation department shall be deposited in the county  
41 supplemental juvenile probation services fund.  
42 SECTION 105. IC 31-37-19-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]; Sec. 2. If a court enters  
 2 a dispositional decree that includes a no contact order under section  
 3 ~~†(7)~~ **1(a)(7)** of this chapter:

- 4 (1) the clerk of the court that enters a dispositional decree that  
 5 includes a no contact order under section ~~†(7)~~ **1(a)(7)** of this  
 6 chapter shall comply with IC 5-2-9; and  
 7 (2) the petitioner shall file a confidential form prescribed or  
 8 approved by the division of state court administration with the  
 9 clerk.

10 SECTION 106. IC 31-37-19-27, AS AMENDED BY P.L.1-2005,  
 11 SECTION 212, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The juvenile court may  
 13 emancipate a child under section ~~†(5)~~ **1(a)(5)** or 5(b)(5) of this chapter  
 14 if the court finds that the child:

- 15 (1) wishes to be free from parental control and protection and no  
 16 longer needs that control and protection;  
 17 (2) has sufficient money for the child's own support;  
 18 (3) understands the consequences of being free from parental  
 19 control and protection; and  
 20 (4) has an acceptable plan for independent living.

21 (b) Whenever the juvenile court partially or completely emancipates  
 22 the child, the court shall specify the terms of the emancipation, which  
 23 may include the following:

- 24 (1) Suspension of the parent's or guardian's duty to support the  
 25 child. In this case, the judgment of emancipation supersedes the  
 26 support order of a court.  
 27 (2) Suspension of:  
 28 (A) the parent's or guardian's right to the control or custody of  
 29 the child; and  
 30 (B) the parent's right to the child's earnings.  
 31 (3) Empowering the child to consent to marriage.  
 32 (4) Empowering the child to consent to military enlistment.  
 33 (5) Empowering the child to consent to:  
 34 (A) medical;  
 35 (B) psychological;  
 36 (C) psychiatric;  
 37 (D) educational; or  
 38 (E) social;  
 39 services.  
 40 (6) Empowering the child to contract.  
 41 (7) Empowering the child to own property.  
 42 (c) An emancipated child remains subject to:



- 1 (1) IC 20-33-2 concerning compulsory school attendance; and  
 2 (2) the continuing jurisdiction of the court.
- 3 SECTION 107. IC 33-37-4-1, AS AMENDED BY  
 4 P.L.182-2009(ss), SECTION 392, IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For each  
 6 action that results in a felony conviction under IC 35-50-2 or a  
 7 misdemeanor conviction under IC 35-50-3, the clerk shall collect from  
 8 the defendant a criminal costs fee of one hundred twenty dollars  
 9 (\$120).
- 10 (b) In addition to the criminal costs fee collected under this section,  
 11 the clerk shall collect from the defendant the following fees if they are  
 12 required under IC 33-37-5:
- 13 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 14 IC 33-37-5-4).  
 15 (2) A marijuana eradication program fee (IC 33-37-5-7).  
 16 (3) An alcohol and drug services program ~~user~~ fee  
 17 (IC 33-37-5-8(b)).  
 18 (4) A law enforcement continuing education program fee  
 19 (IC 33-37-5-8(c)).  
 20 (5) A drug abuse, prosecution, interdiction, and correction fee  
 21 (IC 33-37-5-9).  
 22 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).  
 23 (7) A child abuse prevention fee (IC 33-37-5-12).  
 24 (8) A domestic violence prevention and treatment fee  
 25 (IC 33-37-5-13).  
 26 (9) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).  
 27 (10) A deferred prosecution fee (IC 33-37-5-17).  
 28 (11) A document storage fee (IC 33-37-5-20).  
 29 (12) An automated record keeping fee (IC 33-37-5-21).  
 30 (13) A late payment fee (IC 33-37-5-22).  
 31 (14) A sexual assault victims assistance fee (IC 33-37-5-23).  
 32 (15) A public defense administration fee (IC 33-37-5-21.2).  
 33 (16) A judicial insurance adjustment fee (IC 33-37-5-25).  
 34 (17) A judicial salaries fee (IC 33-37-5-26).  
 35 (18) A court administration fee (IC 33-37-5-27).  
 36 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 37 (c) Instead of the criminal costs fee prescribed by this section,  
 38 except for the automated record keeping fee (IC 33-37-5-21), the clerk  
 39 shall collect a pretrial diversion program fee if an agreement between  
 40 the prosecuting attorney and the accused person entered into under  
 41 IC 33-39-1-8 requires payment of those fees by the accused person.  
 42 The pretrial diversion program fee is:



1 (1) an initial user's fee of fifty dollars (\$50); and  
 2 (2) a monthly user's fee of ten dollars (\$10) for each month that  
 3 the person remains in the pretrial diversion program.  
 4 (d) The clerk shall transfer to the county auditor or city or town  
 5 fiscal officer the following fees, not later than thirty (30) days after the  
 6 fees are collected:  
 7 (1) The pretrial diversion fee.  
 8 (2) The marijuana eradication program fee.  
 9 (3) The alcohol and drug services program ~~user~~ fee.  
 10 (4) The law enforcement continuing education program fee.  
 11 The auditor or fiscal officer shall deposit fees transferred under this  
 12 subsection in the appropriate user fee fund established under  
 13 IC 33-37-8.  
 14 (e) Unless otherwise directed by a court, if a clerk collects only part  
 15 of a criminal costs fee from a defendant under this section, the clerk  
 16 shall distribute the partial payment of the criminal costs fee as follows:  
 17 (1) The clerk shall apply the partial payment to general court  
 18 costs.  
 19 (2) If there is money remaining after the partial payment is  
 20 applied to general court costs under subdivision (1), the clerk  
 21 shall distribute the remainder of the partial payment for deposit in  
 22 the appropriate county user fee fund.  
 23 (3) If there is money remaining after distribution under  
 24 subdivision (2), the clerk shall distribute the remainder of the  
 25 partial payment for deposit in the state user fee fund.  
 26 (4) If there is money remaining after distribution under  
 27 subdivision (3), the clerk shall distribute the remainder of the  
 28 partial payment to any other applicable user fee fund.  
 29 (5) If there is money remaining after distribution under  
 30 subdivision (4), the clerk shall apply the remainder of the partial  
 31 payment to any outstanding fines owed by the defendant.  
 32 SECTION 108. IC 33-37-4-2, AS AMENDED BY  
 33 P.L.182-2009(ss), SECTION 393, IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as  
 35 provided in subsections (d) and (e), for each action that results in a  
 36 judgment:  
 37 (1) for a violation constituting an infraction; or  
 38 (2) for a violation of an ordinance of a municipal corporation (as  
 39 defined in IC 36-1-2-10);  
 40 the clerk shall collect from the defendant an infraction or ordinance  
 41 violation costs fee of seventy dollars (\$70).  
 42 (b) In addition to the infraction or ordinance violation costs fee





1 collected under this section, the clerk shall collect from the defendant  
2 the following fees, if they are required under IC 33-37-5:

- 3 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
4 IC 33-37-5-4).  
5 (2) An alcohol and drug services program ~~user~~ fee  
6 (IC 33-37-5-8(b)).  
7 (3) A law enforcement continuing education program fee  
8 (IC 33-37-5-8(c)).  
9 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).  
10 (5) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).  
11 (6) A deferred prosecution fee (IC 33-37-5-17).  
12 (7) A jury fee (IC 33-37-5-19).  
13 (8) A document storage fee (IC 33-37-5-20).  
14 (9) An automated record keeping fee (IC 33-37-5-21).  
15 (10) A late payment fee (IC 33-37-5-22).  
16 (11) A public defense administration fee (IC 33-37-5-21.2).  
17 (12) A judicial insurance adjustment fee (IC 33-37-5-25).  
18 (13) A judicial salaries fee (IC 33-37-5-26).  
19 (14) A court administration fee (IC 33-37-5-27).  
20 (15) A DNA sample processing fee (IC 33-37-5-26.2).

21 (c) The clerk shall transfer to the county auditor or fiscal officer of  
22 the municipal corporation the following fees, not later than thirty (30)  
23 days after the fees are collected:

- 24 (1) The alcohol and drug services program ~~user~~ fee  
25 (IC 33-37-5-8(b)).  
26 (2) The law enforcement continuing education program fee  
27 (IC 33-37-5-8(c)).  
28 (3) The deferral program fee (subsection (e)).

29 The auditor or fiscal officer shall deposit the fees in the user fee fund  
30 established under IC 33-37-8.

31 (d) The defendant is not liable for any ordinance violation costs fee  
32 in an action if all the following apply:

- 33 (1) The defendant was charged with an ordinance violation  
34 subject to IC 33-36.  
35 (2) The defendant denied the violation under IC 33-36-3.  
36 (3) Proceedings in court against the defendant were initiated  
37 under IC 34-28-5 (or IC 34-4-32 before its repeal).  
38 (4) The defendant was tried and the court entered judgment for  
39 the defendant for the violation.

40 (e) Instead of the infraction or ordinance violation costs fee  
41 prescribed by subsection (a), except for the automated record keeping  
42 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an



1 agreement between a prosecuting attorney or an attorney for a  
 2 municipal corporation and the person charged with a violation entered  
 3 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires  
 4 payment of those fees by the person charged with the violation. The  
 5 deferral program fee is:

- 6 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 7 (2) a monthly user's fee not to exceed ten dollars (\$10) for each  
 8 month the person remains in the deferral program.

9 (f) The fees prescribed by this section are costs for purposes of  
 10 IC 34-28-5-5 and may be collected from a defendant against whom  
 11 judgment is entered. Any penalty assessed is in addition to costs.

12 SECTION 109. IC 33-37-4-3, AS AMENDED BY P.L.176-2005,  
 13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 UPON PASSAGE]: Sec. 3. (a) The clerk shall collect a juvenile costs  
 15 fee of one hundred twenty dollars (\$120) for each action filed under  
 16 any of the following:

- 17 (1) IC 31-34 (children in need of services).
- 18 (2) IC 31-37 (delinquent children).
- 19 (3) IC 31-14 (paternity).

20 (b) In addition to the juvenile costs fee collected under this section,  
 21 the clerk shall collect the following fees, if they are required under  
 22 IC 33-37-5:

- 23 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 24 IC 33-37-5-4).
- 25 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 26 (3) An alcohol and drug services program user fee  
 27 (IC 33-37-5-8(b)).
- 28 (4) A law enforcement continuing education program fee  
 29 (IC 33-37-5-8(c)).
- 30 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 31 (6) A document storage fee (IC 33-37-5-20).
- 32 (7) An automated record keeping fee (IC 33-37-5-21).
- 33 (8) A late payment fee (IC 33-37-5-22).
- 34 (9) A public defense administration fee (IC 33-37-5-21.2).
- 35 (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- 36 (11) A judicial salaries fee (IC 33-37-5-26).
- 37 (12) A court administration fee (IC 33-37-5-27).
- 38 (13) A DNA sample processing fee (IC 33-37-5-26.2).

39 (c) The clerk shall transfer to the county auditor or city or town  
 40 fiscal officer the following fees not later than thirty (30) days after they  
 41 are collected:

- 42 (1) The marijuana eradication program fee (IC 33-37-5-7).



- 1           (2) The alcohol and drug services program ~~user~~ fee
- 2           (IC 33-37-5-8(b)).
- 3           (3) The law enforcement continuing education program fee
- 4           (IC 33-37-5-8(c)).
- 5           The auditor or fiscal officer shall deposit the fees in the appropriate
- 6           user fee fund established under IC 33-37-8.
- 7           SECTION 110. IC 33-37-7-2, AS AMENDED BY P.L.77-2016,
- 8           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9           UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall
- 10          distribute semiannually to the auditor of state as the state share for
- 11          deposit in the homeowner protection unit account established by
- 12          IC 4-6-12-9 one hundred percent (100%) of the automated record
- 13          keeping fees collected under IC 33-37-5-21 with respect to actions
- 14          resulting in the accused person entering into a pretrial diversion
- 15          program agreement under IC 33-39-1-8 or a deferral program
- 16          agreement under IC 34-28-5-1 and for deposit in the state general fund
- 17          seventy percent (70%) of the amount of fees collected under the
- 18          following:
- 19               (1) IC 33-37-4-1(a) (criminal costs fees).
- 20               (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 21               (3) IC 33-37-4-3(a) (juvenile costs fees).
- 22               (4) IC 33-37-4-4(a) (civil costs fees).
- 23               (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 24               (6) IC 33-37-4-7(a) (probate costs fees).
- 25               (7) IC 33-37-5-17 (deferred prosecution fees).
- 26          (b) The clerk of a circuit court shall distribute semiannually to the
- 27          auditor of state for deposit in the state user fee fund established in
- 28          IC 33-37-9-2 the following:
- 29               (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 30               interdiction, and correction fees collected under
- 31               IC 33-37-4-1(b)(5).
- 32               (2) Twenty-five percent (25%) of the alcohol and drug
- 33               countermeasures fees collected under IC 33-37-4-1(b)(6),
- 34               IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 35               (3) One hundred percent (100%) of the child abuse prevention
- 36               fees collected under IC 33-37-4-1(b)(7).
- 37               (4) One hundred percent (100%) of the domestic violence
- 38               prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 39               (5) One hundred percent (100%) of the highway ~~work~~ **worksite**
- 40               zone fees collected under IC 33-37-4-1(b)(9) and
- 41               IC 33-37-4-2(b)(5).
- 42               (6) One hundred percent (100%) of the safe schools fee collected



- 1 under IC 33-37-5-18.
- 2 (7) One hundred percent (100%) of the automated record keeping
- 3 fee collected under IC 33-37-5-21 not distributed under
- 4 subsection (a).
- 5 (c) The clerk of a circuit court shall distribute monthly to the county
- 6 auditor the following:
- 7 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 8 interdiction, and correction fees collected under
- 9 IC 33-37-4-1(b)(5).
- 10 (2) Seventy-five percent (75%) of the alcohol and drug
- 11 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 12 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 13 The county auditor shall deposit fees distributed by a clerk under this
- 14 subsection into the county drug free community fund established under
- 15 IC 5-2-11.
- 16 (d) The clerk of a circuit court shall distribute monthly to the county
- 17 auditor one hundred percent (100%) of the late payment fees collected
- 18 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 19 by a clerk under this subsection as follows:
- 20 (1) If directed to do so by an ordinance adopted by the county
- 21 fiscal body, the county auditor shall deposit forty percent (40%)
- 22 of the fees in the clerk's record perpetuation fund established
- 23 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
- 24 county general fund.
- 25 (2) If the county fiscal body has not adopted an ordinance
- 26 described in subdivision (1), the county auditor shall deposit all
- 27 the fees in the county general fund.
- 28 (e) The clerk of the circuit court shall distribute semiannually to the
- 29 auditor of state for deposit in the sexual assault victims assistance fund
- 30 established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual
- 31 assault victims assistance fees collected under IC 33-37-5-23.
- 32 (f) The clerk of a circuit court shall distribute monthly to the county
- 33 auditor the following:
- 34 (1) One hundred percent (100%) of the support and maintenance
- 35 fees for cases designated as non-Title IV-D child support cases in
- 36 the Indiana support enforcement tracking system (ISETS) or the
- 37 successor statewide automated support enforcement system
- 38 collected under IC 33-37-5-6.
- 39 (2) The percentage share of the support and maintenance fees for
- 40 cases designated as Title IV-D child support cases in ISETS or the
- 41 successor statewide automated support enforcement system
- 42 collected under IC 33-37-5-6 that is reimbursable to the county at



1 the federal financial participation rate.

2 The county clerk shall distribute monthly to the department of child  
3 services the percentage share of the support and maintenance fees for  
4 cases designated as Title IV-D child support cases in ISETS, or the  
5 successor statewide automated support enforcement system, collected  
6 under IC 33-37-5-6 that is not reimbursable to the county at the  
7 applicable federal financial participation rate.

8 (g) The clerk of a circuit court shall distribute monthly to the county  
9 auditor the following:

10 (1) One hundred percent (100%) of the small claims service fee  
11 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
12 the county general fund.

13 (2) One hundred percent (100%) of the small claims garnishee  
14 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
15 deposit in the county general fund.

16 (h) This subsection does not apply to court administration fees  
17 collected in small claims actions filed in a court described in IC 33-34.  
18 The clerk of a circuit court shall semiannually distribute to the auditor  
19 of state for deposit in the state general fund one hundred percent  
20 (100%) of the following:

21 (1) The public defense administration fee collected under  
22 IC 33-37-5-21.2.

23 (2) The judicial salaries fees collected under IC 33-37-5-26.

24 (3) The DNA sample processing fees collected under  
25 IC 33-37-5-26.2.

26 (4) The court administration fees collected under IC 33-37-5-27.

27 (i) The clerk of a circuit court shall semiannually distribute to the  
28 auditor of state for deposit in the judicial branch insurance adjustment  
29 account established by IC 33-38-5-8.2 one hundred percent (100%) of  
30 the judicial insurance adjustment fee collected under IC 33-37-5-25.

31 (j) The proceeds of the service fee collected under  
32 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
33 follows:

34 (1) The clerk shall distribute one hundred percent (100%) of the  
35 service fees collected in a circuit, superior, county, or probate  
36 court to the county auditor for deposit in the county general fund.

37 (2) The clerk shall distribute one hundred percent (100%) of the  
38 service fees collected in a city or town court to the city or town  
39 fiscal officer for deposit in the city or town general fund.

40 (k) The proceeds of the garnishee service fee collected under  
41 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
42 follows:



1 (1) The clerk shall distribute one hundred percent (100%) of the  
 2 garnishee service fees collected in a circuit, superior, county, or  
 3 probate court to the county auditor for deposit in the county  
 4 general fund.  
 5 (2) The clerk shall distribute one hundred percent (100%) of the  
 6 garnishee service fees collected in a city or town court to the city  
 7 or town fiscal officer for deposit in the city or town general fund.  
 8 (l) The clerk of the circuit court shall distribute semiannually to the  
 9 auditor of state for deposit in the home ownership education account  
 10 established by IC 5-20-1-27 one hundred percent (100%) of the  
 11 following:  
 12 (1) The mortgage foreclosure counseling and education fees  
 13 collected under IC 33-37-5-33 (before its expiration on July 1,  
 14 2017).  
 15 (2) Any civil penalties imposed and collected by a court for a  
 16 violation of a court order in a foreclosure action under  
 17 IC 32-30-10.5.  
 18 (m) The clerk of a circuit court shall distribute semiannually to the  
 19 auditor of state one hundred percent (100%) of the pro bono legal  
 20 services fees collected before July 1, 2017, under IC 33-37-5-31. The  
 21 auditor of state shall transfer semiannually the pro bono legal services  
 22 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
 23 designated to organize and administer the interest on lawyers trust  
 24 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 25 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 26 Foundation shall:  
 27 (1) deposit in an appropriate account and otherwise manage the  
 28 fees the Indiana Bar Foundation receives under this subsection in  
 29 the same manner the Indiana Bar Foundation deposits and  
 30 manages the net earnings the Indiana Bar Foundation receives  
 31 from IOLTA accounts; and  
 32 (2) use the fees the Indiana Bar Foundation receives under this  
 33 subsection to assist or establish approved pro bono legal services  
 34 programs.  
 35 The handling and expenditure of the pro bono legal services fees  
 36 received under this section by the Indiana Bar Foundation (or its  
 37 successor entity) are subject to audit by the state board of accounts. The  
 38 amounts necessary to make the transfers required by this subsection are  
 39 appropriated from the state general fund.  
 40 SECTION 111. IC 35-43-5-3, AS AMENDED BY P.L.158-2013,  
 41 SECTION 470, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person who:



- 1 (1) being an officer, manager, or other person participating in the  
 2 direction of a credit institution, knowingly or intentionally  
 3 receives or permits the receipt of a deposit or other investment,  
 4 knowing that the institution is insolvent;  
 5 (2) knowingly or intentionally makes a false or misleading written  
 6 statement with intent to obtain property, employment, or an  
 7 educational opportunity;  
 8 (3) misapplies entrusted property, property of a governmental  
 9 entity, or property of a credit institution in a manner that the  
 10 person knows is unlawful or that the person knows involves  
 11 substantial risk of loss or detriment to either the owner of the  
 12 property or to a person for whose benefit the property was  
 13 entrusted;  
 14 (4) knowingly or intentionally, in the regular course of business,  
 15 either:  
 16 (A) uses or possesses for use a false weight or measure or  
 17 other device for falsely determining or recording the quality or  
 18 quantity of any commodity; or  
 19 (B) sells, offers, or displays for sale or delivers less than the  
 20 represented quality or quantity of any commodity;  
 21 (5) with intent to defraud another person furnishing electricity,  
 22 gas, water, telecommunication, or any other utility service, avoids  
 23 a lawful charge for that service by scheme or device or by  
 24 tampering with facilities or equipment of the person furnishing  
 25 the service;  
 26 (6) with intent to defraud, misrepresents the identity of the person  
 27 or another person or the identity or quality of property;  
 28 (7) with intent to defraud an owner of a coin machine, deposits a  
 29 slug in that machine;  
 30 (8) with intent to enable the person or another person to deposit  
 31 a slug in a coin machine, makes, possesses, or disposes of a slug;  
 32 (9) disseminates to the public an advertisement that the person  
 33 knows is false, misleading, or deceptive, with intent to promote  
 34 the purchase or sale of property or the acceptance of employment;  
 35 (10) with intent to defraud, misrepresents a person as being a  
 36 physician licensed under IC 25-22.5;  
 37 (11) knowingly and intentionally defrauds another person  
 38 furnishing cable TV service by avoiding paying compensation for  
 39 that service by any scheme or device or by tampering with  
 40 facilities or equipment of the person furnishing the service; or  
 41 (12) knowingly or intentionally provides false information to a  
 42 governmental entity to obtain a contract from the governmental



1           entity;  
 2           commits deception, a Class A misdemeanor. However, an offense  
 3           under subdivision (12) is a Level 6 felony if the provision of false  
 4           information results in financial loss to the governmental entity.  
 5           (b) In determining whether an advertisement is false, misleading, or  
 6           deceptive under subsection (a)(9), there shall be considered, among  
 7           other things, not only representations contained or suggested in the  
 8           advertisement, by whatever means, including device or sound, but also  
 9           the extent to which the advertisement fails to reveal material facts in  
 10          the light of the representations.  
 11          (c) A person who knowingly or intentionally falsely represents:  
 12           (1) any entity 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);  
 17           in order to qualify for certification as such an enterprise under a  
 18           program conducted by a public agency (as defined in  
 19           IC 5-16-6.5-2) designed to assist disadvantaged business  
 20           enterprises or women-owned business enterprises in obtaining  
 21           contracts with public agencies for the provision of goods and  
 22           services; or  
 23           (2) an entity with which the person will subcontract all or part of  
 24           a contract with a public agency (as defined in IC 5-16-6.5-2) as:  
 25                (A) a disadvantaged business enterprise (as defined in  
 26                IC 5-16-6.5-1); or  
 27                (B) a women-owned **business** enterprise (as defined in  
 28                ~~IC 5-16-16.5-3~~; **IC 5-16-6.5-3**);  
 29           in order to qualify for certification as an eligible bidder under a  
 30           program that is conducted by a public agency designed to assist  
 31           disadvantaged business enterprises or women-owned business  
 32           enterprises in obtaining contracts with public agencies for the  
 33           provision of goods and services;  
 34          commits a Level 6 felony.  
 35          SECTION 112. IC 35-44.2-1-12 IS REPEALED [EFFECTIVE  
 36          UPON PASSAGE]. ~~Sec. 12. A person who violates driver training~~  
 37          ~~school requirements is subject to a civil action for an infraction under~~  
 38          ~~IC 5-2-6.5-15.~~  
 39          SECTION 113. IC 35-45-2-1, AS AMENDED BY P.L.168-2014,  
 40          SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41          UPON PASSAGE]: Sec. 1. (a) A person who communicates a threat to  
 42          another person, with the intent:

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- 1 (1) that the other person engage in conduct against the other
- 2 person's will;
- 3 (2) that the other person be placed in fear of retaliation for a prior
- 4 lawful act; or
- 5 (3) of:
- 6 (A) causing:
- 7 (i) a dwelling, a building, or other structure; or
- 8 (ii) a vehicle;
- 9 to be evacuated; or
- 10 (B) interfering with the occupancy of:
- 11 (i) a dwelling, building, or other structure; or
- 12 (ii) a vehicle;
- 13 commits intimidation, a Class A misdemeanor.
- 14 (b) However, the offense is a:
- 15 (1) Level 6 felony if:
- 16 (A) the threat is to commit a forcible felony;
- 17 (B) the person to whom the threat is communicated:
- 18 (i) is a law enforcement officer;
- 19 (ii) is a witness (or the spouse or child of a witness) in any
- 20 pending criminal proceeding against the person making the
- 21 threat;
- 22 (iii) is an employee of a school or school corporation;
- 23 (iv) is a community policing volunteer;
- 24 (v) is an employee of a court;
- 25 (vi) is an employee of a probation department;
- 26 (vii) is an employee of a community corrections program;
- 27 (viii) is an employee of a hospital, church, or religious
- 28 organization; or
- 29 (ix) is a person that owns a building or structure that is open
- 30 to the public or is an employee of the person;
- 31 and, except as provided in item (ii), the threat is
- 32 communicated to the person because of the occupation,
- 33 profession, employment status, or ownership status of the
- 34 person as described in items (i) through (ix) or based on an act
- 35 taken by the person within the scope of the occupation,
- 36 profession, employment status, or ownership status of the
- 37 person;
- 38 (C) the person has a prior unrelated conviction for an offense
- 39 under this section concerning the same victim; or
- 40 (D) the threat is communicated using property, including
- 41 electronic equipment or systems, of a school corporation or
- 42 other governmental entity; and



1 (2) Level 5 felony if:  
 2 (A) while committing it, the person draws or uses a deadly  
 3 weapon; or  
 4 (B) the person to whom the threat is communicated:  
 5 (i) is a judge or bailiff of any court; or  
 6 (ii) is a prosecuting attorney or a deputy prosecuting  
 7 attorney.  
 8 (c) "Communicates" includes posting a message electronically,  
 9 including on a social networking web site (as defined in  
 10 ~~IC 35-42-4-12(d)~~; **IC 35-31.5-2-307**).  
 11 (d) "Threat" means an expression, by words or action, of an  
 12 intention to:  
 13 (1) unlawfully injure the person threatened or another person, or  
 14 damage property;  
 15 (2) unlawfully subject a person to physical confinement or  
 16 restraint;  
 17 (3) commit a crime;  
 18 (4) unlawfully withhold official action, or cause such withholding;  
 19 (5) unlawfully withhold testimony or information with respect to  
 20 another person's legal claim or defense, except for a reasonable  
 21 claim for witness fees or expenses;  
 22 (6) expose the person threatened to hatred, contempt, disgrace, or  
 23 ridicule;  
 24 (7) falsely harm the credit or business reputation of the person  
 25 threatened; or  
 26 (8) cause the evacuation of a dwelling, a building, another  
 27 structure, or a vehicle.  
 28 SECTION 114. IC 35-46-1-16 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The law  
 30 enforcement agency with custody of a person who is sentenced to a  
 31 term of imprisonment of more than ten (10) days following conviction  
 32 of a crime under section 15.1 **or 15.3** of this chapter shall maintain a  
 33 confidential record of the:  
 34 (1) name;  
 35 (2) address; and  
 36 (3) telephone number;  
 37 of each person that the person convicted under section 15.1 **or 15.3** of  
 38 this chapter (**as appropriate**) is required to refrain from direct or  
 39 indirect contact with under an order described by section 15.1 **or 15.3**  
 40 of this chapter (**as appropriate**).  
 41 SECTION 115. IC 35-46-1-17 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. A person



1 convicted of a crime under section 15.1 **or 15.3** of this chapter may not  
 2 have access to the information maintained under section 16 of this  
 3 chapter.

4 SECTION 116. IC 35-46-1-18 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The law  
 6 enforcement agency having custody of a person who is sentenced to a  
 7 term of imprisonment of more than ten (10) days following conviction  
 8 of a crime under section 15.1 **or 15.3** of this chapter shall:

9 (1) provide each person described in section 16 of this chapter  
 10 with written notification of:

11 (A) the release of a person convicted of a crime under section  
 12 15.1 **or 15.3** of this chapter (**as appropriate**); and

13 (B) the date, time, and place of any substantive hearing  
 14 concerning a violation of section 15.1 **or 15.3** of this chapter  
 15 (**as appropriate**) by a person who is sentenced to a term of  
 16 imprisonment of more than ten (10) days following conviction  
 17 of a crime under section 15.1 **or 15.3** of this chapter (**as**  
 18 **appropriate**); and

19 (2) attempt to notify each person described in section 16 of this  
 20 chapter by telephone to provide the information described in  
 21 subdivision (1).

22 SECTION 117. IC 35-46-9-6, AS AMENDED BY P.L.26-2016,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 UPON PASSAGE]: Sec. 6. (a) Except as provided in subsections (b)  
 25 and (c), a person who operates a motorboat while:

26 (1) having an alcohol concentration equivalent (as defined in  
 27 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol  
 28 per:

29 (A) one hundred (100) milliliters of the person's blood; or

30 (B) two hundred ten (210) liters of the person's breath;

31 (2) having a controlled substance listed in schedule I or II of  
 32 IC 35-48-2 or its metabolite in the person's body; or

33 (3) intoxicated;

34 commits a Class C misdemeanor.

35 (b) The offense is a Level 6 felony if:

36 (1) the person has a previous conviction under:

37 (A) IC 14-1-5 (repealed);

38 (B) IC 14-15-8-8 (repealed); **or**

39 (C) this chapter; or

40 (2) the offense results in serious bodily injury to another person.

41 (c) The offense is a Level 5 felony if the offense results in the death  
 42 of another person.

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1 (d) It is a defense to a prosecution under subsection (a)(2) that the  
2 accused person consumed the controlled substance under a valid  
3 prescription or order of a practitioner (as defined in IC 35-48-1-24)  
4 who acted in the course of the practitioner's professional practice.

5 SECTION 118. IC 35-48-4-5, AS AMENDED BY P.L.168-2014,  
6 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 5. A person who:

- 8 (1) knowingly or intentionally:
  - 9 (A) creates;
  - 10 (B) delivers; or
  - 11 (C) finances the delivery of;
- 12 a counterfeit substance; or
- 13 (2) possesses, with intent to:
  - 14 (A) deliver; or
  - 15 (B) finance the delivery of;
- 16 a counterfeit substance;

17 commits dealing in a counterfeit substance, a Level 6 felony. However,  
18 a person may be convicted of an offense under ~~subsection (a)(2)~~  
19 **subdivision (2)** only if there is evidence in addition to the weight of the  
20 counterfeit substance that the person intended to deliver or finance the  
21 delivery of the counterfeit substance.

22 SECTION 119. IC 35-48-7-11.1, AS AMENDED BY P.L.5-2016,  
23 SECTION 12, AND AS AMENDED BY P.L.82-2016, SECTION 13,  
24 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) Information received  
26 by the INSPECT program under section 8.1 of this chapter is  
27 confidential.

28 (b) The board shall carry out a program to protect the confidentiality  
29 of the information described in subsection (a). The board may disclose  
30 the information to another person only under subsection (c), (d), or (g).

31 (c) The board may disclose confidential information described in  
32 subsection (a) to any person who is authorized to engage in receiving,  
33 processing, or storing the information.

34 (d) Except as provided in subsections (e) and (f), the board may  
35 release confidential information described in subsection (a) to the  
36 following persons:

- 37 (1) A member of the board or another governing body that  
38 licenses practitioners and is engaged in an investigation, an  
39 adjudication, or a prosecution of a violation under any state or  
40 federal law that involves *ephedrine, pseudoephedrine, or a*  
41 *controlled substance.*
- 42 (2) An investigator for the consumer protection division of the



1 office of the attorney general, a prosecuting attorney, the attorney  
 2 general, a deputy attorney general, or an investigator from the  
 3 office of the attorney general, who is engaged in:

- 4 (A) an investigation;
- 5 (B) an adjudication; or
- 6 (C) a prosecution;

7 of a violation under any state or federal law that involves  
 8 *ephedrine, pseudoephedrine, or a controlled substance.*

9 (3) A law enforcement officer who is an employee of:

- 10 (A) a local, state, or federal law enforcement agency; or
- 11 (B) an entity that regulates *ephedrine, pseudoephedrine, or*  
 12 *controlled substances or enforces *ephedrine, pseudoephedrine,**  
 13 *or controlled substances rules or laws in another state;*

14 that is certified to receive *ephedrine, pseudoephedrine, or*  
 15 *controlled substance prescription drug information from the*  
 16 *INSPECT program.*

17 (4) A practitioner or practitioner's agent certified to receive  
 18 information from the INSPECT program.

19 (5) *An ephedrine, pseudoephedrine, or a controlled substance*  
 20 *monitoring program in another state with which Indiana has*  
 21 *established an interoperability agreement.*

22 (6) The state toxicologist.

23 (7) A certified representative of the Medicaid retrospective and  
 24 prospective drug utilization review program.

25 (8) A substance abuse assistance program for a licensed health  
 26 care provider who:

- 27 (A) has prescriptive authority under IC 25; and
- 28 (B) is participating in the assistance program.

29 (9) An individual who holds a valid temporary medical permit  
 30 issued under IC 25-22.5-5-4 or a temporary fellowship permit  
 31 *issued under IC 25-22.5-5-4.6.*

32 (10) *Beginning July 1, 2016, a county coroner conducting a*  
 33 *medical investigation of the cause of death.*

34 (e) Information provided to an individual under:

35 (1) subsection (d)(3) is limited to information:

- 36 (A) concerning an individual or proceeding involving the  
 37 unlawful diversion or misuse of a schedule II, III, IV, or V  
 38 controlled substance; and

- 39 (B) that will assist in an investigation or proceeding; and

40 (2) subsection (d)(4) may be released only for the purpose of:

- 41 (A) providing medical or pharmaceutical treatment; or
- 42 (B) evaluating the need for providing medical or



- 1 pharmaceutical treatment to a patient.
- 2 (f) Before the board releases confidential information under
- 3 subsection (d), the applicant must be approved by the INSPECT
- 4 program in a manner prescribed by the board.
- 5 (g) The board may release to:
  - 6 (1) a member of the board or another governing body that licenses
  - 7 practitioners;
  - 8 (2) an investigator for the consumer protection division of the
  - 9 office of the attorney general, a prosecuting attorney, the attorney
  - 10 general, a deputy attorney general, or an investigator from the
  - 11 office of the attorney general; or
  - 12 (3) a law enforcement officer who is:
    - 13 (A) authorized by the state police department to receive
    - 14 *ephedrine, pseudoephedrine, or* controlled substance
    - 15 prescription drug information; and
    - 16 (B) approved by the board to receive the type of information
    - 17 released;
- 18 confidential information generated from computer records that
- 19 identifies practitioners who are prescribing or dispensing large
- 20 quantities of a controlled substance.
- 21 (h) The information described in subsection (g) may not be released
- 22 until it has been reviewed by:
  - 23 (1) a member of the board who is licensed in the same profession
  - 24 as the prescribing or dispensing practitioner identified by the data;
  - 25 or
  - 26 (2) the board's designee;
- 27 and until that member or the designee has certified that further
- 28 investigation is warranted. However, failure to comply with this
- 29 subsection does not invalidate the use of any evidence that is otherwise
- 30 admissible in a proceeding described in subsection (i).
- 31 (i) An investigator or a law enforcement officer receiving
- 32 confidential information under subsection (c), (d), or (g) may disclose
- 33 the information to a law enforcement officer or an attorney for the
- 34 office of the attorney general for use as evidence in the following:
  - 35 (1) A proceeding under IC 16-42-20.
  - 36 (2) A proceeding under any state or federal law that involves
  - 37 *ephedrine, pseudoephedrine, or* a controlled substance.
  - 38 (3) A criminal proceeding or a proceeding in juvenile court that
  - 39 involves *ephedrine, pseudoephedrine, or* a controlled substance.
- 40 (j) The board may compile statistical reports from the information
- 41 described in subsection (a). The reports must not include information
- 42 that identifies any practitioner, ultimate user, or other person



1 administering *ephedrine, pseudoephedrine, or* a controlled substance.  
 2 Statistical reports compiled under this subsection are public records.

3 (k) Except as provided in IC 25-22.5-13, this section may not be  
 4 construed to require a practitioner to obtain information about a patient  
 5 from the data base.

6 (l) A practitioner *who checks the INSPECT program for the*  
 7 *available data on a patient* is immune from civil liability for an injury,  
 8 death, or loss to a person solely due to a practitioner:

9 (1) seeking *or not seeking* information from the INSPECT  
 10 program; *and*

11 (2) *in good faith using the information for the treatment of the*  
 12 *patient.*

13 The civil immunity described in this subsection does not extend to a  
 14 practitioner if the practitioner receives information directly from the  
 15 INSPECT program and then negligently misuses this information. This  
 16 subsection does not apply to an act or omission that is a result of gross  
 17 negligence or intentional misconduct.

18 (m) The board may review the records of the INSPECT program. If  
 19 the board determines that a violation of the law may have occurred, the  
 20 board shall notify the appropriate law enforcement agency or the  
 21 relevant government body responsible for the licensure, regulation, or  
 22 discipline of practitioners authorized by law to prescribe controlled  
 23 substances.

24 (n) A practitioner who in good faith discloses information based on  
 25 a report from the INSPECT program to a law enforcement agency is  
 26 immune from criminal or civil liability. A practitioner that discloses  
 27 information to a law enforcement agency under this subsection is  
 28 presumed to have acted in good faith.

29 (o) *A practitioner's agent may act as a delegate and check*  
 30 *INSPECT program reports on behalf of the practitioner.*

31 (p) *A patient may access a report from the INSPECT program that*  
 32 *has been included in the patient's medical file by a practitioner.*

33 SECTION 120. IC 36-7-14-8, AS AMENDED BY P.L.204-2016,  
 34 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 8. (a) The redevelopment commissioners shall  
 36 hold a meeting for the purpose of organization not later than thirty (30)  
 37 days after they are appointed and, after that, each year on a day that is  
 38 not a Saturday, a Sunday, or a legal holiday and that is their first  
 39 meeting day of the year. They shall choose one (1) of their members as  
 40 president, another as vice president, and another as secretary. These  
 41 officers shall perform the duties usually pertaining to their offices and  
 42 shall serve from the date of their election until their successors are



1 elected and qualified.

2 (b) The fiscal officer of the unit establishing a redevelopment  
3 commission is the treasurer of the redevelopment commission.  
4 Notwithstanding any other provision of this chapter, but subject to  
5 subsection (c), the treasurer has charge over and is responsible for the  
6 administration, investment, and disbursement of all funds and accounts  
7 of the redevelopment commission in accordance with the requirements  
8 of state laws that apply to other funds and accounts administered by the  
9 fiscal officer. The treasurer shall report annually to the redevelopment  
10 commission before April 1.

11 (c) The treasurer of the redevelopment commission may disburse  
12 funds of the redevelopment commission only after the redevelopment  
13 commission allows and approves the disbursement. However, the  
14 redevelopment commission may, by rule or resolution, authorize the  
15 treasurer to make certain types of disbursements before the  
16 redevelopment commission's allowance and approval at its next regular  
17 meeting.

18 (d) The following apply to funds of the redevelopment commission:

19 (1) The funds must be accounted for separately by the unit  
20 establishing the redevelopment commission and the daily balance  
21 of the funds must be maintained in a separate ledger statement.

22 (2) Except as provided in subsection (e), all funds designated as  
23 redevelopment commission funds must be accessible to the  
24 redevelopment commission at any time.

25 (3) The amount of the daily balance of redevelopment  
26 commission funds may not be below zero (0) at any time.

27 (4) The funds may not be maintained or used in a manner that is  
28 intended to avoid the ~~wavier~~ **waiver** procedures and requirements  
29 for a unit and the redevelopment commission under subsection  
30 (e).

31 (e) If the fiscal body of a unit determines that it is necessary to  
32 engage in short term borrowing until the next tax collection period, the  
33 fiscal body of the unit may request approval from the redevelopment  
34 commission to waive the requirement in subsection (d)(2). In order to  
35 waive the requirement under subsection (d)(2), the fiscal body of the  
36 unit and the redevelopment commission must adopt similar resolutions  
37 that set forth:

38 (1) the amount of the funds designated as redevelopment  
39 commission funds that are no longer accessible to the  
40 redevelopment commission under the waiver; and

41 (2) an expiration date for the waiver.

42 If a loan is made to a unit from funds designated as redevelopment





1 funds, the loan must be repaid by the unit and the funds made  
2 accessible to the redevelopment commission not later than the end of  
3 the calendar year in which the funds are received by the unit.

4 (f) Subsections (d) and (e) do not restrict transfers or uses by a  
5 redevelopment commission made to meet commitments under a written  
6 agreement of the redevelopment commission that was entered into  
7 before January 1, 2016, if the written agreement complied with the  
8 requirements existing under the law at the time the redevelopment  
9 commission entered into the written agreement.

10 (g) The redevelopment commissioners may adopt the rules and  
11 bylaws they consider necessary for the proper conduct of their  
12 proceedings, the carrying out of their duties, and the safeguarding of  
13 the money and property placed in their custody by this chapter. In  
14 addition to the annual meeting, the commissioners may, by resolution  
15 or in accordance with their rules and bylaws, prescribe the date and  
16 manner of notice of other regular or special meetings.

17 (h) This subsection does not apply to a county redevelopment  
18 commission that consists of seven (7) members. Three (3) of the  
19 redevelopment commissioners constitute a quorum, and the  
20 concurrence of three (3) commissioners is necessary to authorize any  
21 action.

22 (i) This subsection applies only to a county redevelopment  
23 commission that consists of seven (7) members. Four (4) of the  
24 redevelopment commissioners constitute a quorum, and the  
25 concurrence of four (4) commissioners is necessary to authorize any  
26 action.

27 SECTION 121. IC 36-7-14-39, AS AMENDED BY P.L.184-2016,  
28 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 UPON PASSAGE]: Sec. 39. (a) As used in this section:

30 "Allocation area" means that part of a redevelopment project area  
31 to which an allocation provision of a declaratory resolution adopted  
32 under section 15 of this chapter refers for purposes of distribution and  
33 allocation of property taxes.

34 "Base assessed value" means the following:

35 (1) If an allocation provision is adopted after June 30, 1995, in a  
36 declaratory resolution or an amendment to a declaratory  
37 resolution establishing an economic development area:

38 (A) the net assessed value of all the property as finally  
39 determined for the assessment date immediately preceding the  
40 effective date of the allocation provision of the declaratory  
41 resolution, as adjusted under subsection (h); plus

42 (B) to the extent that it is not included in clause (A), the net



- 1           assessed value of property that is assessed as residential  
2           property under the rules of the department of local government  
3           finance, as finally determined for any assessment date after the  
4           effective date of the allocation provision.
- 5           (2) If an allocation provision is adopted after June 30, 1997, in a  
6           declaratory resolution or an amendment to a declaratory  
7           resolution establishing a redevelopment project area:
- 8                (A) the net assessed value of all the property as finally  
9                determined for the assessment date immediately **preceding**  
10               **the effective date of the allocation** provision of the  
11                declaratory resolution, as adjusted under subsection (h); plus  
12                (B) to the extent that it is not included in clause (A), the net  
13                assessed value of property that is assessed as residential  
14                property under the rules of the department of local government  
15                finance, as finally determined for any assessment date after the  
16                effective date of the allocation provision.
- 17           (3) If:
- 18                (A) an allocation provision adopted before June 30, 1995, in  
19                a declaratory resolution or an amendment to a declaratory  
20                resolution establishing a redevelopment project area expires  
21                after June 30, 1997; and  
22                (B) after June 30, 1997, a new allocation provision is included  
23                in an amendment to the declaratory resolution;  
24           the net assessed value of all the property as finally determined for  
25           the assessment date immediately preceding the effective date of  
26           the allocation provision adopted after June 30, 1997, as adjusted  
27           under subsection (h).
- 28           (4) Except as provided in subdivision (5), for all other allocation  
29           areas, the net assessed value of all the property as finally  
30           determined for the assessment date immediately preceding the  
31           effective date of the allocation provision of the declaratory  
32           resolution, as adjusted under subsection (h).
- 33           (5) If an allocation area established in an economic development  
34           area before July 1, 1995, is expanded after June 30, 1995, the  
35           definition in subdivision (1) applies to the expanded part of the  
36           area added after June 30, 1995.
- 37           (6) If an allocation area established in a redevelopment project  
38           area before July 1, 1997, is expanded after June 30, 1997, the  
39           definition in subdivision (2) applies to the expanded part of the  
40           area added after June 30, 1997.
- 41           Except as provided in section 39.3 of this chapter, "property taxes"  
42           means taxes imposed under IC 6-1.1 on real property. However, upon



1 approval by a resolution of the redevelopment commission adopted  
2 before June 1, 1987, "property taxes" also includes taxes imposed  
3 under IC 6-1.1 on depreciable personal property. If a redevelopment  
4 commission adopted before June 1, 1987, a resolution to include within  
5 the definition of property taxes, taxes imposed under IC 6-1.1 on  
6 depreciable personal property that has a useful life in excess of eight  
7 (8) years, the commission may by resolution determine the percentage  
8 of taxes imposed under IC 6-1.1 on all depreciable personal property  
9 that will be included within the definition of property taxes. However,  
10 the percentage included must not exceed twenty-five percent (25%) of  
11 the taxes imposed under IC 6-1.1 on all depreciable personal property.

12 (b) A declaratory resolution adopted under section 15 of this chapter  
13 on or before the allocation deadline determined under subsection (i)  
14 may include a provision with respect to the allocation and distribution  
15 of property taxes for the purposes and in the manner provided in this  
16 section. A declaratory resolution previously adopted may include an  
17 allocation provision by the amendment of that declaratory resolution on  
18 or before the allocation deadline determined under subsection (i) in  
19 accordance with the procedures required for its original adoption. A  
20 declaratory resolution or amendment that establishes an allocation  
21 provision must include a specific finding of fact, supported by  
22 evidence, that the adoption of the allocation provision will result in  
23 new property taxes in the area that would not have been generated but  
24 for the adoption of the allocation provision. For an allocation area  
25 established before July 1, 1995, the expiration date of any allocation  
26 provisions for the allocation area is June 30, 2025, or the last date of  
27 any obligations that are outstanding on July 1, 2015, whichever is later.  
28 A declaratory resolution or an amendment that establishes an allocation  
29 provision after June 30, 1995, must specify an expiration date for the  
30 allocation provision. For an allocation area established before July 1,  
31 2008, the expiration date may not be more than thirty (30) years after  
32 the date on which the allocation provision is established. For an  
33 allocation area established after June 30, 2008, the expiration date may  
34 not be more than twenty-five (25) years after the date on which the first  
35 obligation was incurred to pay principal and interest on bonds or lease  
36 rentals on leases payable from tax increment revenues. However, with  
37 respect to bonds or other obligations that were issued before July 1,  
38 2008, if any of the bonds or other obligations that were scheduled when  
39 issued to mature before the specified expiration date and that are  
40 payable only from allocated tax proceeds with respect to the allocation  
41 area remain outstanding as of the expiration date, the allocation  
42 provision does not expire until all of the bonds or other obligations are



1 no longer outstanding. The allocation provision may apply to all or part  
 2 of the redevelopment project area. The allocation provision must  
 3 require that any property taxes subsequently levied by or for the benefit  
 4 of any public body entitled to a distribution of property taxes on taxable  
 5 property in the allocation area be allocated and distributed as follows:

6 (1) Except as otherwise provided in this section, the proceeds of  
 7 the taxes attributable to the lesser of:

8 (A) the assessed value of the property for the assessment date  
 9 with respect to which the allocation and distribution is made;  
 10 or

11 (B) the base assessed value;

12 shall be allocated to and, when collected, paid into the funds of  
 13 the respective taxing units.

14 (2) The excess of the proceeds of the property taxes imposed for  
 15 the assessment date with respect to which the allocation and  
 16 distribution is made that are attributable to taxes imposed after  
 17 being approved by the voters in a referendum or local public  
 18 question conducted after April 30, 2010, not otherwise included  
 19 in subdivision (1) shall be allocated to and, when collected, paid  
 20 into the funds of the taxing unit for which the referendum or local  
 21 public question was conducted.

22 (3) Except as otherwise provided in this section, property tax  
 23 proceeds in excess of those described in subdivisions (1) and (2)  
 24 shall be allocated to the redevelopment district and, when  
 25 collected, paid into an allocation fund for that allocation area that  
 26 may be used by the redevelopment district only to do one (1) or  
 27 more of the following:

28 (A) Pay the principal of and interest on any obligations  
 29 payable solely from allocated tax proceeds which are incurred  
 30 by the redevelopment district for the purpose of financing or  
 31 refinancing the redevelopment of that allocation area.

32 (B) Establish, augment, or restore the debt service reserve for  
 33 bonds payable solely or in part from allocated tax proceeds in  
 34 that allocation area.

35 (C) Pay the principal of and interest on bonds payable from  
 36 allocated tax proceeds in that allocation area and from the  
 37 special tax levied under section 27 of this chapter.

38 (D) Pay the principal of and interest on bonds issued by the  
 39 unit to pay for local public improvements that are physically  
 40 located in or physically connected to that allocation area.

41 (E) Pay premiums on the redemption before maturity of bonds  
 42 payable solely or in part from allocated tax proceeds in that



- 1 allocation area.
- 2 (F) Make payments on leases payable from allocated tax  
3 proceeds in that allocation area under section 25.2 of this  
4 chapter.
- 5 (G) Reimburse the unit for expenditures made by it for local  
6 public improvements (which include buildings, parking  
7 facilities, and other items described in section 25.1(a) of this  
8 chapter) that are physically located in or physically connected  
9 to that allocation area.
- 10 (H) Reimburse the unit for rentals paid by it for a building or  
11 parking facility that is physically located in or physically  
12 connected to that allocation area under any lease entered into  
13 under IC 36-1-10.
- 14 (I) For property taxes first due and payable before January 1,  
15 2009, pay all or a part of a property tax replacement credit to  
16 taxpayers in an allocation area as determined by the  
17 redevelopment commission. This credit equals the amount  
18 determined under the following STEPS for each taxpayer in a  
19 taxing district (as defined in IC 6-1.1-1-20) that contains all or  
20 part of the allocation area:
- 21 STEP ONE: Determine that part of the sum of the amounts  
22 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),  
23 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and  
24 IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to  
25 the taxing district.
- 26 STEP TWO: Divide:
- 27 (i) that part of each county's eligible property tax  
28 replacement amount (as defined in IC 6-1.1-21-2 (before its  
29 repeal)) for that year as determined under IC 6-1.1-21-4  
30 (before its repeal) that is attributable to the taxing district;  
31 by
- 32 (ii) the STEP ONE sum.
- 33 STEP THREE: Multiply:
- 34 (i) the STEP TWO quotient; times
- 35 (ii) the total amount of the taxpayer's taxes (as defined in  
36 IC 6-1.1-21-2 (before its repeal)) levied in the taxing district  
37 that have been allocated during that year to an allocation  
38 fund under this section.
- 39 If not all the taxpayers in an allocation area receive the credit  
40 in full, each taxpayer in the allocation area is entitled to  
41 receive the same proportion of the credit. A taxpayer may not  
42 receive a credit under this section and a credit under section



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39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.



1 (4) Except as provided in subsection (g), before June 15 of each  
2 year, the commission shall do the following:

3 (A) Determine the amount, if any, by which the assessed value  
4 of the taxable property in the allocation area for the most  
5 recent assessment date minus the base assessed value, when  
6 multiplied by the estimated tax rate of the allocation area, will  
7 exceed the amount of assessed value needed to produce the  
8 property taxes necessary to make, when due, principal and  
9 interest payments on bonds described in subdivision (3), plus  
10 the amount necessary for other purposes described in  
11 subdivision (3).

12 (B) Provide a written notice to the county auditor, the fiscal  
13 body of the county or municipality that established the  
14 department of redevelopment, the officers who are authorized  
15 to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for  
16 each of the other taxing units that is wholly or partly located  
17 within the allocation area, and (in an electronic format) the  
18 department of local government finance. The notice must:

19 (i) state the amount, if any, of excess assessed value that the  
20 commission has determined may be allocated to the  
21 respective taxing units in the manner prescribed in  
22 subdivision (1); or

23 (ii) state that the commission has determined that there is no  
24 excess assessed value that may be allocated to the respective  
25 taxing units in the manner prescribed in subdivision (1).

26 The county auditor shall allocate to the respective taxing units  
27 the amount, if any, of excess assessed value determined by the  
28 commission. The commission may not authorize an allocation  
29 of assessed value to the respective taxing units under this  
30 subdivision if to do so would endanger the interests of the  
31 holders of bonds described in subdivision (3) or lessors under  
32 section 25.3 of this chapter.

33 (C) If:

34 (i) the amount of excess assessed value determined by the  
35 commission is expected to generate more than two hundred  
36 percent (200%) of the amount of allocated tax proceeds  
37 necessary to make, when due, principal and interest  
38 payments on bonds described in subdivision (3); plus

39 (ii) the amount necessary for other purposes described in  
40 subdivision (3);

41 the commission shall submit to the legislative body of the unit  
42 its determination of the excess assessed value that the



1           commission proposes to allocate to the respective taxing units  
2           in the manner prescribed in subdivision (1). The legislative  
3           body of the unit may approve the commission's determination  
4           or modify the amount of the excess assessed value that will be  
5           allocated to the respective taxing units in the manner  
6           prescribed in subdivision (1).

7           (c) For the purpose of allocating taxes levied by or for any taxing  
8           unit or units, the assessed value of taxable property in a territory in the  
9           allocation area that is annexed by any taxing unit after the effective  
10          date of the allocation provision of the declaratory resolution is the  
11          lesser of:

12           (1) the assessed value of the property for the assessment date with  
13           respect to which the allocation and distribution is made; or

14           (2) the base assessed value.

15          (d) Property tax proceeds allocable to the redevelopment district  
16          under subsection (b)(3) may, subject to subsection (b)(4), be  
17          irrevocably pledged by the redevelopment district for payment as set  
18          forth in subsection (b)(3).

19          (e) Notwithstanding any other law, each assessor shall, upon  
20          petition of the redevelopment commission, reassess the taxable  
21          property situated upon or in, or added to, the allocation area, effective  
22          on the next assessment date after the petition.

23          (f) Notwithstanding any other law, the assessed value of all taxable  
24          property in the allocation area, for purposes of tax limitation, property  
25          tax replacement, and formulation of the budget, tax rate, and tax levy  
26          for each political subdivision in which the property is located is the  
27          lesser of:

28           (1) the assessed value of the property as valued without regard to  
29           this section; or

30           (2) the base assessed value.

31          (g) If any part of the allocation area is located in an enterprise zone  
32          created under IC 5-28-15, the unit that designated the allocation area  
33          shall create funds as specified in this subsection. A unit that has  
34          obligations, bonds, or leases payable from allocated tax proceeds under  
35          subsection (b)(3) shall establish an allocation fund for the purposes  
36          specified in subsection (b)(3) and a special zone fund. Such a unit  
37          shall, until the end of the enterprise zone phase out period, deposit each  
38          year in the special zone fund any amount in the allocation fund derived  
39          from property tax proceeds in excess of those described in subsection  
40          (b)(1) and (b)(2) from property located in the enterprise zone that  
41          exceeds the amount sufficient for the purposes specified in subsection  
42          (b)(3) for the year. The amount sufficient for purposes specified in





1 subsection (b)(3) for the year shall be determined based on the pro rata  
2 portion of such current property tax proceeds from the part of the  
3 enterprise zone that is within the allocation area as compared to all  
4 such current property tax proceeds derived from the allocation area. A  
5 unit that has no obligations, bonds, or leases payable from allocated tax  
6 proceeds under subsection (b)(3) shall establish a special zone fund  
7 and deposit all the property tax proceeds in excess of those described  
8 in subsection (b)(1) and (b)(2) in the fund derived from property tax  
9 proceeds in excess of those described in subsection (b)(1) and (b)(2)  
10 from property located in the enterprise zone. The unit that creates the  
11 special zone fund shall use the fund (based on the recommendations of  
12 the urban enterprise association) for programs in job training, job  
13 enrichment, and basic skill development that are designed to benefit  
14 residents and employers in the enterprise zone or other purposes  
15 specified in subsection (b)(3), except that where reference is made in  
16 subsection (b)(3) to allocation area it shall refer for purposes of  
17 payments from the special zone fund only to that part of the allocation  
18 area that is also located in the enterprise zone. Those programs shall  
19 reserve at least one-half (1/2) of their enrollment in any session for  
20 residents of the enterprise zone.

21 (h) The state board of accounts and department of local government  
22 finance shall make the rules and prescribe the forms and procedures  
23 that they consider expedient for the implementation of this chapter.  
24 After each general reassessment of real property in an area under  
25 IC 6-1.1-4-4 and after each reassessment in an area under a  
26 reassessment plan prepared under IC 6-1.1-4-4.2, the department of  
27 local government finance shall adjust the base assessed value one (1)  
28 time to neutralize any effect of the reassessment of the real property in  
29 the area on the property tax proceeds allocated to the redevelopment  
30 district under this section. After each annual adjustment under  
31 IC 6-1.1-4-4.5, the department of local government finance shall adjust  
32 the base assessed value one (1) time to neutralize any effect of the  
33 annual adjustment on the property tax proceeds allocated to the  
34 redevelopment district under this section. However, the adjustments  
35 under this subsection:

36 (1) may not include the effect of phasing in assessed value due to  
37 property tax abatements under IC 6-1.1-12.1;

38 (2) may not produce less property tax proceeds allocable to the  
39 redevelopment district under subsection (b)(3) than would  
40 otherwise have been received if the general reassessment, the  
41 reassessment under the reassessment plan, or the annual  
42 adjustment had not occurred; and



1 (3) may decrease base assessed value only to the extent that  
 2 assessed values in the allocation area have been decreased due to  
 3 annual adjustments or the reassessment under the reassessment  
 4 plan.

5 Assessed value increases attributable to the application of an abatement  
 6 schedule under IC 6-1.1-12.1 may not be included in the base assessed  
 7 value of an allocation area. The department of local government  
 8 finance may prescribe procedures for county and township officials to  
 9 follow to assist the department in making the adjustments.

10 (i) The allocation deadline referred to in subsection (b) is  
 11 determined in the following manner:

12 (1) The initial allocation deadline is December 31, 2011.

13 (2) Subject to subdivision (3), the initial allocation deadline and  
 14 subsequent allocation deadlines are automatically extended in  
 15 increments of five (5) years, so that allocation deadlines  
 16 subsequent to the initial allocation deadline fall on December 31,  
 17 2016, and December 31 of each fifth year thereafter.

18 (3) At least one (1) year before the date of an allocation deadline  
 19 determined under subdivision (2), the general assembly may enact  
 20 a law that:

21 (A) terminates the automatic extension of allocation deadlines  
 22 under subdivision (2); and

23 (B) specifically designates a particular date as the final  
 24 allocation deadline.

25 SECTION 122. IC 36-7-15.1-3.5, AS AMENDED BY  
 26 P.L.204-2016, SECTION 34, IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) The  
 28 controller of the consolidated city is the fiscal officer of a commission  
 29 subject to this chapter.

30 (b) The controller may obtain financial services on a contractual  
 31 basis for purposes of carrying out the powers and duties of the  
 32 commission and protecting the public interests related to the operations  
 33 and funding of the commission. Subject to subsection (c), the controller  
 34 has charge over and is responsible for the administration, investment,  
 35 and disbursement of all funds and accounts of the commission in  
 36 accordance with the requirements of state law that apply to other funds  
 37 and accounts administered by the controller.

38 (c) The controller may disburse funds of the commission only after  
 39 the commission allows and approves the disbursement. However, the  
 40 commission may, by rule or resolution, authorize the controller to make  
 41 certain types of disbursements before the commission's allowance and  
 42 approval at its next regular meeting.



- 1 (d) The following apply to funds of the redevelopment commission:
- 2 (1) The funds must be accounted for separately by the unit
- 3 establishing the redevelopment commission and the daily balance
- 4 of the funds must be maintained in a separate ledger statement.
- 5 (2) Except as provided in subsection (e), all funds designated as
- 6 redevelopment commission funds must be accessible to the
- 7 redevelopment commission at any time.
- 8 (3) The amount of the daily balance of redevelopment
- 9 commission funds shall be not below zero (0) at any time.
- 10 (4) The funds may not be maintained or used in a manner that is
- 11 intended to avoid the ~~wavier~~ **waiver** procedures and requirements
- 12 for a unit and the redevelopment commission under subsection
- 13 (e).

14 (e) If the fiscal body of the unit determines that it is necessary to  
 15 engage in short-term borrowing until the next tax collection period, the  
 16 fiscal body of the unit may request approval from the redevelopment  
 17 commission to waive the requirement in subsection (d)(2). In order to  
 18 waive the requirement under subsection (d)(2), the fiscal body of the  
 19 unit and the redevelopment commission must adopt similar resolutions  
 20 that set forth:

- 21 (1) the amount of the funds designated as redevelopment
- 22 commission funds that are no longer accessible to the
- 23 redevelopment commission under the waiver; and
- 24 (2) an expiration date for the waiver.

25 If a loan is made to a unit from funds designated as redevelopment  
 26 funds, the loan must be repaid by the unit and the funds made  
 27 accessible to the redevelopment commission not later than the end of  
 28 the calendar year in which the funds are received by the unit.

29 (f) Subsections (d) and (e) do not restrict transfers or uses by a  
 30 redevelopment commission made to meet commitments under a written  
 31 agreement of the redevelopment commission that was entered into  
 32 before January 1, 2016, if the written agreement complied with the  
 33 requirements existing under the law at the time the redevelopment  
 34 commission entered into the written agreement.

35 SECTION 123. IC 36-7-27-13, AS AMENDED BY P.L.197-2016,  
 36 SECTION 131, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The treasurer of state  
 38 shall establish an incremental income tax financing fund for the county.  
 39 The fund shall be administered by the treasurer of state. Money in the  
 40 fund does not revert to the state general fund at the end of a state fiscal  
 41 year.

42 (b) Before July 2 of each calendar year, the department, after



1 reviewing the recommendation of the budget agency, shall estimate and  
2 certify to the county auditor the amount of incremental income tax for  
3 the tax areas in the county that will be collected from that county  
4 during the twelve (12) month period beginning July 1 of that calendar  
5 year and ending June 30 of the following calendar year. The amount  
6 certified shall be deposited into the fund and shall be distributed on the  
7 dates specified in subsection (e) for the following calendar year. The  
8 amount certified may be adjusted under subsection (c) or (d).  
9 Taxpayers operating in the tax area shall report annually, in the manner  
10 and in the form prescribed by the department, information that the  
11 department determines necessary to calculate the incremental income  
12 tax amount. A taxpayer operating in the tax area that files a  
13 consolidated tax return with the department also shall file annually an  
14 informational return with the department for each business location of  
15 the taxpayer within the tax area. If a taxpayer fails to report the  
16 information required by this section, the department shall use the best  
17 information available in calculating the amount of incremental income  
18 taxes.

19 (c) The department may certify to the county an amount that is  
20 greater than the estimated twelve (12) month incremental income tax  
21 collection if the department, after reviewing the recommendation of the  
22 budget agency, determines that there will be a greater amount of  
23 incremental income tax available for distribution from the fund.

24 (d) The department may certify an amount less than the estimated  
25 twelve (12) month incremental income tax collection if the department,  
26 after reviewing the recommendation of the budget agency, determines  
27 that a part of those collections need to be distributed during the current  
28 calendar year so that the county will receive its full certified amount for  
29 the current calendar year.

30 (e) The auditor of state shall disburse the certified amount to the  
31 commission in equal semiannual installments on May 31 and  
32 November 30 of each year.

33 (f) Money in the fund may be pledged by the commission to the  
34 following purposes:

35 (1) To pay debt service on the bonds issued under section 14 of  
36 this chapter.

37 (2) To pay lease rentals under section 14 of this chapter.

38 (3) To establish and maintain a debt service reserve established  
39 by the commission or by a lessor that provides local public  
40 improvements to the commission.

41 (g) When money in the fund is sufficient when combined with other  
42 sources of payment to pay all outstanding principal and interest or lease



1 rentals to the date on which the obligations can be redeemed on  
 2 obligations of the commission for a local public improvement in the  
 3 county, no additional incremental income tax for that project shall be  
 4 deposited in the fund and ~~local~~ covered **local** income taxes shall be  
 5 distributed as provided in IC 6-3.6-9.

6 SECTION 124. IC 36-7-38-2, AS ADDED BY P.L.211-2016,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 2. (a) The legislative body of an eligible unit  
 9 may adopt an ordinance:

- 10 (1) establishing a body corporate and politic; or
- 11 (2) directing the executive of the eligible unit to organize a
- 12 nonprofit corporation under IC 23-17;
- 13 as an independent instrumentality exercising essential governmental
- 14 functions. The primary purpose of an entity established under this
- 15 subsection is to manage and improve the marketability of distressed
- 16 real property located in the territory of the eligible unit.

17 (b) The legislative body shall specify the following in the ordinance:

- 18 (1) The name of the entity.
- 19 (2) The number of board members, subject to section ~~3~~ 4 of this
- 20 chapter.

21 (c) The territory of a land bank established by a county is all the  
 22 territory of the county, except for the territory of any second class city  
 23 in the county that has established a land bank.

24 SECTION 125. IC 36-7.5-5 IS REPEALED [EFFECTIVE UPON  
 25 PASSAGE]. (Northwest Indiana Regional Development  
 26 Authority—Miscellaneous Study and Reporting).

27 SECTION 126. IC 36-8-16.7-32, AS AMENDED BY P.L.36-2016,  
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (b)  
 30 and (d), and subject to section 48(e) of this chapter, the board shall  
 31 assess a monthly statewide 911 fee on each standard user that is a  
 32 customer having a place of primary use in Indiana at a rate that ensures  
 33 full recovery of the amount needed for the board to make distributions  
 34 to county treasurers consistent with this chapter and that provides for  
 35 the proper development, operation, and maintenance of a statewide 911  
 36 system. The amount of the fee assessed under this subsection is one  
 37 dollar (\$1). The board may adjust the statewide 911 fee to ensure  
 38 adequate revenue for the board to fulfill the board's duties and  
 39 obligations under this chapter, subject to the following:

- 40 (1) The following apply to an increase in the fee:
- 41 (A) The board may increase the fee only one (1) time after
- 42 June 30, 2015, and before July 1, 2020.



- 1 (B) The board may increase the fee only after review by the  
2 budget committee.
- 3 (C) If the board increases the fee, the amount of the increase  
4 must be ten cents (\$0.10).
- 5 (2) The fee may not be lowered more than one (1) time in a  
6 calendar year.
- 7 (3) The fee may not be lowered by an amount that is more than  
8 ten cents (\$0.10) without legislative approval.
- 9 (b) The fee assessed under this section does not apply to a prepaid  
10 user in a retail transaction under IC 36-8-16.6.
- 11 (c) An additional fee relating to the provision of 911 service may  
12 not be levied by a state agency or local unit of government. An  
13 enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not  
14 considered an additional fee relating to the provision of wireless 911  
15 service for purposes of this section.
- 16 (d) A user is exempt from the fee if the user is any of the following:  
17 (1) The federal government or an agency of the federal  
18 government.  
19 (2) The state or an agency or instrumentality of the state.  
20 (3) A political subdivision (as defined in IC 36-1-2-13) or an  
21 agency of a political subdivision.  
22 (4) A user that accesses communications service solely through  
23 a wireless data only service plan.
- 24 (e) This subsection applies to an eligible telecommunications carrier  
25 for purposes of receiving Lifeline reimbursement from the universal  
26 service fund through the administrator designated by the Federal  
27 Communications Commission. An eligible telecommunications carrier:  
28 (1) is not considered an agency of the federal government for  
29 purposes of the exemption set forth in subsection (d); and  
30 (2) with respect to communications service provided to end users  
31 by the eligible telecommunications carrier in its capacity as an  
32 eligible telecommunications carrier, is liable for the fee assessed  
33 under subsection (f).
- 34 (f) Beginning September 1, 2015, and on the first day of each month  
35 thereafter, an eligible telecommunications carrier described in  
36 subsection (e) shall pay to the board a fee equal to the product of the  
37 following factors:  
38 (1) The monthly statewide 911 fee established under subsection  
39 (a).  
40 (2) The number of unique end users for which the eligible  
41 telecommunications carrier received reimbursement from the  
42 universal service fund during the immediately preceding month.



1 The eligible telecommunications carrier may bill and collect from each  
 2 end user the fees calculated under this subsection with respect to the  
 3 end user. The eligible telecommunications carrier shall determine the  
 4 manner in which the ~~provider~~ **eligible telecommunications carrier**  
 5 bills and collects the fees. Except as provided in section 33(c) of this  
 6 chapter, an eligible telecommunications carrier may not bill and collect  
 7 from an end user an amount greater than the fees paid by the eligible  
 8 telecommunications carrier to the board with respect to the end user.

9 SECTION 127. P.L.100-2016, SECTION 4, IS AMENDED TO  
 10 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION  
 11 4. (a) IC 6-1.1-12-14.5, as added by this act, and ~~IC 6-1.1-12-13;~~  
 12 IC 6-1.1-12-14 and IC 6-1.1-12-37, ~~all~~ **both** as amended by this act,  
 13 apply to assessment dates after December 31, 2016.

14 (b) This SECTION expires January 1, 2020.

15 SECTION 128. [EFFECTIVE UPON PASSAGE] (a) **This act may**  
 16 **be referred to as the "technical corrections bill of the 2017 general**  
 17 **assembly"**.

18 (b) **The phrase "technical corrections bill of the 2017 general**  
 19 **assembly" may be used in the lead-in line of an act other than this**  
 20 **act to identify provisions added, amended, or repealed by this act**  
 21 **that are also amended or repealed in the other act.**

22 (c) **This SECTION expires December 31, 2017.**

23 SECTION 129. [EFFECTIVE UPON PASSAGE] (a) **This**  
 24 **SECTION applies if a provision of the Indiana Code is:**

25 (1) **added or amended by this act; and**

26 (2) **repealed by another act without recognizing the existence**  
 27 **of the amendment made by this act by an appropriate**  
 28 **reference in the lead-in line of the SECTION of the other act**  
 29 **repealing the same provision of the Indiana Code.**

30 (b) **As used in this SECTION, "other act" refers to an act**  
 31 **enacted in the 2017 session of the general assembly other than this**  
 32 **act. "Another act" has a corresponding meaning.**

33 (c) **Except as provided in subsections (d) and (e), a provision**  
 34 **repealed by another act shall be considered repealed, regardless of**  
 35 **whether there is a difference in the effective date of the provision**  
 36 **added or amended by this act and the provision repealed by the**  
 37 **other act. Except as provided in subsection (d), the lawful**  
 38 **compilers of the Indiana Code, in publishing the affected Indiana**  
 39 **Code provision, shall publish only the version of the Indiana Code**  
 40 **provision that is repealed by the other act. The history line for an**  
 41 **Indiana Code provision that is repealed by the other act must**  
 42 **reference that act.**



1           **(d) This subsection applies if a provision described in subsection**  
2 **(a) that is added or amended by this act takes effect before the**  
3 **corresponding provision repeal in the other act. The lawful**  
4 **compilers of the Indiana Code, in publishing the provision added**  
5 **or amended in this act, shall publish that version of the provision**  
6 **and note that the provision is effective until the effective date of the**  
7 **corresponding provision repeal in the other act. On and after the**  
8 **effective date of the corresponding provision repeal in the other**  
9 **act, the provision repealed by the other act shall be considered**  
10 **repealed, regardless of whether there is a difference in the effective**  
11 **date of the provision added or amended by this act and the**  
12 **provision repealed by the other act. The lawful compilers of the**  
13 **Indiana Code, in publishing the affected Indiana Code provision,**  
14 **shall publish the version of the Indiana Code provision that is**  
15 **repealed by the other act, and shall note that this version of the**  
16 **provision is effective on the effective date of the repealed provision**  
17 **of the other act.**

18           **(e) If, during the same year, two (2) or more other acts repeal**  
19 **the same Indiana Code provision as the Indiana Code provision**  
20 **added or amended by this act, the lawful compilers of the Indiana**  
21 **Code, in publishing the Indiana Code provision, shall follow the**  
22 **principles set forth in this SECTION.**

23           **(f) This SECTION expires December 31, 2017.**

24           **SECTION 130. An emergency is declared for this act.**





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 146, delete lines 10 through 42.
- Delete pages 147 through 151.
- Page 152, delete lines 1 through 5.
- Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1181 as introduced.)

STEUERWALD

Committee Vote: yeas 10, nays 0.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1181 be amended to read as follows:

- Page 10, line 30, reset in italics "(o)".
- Page 10, line 30, reset in roman ""Private university police department" means the police".
- Page 10, reset in roman lines 31 through 32.
- Page 10, line 33, reset in italics "(p)".
- Page 10, line 33, delete "(o)".
- Page 10, line 38, reset in italics "(q)".
- Page 10, line 38, delete "(p)".
- Page 12, reset in italics lines 1 through 4.
- Page 12, line 5, reset in italics "(r)".
- Page 12, line 5, delete "(q)".
- Page 12, line 12, reset in italics "(s)".
- Page 12, line 12, delete "(r)".
- Page 12, line 16, reset in italics "(t)".
- Page 12, line 16, delete "(s)".
- Page 12, line 17, reset in italics "(u)".
- Page 12, line 17, delete "(t)".
- Page 12, delete lines 27 through 42.

HB 1181—LS 6079/DI 112



Delete pages 13 through 19.

Page 20, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

(Reference is to HB 1181 as printed February 7, 2017.)

KERSEY

