

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 ENROLLED ACT No. 1181

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 2-5-1.1-10, AS AMENDED BY P.L.53-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The Indiana code revision commission is established. The commission shall function as an advisory body to the legislative council. In that capacity, the commission shall:

- (1) assist the council in supervising the compilation, computerization, indexing, and printing of the Indiana Code;
- (2) assist the council in developing standards for the codification and revision of statutes to make those statutes clear, concise, and easy to interpret and to apply;
- (3) assist the council, as required by IC 4-22-8-11, with the publication of the Indiana Register and in the compilation, computerization, indexing, and printing of the Indiana Administrative Code;
- (4) assist the council, as required by IC 4-22-2-42, in developing and revising standards, techniques, format, and numbering system to be used in drafting rules for promulgation;
- (5) assist the council in developing and revising standards, techniques, and format to be used when preparing legislation for consideration by the Indiana general assembly; and
- (6) assist the council with any other related tasks assigned to the commission by the council.

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(b) The commission consists of the following members:

- (1) Four (4) members of the house of representatives, not more than two (2) of whom are members of the same political party, to be appointed by the speaker of the house of representatives.
- (2) Four (4) members of the senate, not more than two (2) of whom are members of the same political party, to be appointed by the president pro tempore of the senate.
- (3) The chief justice of Indiana or ~~his~~ **the chief justice's** designee.
- (4) The chief judge of the Indiana court of appeals or ~~his~~ **the chief judge's** designee.
- (5) The Indiana attorney general or ~~his~~ **the attorney general's** designee.
- (6) An attorney admitted to the practice of law before the Indiana supreme court selected by the chairman of the council.
- (7) A present or former professor of law selected by the chairman of the council.
- (8) The Indiana secretary of state or ~~his~~ **the secretary of state's** designee.
- (9) An individual appointed by the governor.

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

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

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

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

(f) The council may direct the legislative services agency to provide such clerical, research, and administrative personnel and other assistance as the council considers necessary to enable the commission to properly perform its duties.

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

SECTION 2. IC 2-5-1.3-9, AS ADDED BY P.L.53-2014, SECTION

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

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

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

- (1) the precinct election board in which the machine is located, if the ballot card voting system is designed to allow the counting and tabulation of votes by the precinct election board; or
- (2) the county election board, if the ballot card voting system is not designed to allow the counting and tabulation of votes by the precinct election board;

may direct that they be counted manually.

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

(b) If a tie vote has occurred in an election for a circuit office in a circuit that contains more than one (1) county, the fiscal bodies of the counties shall meet in joint session at the county seat of the county that contains the greatest percentage of population of the circuit to select one (1) of the candidates who was involved in the tie vote in order to fill the office in accordance with this section.



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

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

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

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

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

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

- (1) The values of all prizes and awards offered to winning game participants are established and made known to the game participants in advance of the game or contest.
- (2) All winning outcomes reflect the relative knowledge and skill of the game participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
- (3) No winning outcome is based on the score, point spread, or performance or performances of any single team or combination of teams, or solely on any single performance of an individual athlete or player in any single event.
- (4) The statistical results of the performance of individuals under subdivision (2) are not based on college or high school sports.
- (5) All **game** participants must pay, with cash or a cash



equivalent, an entry fee to participate.

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

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

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

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

(1) "Crime of child abuse" means:

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

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

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

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

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

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

(D) battery against a child under:

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

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

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

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

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

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

SECTION 9. IC 5-10.3-12-31, AS AMENDED BY P.L.209-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) If a member of the plan separates from employment with the member's employer **and** later begins employment with the same or a different employer in a position covered by the plan:

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

(2) the member is entitled to receive credit for the member's years



of participation in the plan before the member's separation. Any amounts forfeited by the member under section 25(e) of this chapter may not be restored to the member's account.

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

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

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

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

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

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

(1) Subject to subsections (f) and (g), the duration of the capital



improvement board's obligation, which must be for a term of ten (10) years with an option for the capital improvement board to pay its obligation to the treasurer early without penalty.

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

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

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

(5) Any other conditions specified by the treasurer.

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

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

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

(1) to establish a bid fund to be used to assist the capital improvement board, the Indianapolis Convention and Visitors Association (VisitIndy), or the Indiana Sports Corporation in securing conventions, sporting events, and other special events; and

(2) to designate that principal and interest payments that would otherwise be made on the obligation issued by the capital improvement board under this section in calendar year 2010 shall



instead be deposited in the bid fund.

If the requirements of subdivisions (1) and (2) are satisfied and the capital improvement board deposits in the bid fund amounts equal to the principal and interests payments that would otherwise be made under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is not required to make those principal and interests payments to the treasurer of state at the time required under the repayment schedule. The amounts must be deposited in the bid fund not later than the time the principal and interest payments would otherwise be due to the treasurer of state under the repayment schedule. The state board of accounts shall ~~annually~~ examine the bid fund *under IC 5-11-1* to determine the amount of deposits made to the bid fund under this subsection and to ensure that the money deposited in the bid fund is used only for purposes authorized by this subsection. To the extent that the capital improvement board does not deposit in the bid fund an amount equal to a payment of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board must make that payment of principal and interest to the treasurer of state as provided in this section. If the capital improvement board deposits in the bid fund amounts equal to the payments of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is only required to repay to the treasurer of state the principal amount of the obligation.

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

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

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

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

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

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

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

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

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

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

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

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

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

- (1) Manually transcribe and make notes, abstracts, or memoranda.
- (2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.
- (3) In the case of public records available:
 - (A) by enhanced access under section 3.5 of this chapter; or
 - (B) to a governmental entity under section 3(c)(2) of this chapter;

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

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

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

(j) "*Law enforcement activity*" means:

- (1) a traffic stop;
- (2) a pedestrian stop;
- (3) an arrest;
- (4) a search;



- (5) an investigation;
- (6) a pursuit;
- (7) crowd control;
- (8) traffic control; or
- (9) any other instance in which a law enforcement officer is enforcing the law.

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

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

- (1) provided to or used by a law enforcement officer in the scope of the officer's duties; and
- (2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.

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

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

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

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

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

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

- (1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.
- (2) Any:
 - (A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township,



- school corporation, city, or town;
- (B) political subdivision (as defined by IC 36-1-2-13); or
- (C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.
- (3) Any entity or office that is subject to:
- (A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or
- (B) an audit by the state board of accounts that is required by statute, rule, or regulation.
- (4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.
- (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.
- (6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.
- (7) Any license branch *staffed by employees of the bureau of motor vehicles commission operated under IC 9-16: IC 9-14.1.*
- (8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.
- (9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.
- (10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.
- (11) A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.*
- ~~(p)~~ ~~(+)~~ (q) "Public record" means any writing, paper, report, study,



map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

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

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

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

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

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

SECTION 12. IC 5-14-3-2, AS AMENDED BY P.L.58-2016, SECTION 1, AS AMENDED BY P.L.198-2016, SECTION 12, AND AS AMENDED BY P.L.217-2016, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

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

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

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

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

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

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



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

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

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

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

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

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

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

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

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

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

(j) "*Law enforcement activity*" means:

(1) *a traffic stop;*

(2) *a pedestrian stop;*

(3) *an arrest;*

(4) *a search;*

(5) *an investigation;*

(6) *a pursuit;*

(7) *crowd control;*

(8) *traffic control; or*

(9) *any other instance in which a law enforcement officer is*



enforcing the law.

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

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

- (1) provided to or used by a law enforcement officer in the scope of the officer's duties; and*
- (2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.*

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

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

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

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

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

~~(w)~~ ~~(x)~~ ~~(y)~~ ~~(z)~~ ~~(aa)~~ ~~(ab)~~ **(q)** *"Public agency", except as provided in section 2.1 of this chapter, means the following:*

- (1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.*
- (2) Any:*
 - (A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;*
 - (B) political subdivision (as defined by IC 36-1-2-13); or*
 - (C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the*



executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

- (3) Any entity or office that is subject to:
- (A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or
 - (B) an audit by the state board of accounts that is required by statute, rule, or regulation.
- (4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.
- (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.
- (6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.
- (7) Any license branch *staffed by employees of the bureau of motor vehicles commission operated under IC 9-16: IC 9-14.1.*
- (8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.
- (9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.
- (10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.
- (11) *A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.*

~~(p)~~ ~~(r)~~ ~~(q)~~ ~~(o)~~ ~~(p)~~ **(r)** "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or



machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

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

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

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

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

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

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

- (1) Section 4(b)(19) of this chapter applies and the person has not demonstrated that the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.
- (2) The public agency finds, after due consideration of the facts of the particular case, that access to or dissemination of the recording:
 - (A) creates a significant risk of substantial harm to any person or to the general public;
 - (B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;
 - (C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency as defined in section 2 of this chapter and notwithstanding its exclusion under section 4(b)(1) of this chapter; or
 - (D) would not serve the public interest.

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



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

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

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

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

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

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

(D) would not serve the public interest.

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

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

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

(1) shall obscure:

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

(B) depictions of:

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

(ii) acts of severe violence that are against any individual



who is clearly visible and that result in serious bodily injury (as defined in IC 35-31.5-2-292);
 (iii) serious bodily injury (as defined in IC 35-31.5-2-292);
 (iv) nudity (as defined in IC 35-49-1-5);
 (v) an individual whom the public agency reasonably believes is less than eighteen (18) years of age;
 (vi) personal medical information;
 (vii) a victim of a crime, or any information identifying the victim of a crime, if the public agency finds that obscuring this information is necessary for the victim's safety; and
 (viii) a witness to a crime or an individual who reports a crime, or any information identifying a witness to a crime or an individual who reports a crime, if the public agency finds that obscuring this information is necessary for the safety of the witness or individual who reports a crime; and

(2) may obscure:

(A) any information identifying:

- (i) a law enforcement officer operating in an undercover capacity; or
- (ii) a confidential informant; and

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

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

SECTION 14. IC 5-28-6-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 8: (a) The corporation shall conduct an in depth assessment of Indiana's regional metropolitan areas, as determined by the corporation, and referred to as a "regional city" in this section:

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

- (1) The economic potential of the regional city if certain initiatives or quality of life or other improvements are made or not made;
- (2) The needs of each regional city;
- (3) The potential of various initiatives and improvements for each regional city with a focus on determining those initiatives and improvements that will best lead to economic growth for the regional city;
- (4) The successful and unsuccessful attempts at regional



development within and outside Indiana.

(c) The staff of the corporation shall prepare and submit a report to the board before October 1, 2014. The report must include the following:

- (1) Findings of the assessment.
- (2) Recommendations on addressing the needs of each regional city, including any initiatives and quality of life or other improvements that could be made and that will best lead to economic growth for the regional city.
- (3) Recommendations on options for financing any recommended initiatives and improvements by using a combination of public and private investment and financing that includes participation by financial institutions, private enterprise, local government, and state government.

SECTION 15. IC 6-1.1-12-37, AS AMENDED BY P.L.203-2016, SECTION 4, AND AS AMENDED BY P.L.197-2016, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The following definitions apply throughout this section:

- (1) "Dwelling" means any of the following:
 - (A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.
 - (B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
 - (C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.
- (2) "Homestead" means an individual's principal place of residence:
 - (A) that is located in Indiana;
 - (B) that:
 - (i) the individual owns;
 - (ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;
 - (iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or
 - (iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual



described in section 17.9 of this chapter; and
 (C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

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

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

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

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

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

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

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement *in duplicate*, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is



located. The statement must include:

- (1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;
- (2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

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

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

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

if the applicant is an individual; or

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

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

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

if the applicant is not an individual; and

(4) either:

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

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

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

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

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

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or



part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

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

- (1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or
- (2) is no longer eligible for a deduction under this section on another parcel of property because:
 - (A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or
 - (B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

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



purposes of this article.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(2) first due and payable in 2010;

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

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

(1) a deck or patio;

(2) a gazebo; or

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

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

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

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.



(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction; the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

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

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

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- (A) the property on which the homestead is currently located was vacant land; or
- (B) the construction of the dwelling that constitutes the homestead was not completed; *and*
- (3) either:
 - (A) the individual files the certified statement required by subsection (e); *on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section;* or
 - (B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead. *and*
 - ~~(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

 - ~~(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and~~
 - ~~(B) cancels the deduction described in clause (A) for that property.~~~~

An individual who satisfies the requirements of subdivisions (1) through ~~(4)~~ (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. *The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.*

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this



section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

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

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

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

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

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

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

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

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. *The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. However, Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana.* Property that qualifies as a homestead under this



subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

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

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

- (A) The first calendar year in which those costs are incurred.
- (B) One (1) or more of the immediately succeeding four (4) calendar years.

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



(A) the cost of personal services (including fringe benefits);
(B) the cost of supplies; and
(C) any other cost directly related to the operation of the court.

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

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

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

- (i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or
- (ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

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

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

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

- (i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or
- (ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all



counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

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

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

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

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

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

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

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in



paying operating expenses of a volunteer fire department:
 (5) *A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.*

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

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

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

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

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



- (A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and*
- (B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.*

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

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

(A) the civil taxing unit is:

- (i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);*
 - (ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);*
 - (iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);*
 - (iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or*
 - (v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000);*
- and*

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

The maximum increase that the local government tax control



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

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

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

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

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

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

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

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

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of



operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation:

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

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

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

(B) the increase has been approved by the legislative body of the city; and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses:

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

(12) (3) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in



excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

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

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

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

(2) the sum of:

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

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

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

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

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

The maximum increase in a township's levy that may be allowed under



this subsection is the amount borrowed by the township under IC 36-6-6-14 in the year for which proof was submitted under subdivision (2). An increase allowed under this subsection applies to property taxes first due and payable after December 31, 2013.

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

- (1) First, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter.
- (2) Second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b). ~~and~~
- (3) Third, to a separate "tax sale surplus fund".

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

(c) The:

- (1) owner of record of the real property at the time the real property was certified for sale under this chapter and before the issuance of a tax deed; or
- (2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

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

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

- (1) a person who has a contract or agreement described under section 7.5 of this chapter with a person described in subsection (c)(1); or
- (2) a person who acts as an executor, attorney-in-fact, or legal guardian of a person described in subsection (c)(1);

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



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

- (1) on petition by the claimant;
- (2) within three (3) years after the date of sale of the parcel in the tax sale; and
- (3) in the case of a petitioner to whom subsection (d)(1) applies, if the petitioner has satisfied the requirements of section 7.5 of this chapter.

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

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

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

SECTION 18. IC 6-1.1-24-17, AS AMENDED BY P.L.187-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) For purposes of this section, in a county containing a consolidated city, "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10.

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

(c) The county executive may by resolution:

- (1) identify tax sale certificates issued under section 6 of this chapter that the county executive desires to assign to one (1) or more nonprofit entities; and
- (2) set a date, time, and place for a public hearing to consider the assignment of the tax sale certificates to the nonprofit entities.

(d) Except as otherwise provided in subsection (e), notice of the tax sale certificates identified under subsection (c) and the date, time, and place for the hearing on the proposed transfer of the tax sale certificates on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the properties associated with the tax sale



certificates being considered for assignment by:

- (1) parcel number;
- (2) legal description; and
- (3) street address or other common description.

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

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

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

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

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

- (1) the tax sale certificates that are to be assigned to a nonprofit entity;
- (2) the nonprofit entity to which each tax sale certificate is to be assigned; and
- (3) the terms and conditions of the assignment.

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

SECTION 19. IC 6-1.1-28-0.4, AS ADDED BY P.L.207-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. (a) The fiscal bodies of the counties that



establish a multiple county property tax assessment board of appeals under section 0.1 of this chapter shall adopt substantially similar ordinances to appoint the members of the multiple county property tax assessment board of appeals subject to the qualifications and requirements set forth in section 0.2 of this chapter.

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

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

A member is eligible for reappointment.

(c) If:

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

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

- (1) the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25;
- (2) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;
- (3) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure form data under IC 6-1.1-5.5-3;
- (4) the county auditor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);
- (5) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;



- (6) the county does not maintain a certified computer system that meets the requirements of IC 6-1.1-31.5-3.5;
- (7) the county auditor has not transmitted the data described in IC 36-2-9-20 to the department of local government finance in the form and on the schedule specified by IC 36-2-9-20;
- (8) the county has not established a parcel index numbering system under ~~50 IAC 23-8-1~~ **50 IAC 26-8-1** in a timely manner;
- (9) a county official has not provided other information to the department of local government finance in a timely manner as required by the department of local government finance; or
- (10) the department of local government finance incurs additional costs to assist a covered county (as defined in IC 6-1.1-22.6-1) to issue tax statements within the time frame specified in IC 6-1.1-22.6-18(b) for each year that the county experienced delayed property taxes (as defined in IC 6-1.1-22.6-2) before the year in which the county qualifies as a covered county.

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

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



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

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

(1) provide information; or
 (2) pay a bill for services;
 in a timely manner is justified by unusual circumstances.

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

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

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

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

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



owed within:

- (1) one (1) year with no penalties and interest, if:
 - (A) the taxpayer did not comply with the requirement to return the homestead verification form under IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015); and
 - (B) the county auditor allowed the taxpayer to receive the standard deduction in error; or
- (2) thirty (30) days, if subdivision (1) does not apply.

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

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

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

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

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

- (1) in the nonreverting fund, if the county contains a consolidated



city; or

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

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

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

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

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

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

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

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

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

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

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

Any amount paid that exceeds the amount required to be deposited under subsection ~~(c)~~(~~d~~) (d)(1) or ~~(c)~~(~~2~~) (d)(2) shall be distributed as



property taxes.

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

- (1) Fees and other costs incurred by the county auditor to discover property that is eligible for a standard deduction under IC 6-1.1-12-37.
- (2) Other expenses of the office of the county auditor.

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

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

- (1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and
- (2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and ~~IC 6-3.5~~ IC 6-3.6 exceeds an aggregate amount of fifty dollars (\$50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

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



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

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

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

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

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

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1) return and



payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due on or before the fifteenth day of the fourth month after the end of the year. However, if a partnership is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as an extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



section 2.5 of this chapter.

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

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

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

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

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

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

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

(c) A school corporation is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter. The distributions to school corporations and civil taxing units in counties



that formerly imposed a tax under IC 6-3.5-1.1 (*repealed*) as provided in section ~~3(1)~~ 3(2) of this chapter is not considered an allocation of certified shares. A school corporation's allocation amount for purposes of section ~~3(1)~~ 3(2) of this chapter shall be determined under section 12 of this chapter.

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

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

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

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

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

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

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

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

- (1) *The amount of revenue under section ~~3(2)~~ 3(2) or 3(3) of this chapter to be distributed on the basis of property tax levies*



during that month; multiplied by

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

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

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

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

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

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

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

(1) For any county having a positive balance in the county's trust account as of December 31, 2014, determine the amount of the trust account balance as of December 31, 2014 (referred to as the county's trust balance amount).

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

(A) For county adjusted gross income taxes (IC 6-3.5-1.1)



(repealed) as follows:

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

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

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

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

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

(1) The county's trust balance amount.

(2) Each taxing unit's allocation amount.

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

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

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

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

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

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

(iii) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5;

(iv) the purchase, rental, or repair of highway equipment;

(v) providing a match for a grant from the local road and bridge matching grant fund under IC 8-23-30; or

(vi) capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3-1; or



(B) deposited in the county's, city's, or town's rainy day fund established under IC 36-1-8-5.1. The money deposited in a rainy day fund under this clause may not be appropriated from the rainy day fund or transferred to another fund under IC 36-1-8-5.1(g), unless the money will be used exclusively for purposes set forth in clause (A).

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

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

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

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

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

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

- (1) Determine that part or all of the revenue described in section 2 of this chapter should be combined to foster:
 - (A) economic development;
 - (B) the development of new technology; and
 - (C) industrial and commercial growth.
- (2) Establish a regional venture capital fund.

(c) Each unit participating in a regional venture capital fund established under subsection (b) may deposit the following in the fund:

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

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(d) A regional venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The fund is subject to audit by the state board of accounts *under IC 5-11-1*. The fund must bear the full costs of the audit.

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

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

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

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

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

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

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

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



- (1) To promote significant employment opportunities for the residents of the units participating in the regional venture capital fund.
- (2) To attract a major new business enterprise to a participating unit.
- (3) To develop, retain, or expand a significant business enterprise in a participating unit.
- (k) The expenditures of a borrower or grantee of money from a regional venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:
 - (1) Research and development of technology.
 - (2) Job training and education.
 - (3) Acquisition of property interests.
 - (4) Infrastructure improvements.
 - (5) New buildings or structures.
 - (6) Rehabilitation, renovation, or enlargement of buildings or structures.
 - (7) Machinery, equipment, and furnishings.
 - (8) Funding small business development with respect to:
 - (A) prototype products or processes;
 - (B) marketing studies to determine the feasibility of new products or processes; or
 - (C) business plans for the development and production of new products or processes.

SECTION 29. IC 6-4.1-7-4, AS AMENDED BY P.L.190-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After the appraiser, if any, appointed under section 3 of this chapter files an appraisal report, the probate court shall redetermine the inheritance tax due with respect to the property interests transferred by the resident decedent. In making the redetermination, the court shall follow the same procedures:

- (1) the court is required to follow under IC 6-4.1-5-9, IC 6-4.1-5-10, and IC 6-4.1-5-11 when making an original inheritance tax determination, in the case of an inheritance tax return filed before April 1, 2016; or
- (2) the department of state revenue is required to follow under ~~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 when making an original inheritance tax determination, in the case of an inheritance tax return filed after March 31, 2016.
- (b) The probate court's redetermination of the inheritance tax due supersedes:
 - (1) the court's original determination; or

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

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

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



SECTION 32. IC 7.1-3-9.5-3, AS AMENDED BY P.L.153-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The holder of a supplemental caterer's permit is entitled to purchase alcoholic beverages only from a permittee entitled to sell to ~~him~~ **the holder** under this title. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a supplemental caterer's permit is entitled to sell alcoholic beverages only for ~~on premise~~ **on-premises** consumption at those locations approved by the commission and at times lawful under ~~his~~ **the holder's** retailers' permits. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a supplemental caterer's permit is not entitled to sell alcoholic beverages at wholesale, nor for carry-out or at-home delivery.

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

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;
- (2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:
 - (A) holds an ~~employee~~ **employee's** permit under IC 7.1-3-18-9; and
 - (B) completes a server training program approved by the commission;
- (3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;
- (4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;
- (5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;
- (6) is exempt from the provisions of IC 7.1-3-14;
- (7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;
- (8) for wine described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the wine on the licensed premises; and
 - (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;
- (9) is entitled to purchase and sell bulk wine as set forth in this chapter;



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

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

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

(c) With the approval of the commission, a holder of a permit under this chapter may:

(1) individually; or

(2) with other permit holders under this chapter, holders of artisan distiller's permits, holders of a brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this subdivision;

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

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

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

(1) nonpermanent bar located on an outside patio or terrace; or

(2) service window located on the licensed premises that opens to an outside patio or terrace;

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

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

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

(A) part of the licensed premises; and



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

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

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

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

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

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

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

(A) part of the licensed premises; and

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

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

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

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

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

(c) The holder of a retailer's permit that provides adult entertainment



on the licensed premises shall do the following:

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

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

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

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

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

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

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

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

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

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

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

Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.

(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section.



(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c).

(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:

- (1) the extent to which the permit holder has cooperated with any law enforcement investigation as required by subsection (c)(6); and
- (2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:
 - (A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and
 - (B) has been approved by:
 - (i) a department of the United States government; or
 - (ii) a nationwide association made up of operators who run adult entertainment establishments.

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

- (1) The distressed utility violated one (1) or more state or federal statutory or regulatory requirements in a manner that the commission determines affects the safety, adequacy, efficiency, or reasonableness of its services or facilities.
- (2) The distressed utility has inadequate financial, managerial, or technical ability or expertise.
- (3) The distressed utility fails to provide water in sufficient amounts, that is palatable, or at adequate volume or pressure.
- (4) The distressed utility, due to necessary improvements to its plant or distribution or collection system or operations, is unable to furnish and maintain adequate service to its customers at rates equal to or less than those of the **public acquiring utility company**.
- (5) The distressed utility:
 - (A) is municipally owned utility property of a municipally owned utility that serves fewer than five thousand (5,000) customers; and



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

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

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

(1) The motor vehicle insurance is issued:

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

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

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

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

(B) covers the driver while the driver is:

- (i) logged on to the TNC's digital network; or
- (ii) engaged in a prearranged ride.

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

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

- (i) fifty thousand dollars (\$50,000) per person for death and bodily injury;
- (ii) one hundred thousand dollars (\$100,000) per incident for death and bodily injury; and
- (iii) twenty-five thousand dollars (\$25,000) per incident for property damage.

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

- (i) Motor vehicle insurance maintained by the TNC driver.
- (ii) Motor vehicle insurance maintained by the TNC.
- (iii) Motor vehicle insurance maintained by any combination of **persons or entities under** items (i) and (ii).

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



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

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

- (i) Motor vehicle insurance maintained by the TNC driver.
- (ii) Motor vehicle insurance maintained by the TNC.
- (iii) Motor vehicle insurance maintained by any combination of **persons or entities under** items (i) and (ii).

(b) If motor vehicle insurance maintained by a TNC driver as described in subsection (a) lapses or does not provide the required coverage:

- (1) motor vehicle insurance maintained by the TNC must provide the required coverage beginning with the first dollar of a claim; and
- (2) the insurance company that issues the motor vehicle insurance described in subdivision (1) has a duty to defend the claim described in subdivision (1).

(c) Coverage under motor vehicle insurance maintained by a TNC may not be dependent on a personal motor vehicle insurance company's first denying a claim for coverage under a personal motor vehicle insurance policy, nor may a personal motor vehicle insurance company be required to first deny a claim.

(d) A motor vehicle insurance policy that meets the coverage requirements of subsection (a) satisfies the financial responsibility requirement of IC 9-25 while the driver of the personal vehicle is:

- ~~(A)~~ (1) logged on to the TNC's digital network; or
- ~~(B)~~ (2) engaged in a prearranged ride.

(e) A TNC driver shall do the following:

- (1) At all times during which the TNC driver uses a personal vehicle in connection with a TNC's digital network, carry proof of the coverage required by subsection (a).
- (2) In the event of an accident, upon request, provide to directly interested parties, motor vehicle insurance companies, and investigating law enforcement officers:
 - (A) the proof described in subdivision (1); and
 - (B) a disclosure of whether the TNC driver was:
 - (i) logged on to the TNC's digital network; or
 - (ii) engaged in a prearranged ride;
 at the time of the accident.

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



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

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

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

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

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

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

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

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

SECTION 41. IC 9-30-16-3.5, AS ADDED BY P.L.41-2016,



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

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

(c) Specialized driving privileges granted under this section:

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

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

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

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

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

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

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



SECTION 42. IC 10-17-9-8, AS AMENDED BY P.L.197-2011, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Each member, the estate of a deceased member, or the estate of a member under guardianship is liable for the costs of maintenance of the member in an amount up to one hundred percent (100%) of the daily per capita cost of personal services and all other operating expenses for the preceding fiscal year. The per capita charge may be adjusted to reflect the level of care provided.

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

- (1) the care category of the facility in which the member is placed;
- (2) the rules of the ~~Indiana health facilities, home health care, and hospice council~~ **state department of health** adopted under IC 16-28; and
- (3) the applicable code of the federal government covering reimbursement from the United States Department of Veterans' Affairs or another department of the federal government.

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

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

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

- (1) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.
- (2) For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.
- (3) For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.
- ~~(4) For purposes of IC 12-15-46-2, the meaning set forth in IC 12-15-46-2(a).~~
- ~~(5)~~ **(4)** For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 45. IC 12-7-2-35, AS AMENDED BY P.L.87-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 35. "Committee" means the following:

- (1) For purposes of IC 12-15-33, the meaning set forth in IC 12-15-33-1.
- (2) For purposes of IC 12-17.2-3.6, the meaning set forth in IC 12-17.2-3.6-1.
- ~~(3) For purposes of IC 12-21-4.5, the meaning set forth in IC 12-21-4.5-1.~~

SECTION 46. IC 12-7-2-41.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 41.2. "Contracting state", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-4.**

SECTION 47. IC 12-7-2-69, AS AMENDED BY P.L.13-2013, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

- (1) The division of disability and rehabilitative services established by IC 12-9-1-1.
- (2) The division of aging established by IC 12-9.1-1-1.
- (3) The division of family resources established by IC 12-13-1-1.
- (4) The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

- (1) For purposes of the following statutes, the division of disability and rehabilitative services established by IC 12-9-1-1:
 - (A) IC 12-9.
 - (B) IC 12-11.
 - (C) IC 12-12.
 - (D) IC 12-12.5.
 - (E) IC 12-12.7.
 - ~~(F) IC 12-15-46-2.~~
 - ~~(G)~~ **(F)** IC 12-28-5.

(2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:

- (A) IC 12-9.1.
- (B) IC 12-10.
- (C) IC 12-10.5.

(3) For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:

- (A) IC 12-13.
- (B) IC 12-14.
- (C) IC 12-15.



- (D) IC 12-16.
- (E) IC 12-17.2.
- (F) IC 12-18.
- (G) IC 12-19.
- (H) IC 12-20.

(4) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

- (A) IC 12-21.
- (B) IC 12-22.
- (C) IC 12-23.
- (D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 48. IC 12-7-2-82.4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 82.4: "Family planning services"; for purposes of IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(a).

SECTION 49. IC 12-7-2-85.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 85.1: "Fertilization"; for purposes of IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(b).

SECTION 50. IC 12-7-2-168 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 168: "Respite care" means, for purposes of IC 12-10-5, temporary care or supervision of an individual with Alzheimer's disease or a related senile dementia that is provided because the individual's family or caretaker is temporarily unable or unavailable to provide needed care.

SECTION 51. IC 12-7-2-186.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 186.2: "State plan amendment"; for purposes of IC 12-15-46-1, has the meaning set forth in IC 12-15-46-1(c).

SECTION 52. IC 12-7-2-190 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 190: "Task force"; for purposes of IC 12-10-5, has the meaning set forth in IC 12-10-5-1.

SECTION 53. IC 12-7-2-199.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 199.8: As used in IC 12-15-46-2, "waiver" has the meaning set forth in IC 12-15-46-2(c).

SECTION 54. IC 12-10-6-5, AS AMENDED BY P.L.197-2011, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An individual who is determined under section 2.1(a)(2) of this chapter to be incapable of residing in the



individual's own home because of mental illness may be admitted to a home or facility that provides residential care to the extent that money is available for the care.

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

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

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

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

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

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

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

- (1) Diagnostic information concerning the individual's functioning level and medical and habilitation needs.
- (2) All information necessary for the use of the office of Medicaid



policy and planning, the ~~Indiana health facilities, home health care, and hospice council,~~ **state department of health**, and the division.

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

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

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

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

- (1) who is not described in 42 U.S.C. 1396a(a)(10)(A)(i); and
- (2) whose family income does not exceed the income level established in subsection (b);

is eligible to receive Medicaid.

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

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

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

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

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

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

is eligible to receive Medicaid.

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

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

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

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

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

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

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

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

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

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

(e) This section:

- (1) may not be construed to expand an advanced practice nurse's



scope of practice; and

(2) is subject to IC 25-23-1-19.4(c) and applies only if the service is included in the ~~advance~~ **advanced** practice nurse's practice agreement with a collaborating physician.

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

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

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

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

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

- (A) medical;
- (B) nursing;
- (C) mental health;
- (D) behavioral health; or
- (E) addiction treatment;

accredited college or university program;

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

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

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

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

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

SECTION 60. IC 12-15-46 IS REPEALED [EFFECTIVE UPON



PASSAGE]. (Medicaid Waivers and State Plan Amendments).

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

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

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

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

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

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

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

- ~~(1) After review by the budget committee and approval by the budget agency, from Child Care and Development Fund (CCDF) grant funding received from the United States government that is designated by the budget agency as available for funding the pilot program;~~
- ~~(2) After review by the budget committee and approval by the budget agency, from amounts reverted in a state fiscal year from funds appropriated to the divisions, departments, and bureaus administered by the office that are designated by the budget agency as available for funding the pilot program.~~

~~This subsection expires June 30, 2015.~~

~~(b) The amounts necessary to make the grants and pay the expenses~~

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of the longitudinal study under section 12 of this chapter from funds designated under subsection (a) are appropriated from the sources described in subsection (a) for the state fiscal year beginning July 1, 2014, and ending June 30, 2015; for the purposes of the pilot program.

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

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

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

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

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

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

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

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

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



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

(f) Notwithstanding IC 12-20-20-1 or any other law, if the requirements of this section are met, a township trustee and an electric service provider may do the following:

(1) A township trustee may deposit township assistance funds into a service account to create a credit balance.

(2) An electric service provider may pay a recipient's electric usage charges with the deposited township assistance funds as those electric usage charges are incurred. However, any personal funds that are present in the service account at the time the township assistance funds are deposited must be used to pay any electric usage charges first, before the use of township assistance funds.

(g) An electric service provider shall do the following:

(1) Hold any funds deposited under subsection (f)(1) in a fiduciary capacity for the township trustee. The township trustee is the beneficiary of any township assistance funds remaining:

(A) at the close of business:

(i) on the day that a service account is terminated; or

(ii) on the next business day, if the service account is terminated after the close of normal business hours; or

(B) at the close of business:

(i) on the day a request is received by the electric service provider from the township trustee for remittance of the funds; or

(ii) on the next business day, if the request for remittance occurs after the close of normal business hours.

(2) Remit any funds remaining in a service account or terminated service account not later than fifteen (15) business days after:

(A) the service account is terminated as set forth in subdivision (1)(A); or

(B) the electric service provider receives a request for remittance from the township trustee as set forth in subdivision (1)(B).

(h) For any month that:

(1) an electric service provider receives or expends township assistance funds provided by a township trustee; or

(2) a service account has a remaining balance of township assistance funds, including any balance of township assistance funds remaining in an individual service account for any prior months;



the electric service provider shall provide the township trustee with a monthly accounting statement not later than fifteen (15) business days following the last calendar day of the month. A monthly accounting statement must detail the receipt and expenditure of funds from service accounts during that month and any balances remaining in individual service accounts.

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

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

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

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

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

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

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

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

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

SECTION 66. IC 13-13-7.1-3, AS ADDED BY P.L.53-2014, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The term of a member appointed to the panel is two (2) years. However, an appointing authority may replace a member at any time during the member's term.

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Notwithstanding this section, the initial members of the panel are the members serving on the advisory compliance panel established by IC 13-13-7-2 (before its repeal) on March 15, 2014. The terms of the initial legislative members of the panel appointed under IC 13-13-7-3(b)(1) (before its repeal) and IC 13-13-7-3(b)(2) (before its repeal) expire on the earlier of the following:

- (1) The date the two (2) year appointment would have expired under IC 13-13-7-4 (before its repeal);
- (2) December 31, 2014.

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

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

- (1) a discharge results from an activity for which:
 - (A) an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or
 - (B) a modification or renewal of a permit referred to in one (1) of the sections referred to in **subdivision (1); clause (A);**

is sought; and

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

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

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

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



vehicle.

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

- (1) Twenty thousand dollars (\$20,000) for bodily injury to or death of one (1) person in any one (1) accident.
- (2) Subject to the limit for one (1) person, forty thousand dollars (\$40,000) for bodily injury to or death of at least two (2) persons in any one (1) accident.
- (3) Ten thousand dollars (\$10,000) for injury to or destruction of property of others in any one (1) accident.

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

(d) A dealer:

- (1) shall prepare an application for a certificate of title as required by IC 9-17-2-1 for a purchaser of an off-road vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles; and
- (2) may charge a processing fee for this service that may not exceed ten dollars (\$10).

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

- (1) origin from its manufacturer; or
- (2) title issued by:
 - (A) the bureau of motor vehicles or its equivalent in another state; or
 - (B) a foreign country.

SECTION 69. IC 14-22-38-4, AS AMENDED BY P.L.89-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) If a person commits an offense that involves:

- (1) unlawfully taking or possessing a deer or wild turkey;
- (2) taking or possessing a deer or wild turkey by illegal methods or with illegal devices; or
- (3) except as provided in ~~subsections~~ **subsection** (c), ~~and (d)~~; selling, offering to sell, purchasing, or offering to purchase a deer or wild turkey or a part of a deer or wild turkey;

the court may order the person to reimburse the state five hundred



dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

- (1) fails to pick up the processed deer within a reasonable time; or
- (2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

(d) In addition to being liable for the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

- (1) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or
- (2) a device used as a silencer;

commits unlawful hunting while using or possessing a silencer, a Class C misdemeanor.

SECTION 70. IC 16-18-2-112 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 112. "Emergency medical technician", for purposes of IC 16-31, means an individual who is certified under ~~this article~~ **IC 16-31** to provide basic life support at the scene of an accident, illness, or during transport.

SECTION 71. IC 16-31-3-14, AS AMENDED BY P.L.59-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify



attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under



IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder or license holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;
 - (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to



obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

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

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

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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).



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

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

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

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

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

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

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



an investigation against the person.

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

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

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

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

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

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

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

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

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

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

- (1) Is an emergency medical technician, an advanced emergency medical technician, or a paramedic.
- (2) Is employed by:
 - (A) a law enforcement agency; or
 - (B) an emergency medical services agency established by



IC 16-31-5-1 that has an agreement with a law enforcement agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 73. IC 16-34-3-2, AS AMENDED BY P.L.213-2016,

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SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A pregnant woman who has an abortion under this article has the right to determine the final disposition of the aborted fetus.

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

(1) in writing; and

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

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

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

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

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

(1) Student enrollment.

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

(3) Attendance rate.

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

(A) All state standardized assessment scores.

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

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

(5) Average class size.

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

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

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- (A) Alternative education, if offered.
- (B) Career and technical education.
- (C) Special education.
- (D) High ability.
- ~~(E) Remediation.~~
- ~~(F) (E) Limited English language proficiency.~~
- ~~(G) (F) Students receiving free or reduced price lunch under the national school lunch program.~~
- ~~(H) School flex program, if offered.~~
- (8) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) *the average* test scores for all students taking the test;
 - (ii) *the average* test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (9) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Career and technical programs.
- ~~(10) The percentage of grade 8 students enrolled in algebra I.~~
- ~~(11) (10) The percentage of graduates considered college and career ready in a manner prescribed by the state board.~~
- ~~(12) (11) School safety, including:~~
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- ~~(13) (12) Financial information and various school cost factors including the following: required to be provided to the office of management and budget under IC 20-42.5-3-5.~~
 - ~~(A) Expenditures per pupil.~~
 - ~~(B) Average teacher salary.~~
 - ~~(C) Remediation funding.~~
- ~~(14) Interdistrict and intradistrict student mobility rates, if that information is available.~~
- ~~(15) (13) The number and percentage of each of the following within the school corporation:~~



(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

~~(16)~~ (14) The percentage of grade 3 students reading at grade 3 level.

~~(17)~~ (15) The number of students expelled, *including the number participating in other recognized education programs during their expulsion*, including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(18)~~ (16) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

~~(19)~~ (17) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

~~(20)~~ (18) The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(21)~~ (19) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(22)~~ (20) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

~~(23)~~ (21) The number of student work permits revoked.

~~(24)~~ (22) The number of students receiving an international baccalaureate diploma.

(b) *Section 3(a) of this chapter does not apply to the publication of information required under this subsection.* This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). *A separate report including the information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special*



education *and must be made available on the Internet as provided in section 3(b) of this chapter.*

SECTION 75. IC 20-20-42-1, AS ADDED BY P.L.136-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "board" refers to the out of school time learning advisory board established by section 64 of this chapter.

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

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

- (1) The state superintendent or the state superintendent's designee, who serves as chairperson of the board.
- (2) The secretary of the family and social services administration or the secretary's designee.
- (3) The commissioner of the department of workforce development or the commissioner's designee.
- (4) The commissioner of the commission for higher education or the commissioner's designee.
- (5) A direct services provider appointed by the secretary of the family and social services administration.
- (6) The following individuals appointed by the state superintendent:
 - (A) A direct services provider.
 - (B) A superintendent who is nominated by a statewide association of public school superintendents.
 - (C) A principal who is nominated by a statewide association of school principals.
 - (D) A governing body member who is nominated by a statewide association of school boards.
 - (E) A teacher who is nominated by the largest statewide teachers' association.
 - (F) A teacher who is nominated by the second largest statewide teachers' association.
 - (G) A member of a statewide afterschool program network who is nominated by the network.
 - (H) A member of a statewide parents' organization who is nominated by the organization.

Additional members may be appointed by the state superintendent or



the secretary of the family and social services administration. In addition, the board may consult with other individuals who are not members of the board.

(c) The board shall meet at least two (2) times each year. The chairperson may call additional meetings.

(d) The department shall provide staff for the board.

(e) In making recommendations to the department and the general assembly, the board shall consider at least the following:

(1) Existing data and research concerning best practices for out of school **time** programs.

(2) Current and proposed future access to, quality of, and affordability of out of school **time** programs.

(3) Collaboration between agencies and coordination of existing resources.

(4) The need for out of school **time** programs to address college and career readiness and academic standards.

(5) Existing statutory and regulatory provisions and the possibility of recommending amendments to statutes and rules.

(f) The board shall make an initial report to the general assembly and the legislative council not later than November 1, 2016. The report must be in an electronic format under IC 5-14-6.

(g) This section expires June 30, 2019.

SECTION 77. IC 20-24-7-2, AS AMENDED BY P.L.119-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The department shall distribute state tuition support distributions, and in the case of an adult high school (as defined in IC 20-24-1-2.3), funding provided in the state biennial budget for adult high schools, to the organizer. The department shall make a distribution under this ~~subsection~~ **section** at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

SECTION 78. IC 20-26-5-11, AS AMENDED BY P.L.65-2016, SECTION 10, AND AS AMENDED BY P.L.106-2016, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies to:

(1) a school corporation;

(2) a charter school; and

(3) an entity:

(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees'



employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (19) An offense relating to material or a performance that is



harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

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

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

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

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

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

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

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

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of



license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

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

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

(11) Any other related matters.

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

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

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

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

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

(C) the Heimlich maneuver; and

(D) the use of an automated external defibrillator;

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

(A) the American Red Cross;

(B) the American Heart Association; or

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

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

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

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



considering suicide.

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

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

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

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

(C) the Heimlich maneuver; and

(D) the use of an automated external defibrillator;

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

(A) the American Red Cross;

(B) the American Heart Association; or

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

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

(f) The department shall periodically publish bulletins regarding:

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

(2) information on the types of licenses issued;

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

(4) other similar matters.

SECTION 80. IC 20-30-5-20, AS AMENDED BY P.L.222-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.

(b) Except as provided in subsection (e), each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

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



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

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

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

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

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

- (1) be in writing;
- (2) include the reason or reasons that necessitated the waiver request;
- (3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and
- (4) be submitted each year for the school year the school requests the waiver.

This subsection expires July 1, 2015.

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

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

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

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

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

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

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

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



board under section 2 of this chapter, shall be used to compute state tuition support distributions made in the second six (6) months of the state fiscal year.

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

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

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

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

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

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



November).

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

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

- (1) sections 1, 2, and (if applicable) 9(5) or 9(6) of this chapter; or
- (2) sections 4 ~~5~~, and (if applicable) 9(5) or 9(6) of this chapter.

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

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

- ~~(1) the amount of the total financial need of the student, as determined under the commission's rules; and~~
- ~~(2) the:~~
 - ~~(A) higher education award made under IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and IC 21-12-3-5; or~~
 - ~~(B) sum necessary to pay educational costs at the institution; whichever is smaller.~~

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

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

- (1) The receipt, disbursement, and uses of money from the fund.
- (2) The number of applications for loan repayment assistance.



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

(4) Other pertinent information requested by the commission.

SECTION 89. IC 21-18.5-4-5, AS AMENDED BY P.L.281-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. For purposes of administering this chapter, if the commission receives an offer of a gift, grant, devise, or bequest, the commission may accept a stipulation on the use of the donated funds. In this case, ~~before September 1, 2014, IC 21-12-3-11 (higher education award) and IC 21-12-4-4 (freedom of choice grant); or, after August 31, 2014,~~ the requirements under IC 21-12-1.7-3 concerning higher education awards and freedom of choice grants do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which the donor proposes to provide funds are:

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

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

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

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is



licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) ~~Assess~~ **Assessment** of a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.



(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) **Place Placement of** a practitioner on probation status and **require requirement of** the practitioner to:

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

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

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

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

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

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

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

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



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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before its amendment on July 1, 2015)**.
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
 - (A) Class D felony for a crime committed before July 1, 2014, under:
 - (i) IC 35-48-4-11, before its amendment in 2013; or
 - (ii) IC 35-48-4-11.5; or
 - (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
- (10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.



- (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
- (13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- (14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.
- (h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:
- (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 - (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 - (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
 - (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
 - (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
 - (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
 - (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
 - (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 - (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
 - (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
 - (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
 - (12) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
 - (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.
 - (14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.
- (i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.
- (j) The department may temporarily suspend a practitioner's license



under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

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

- (1) Court reporters.
- (2) Transcripts.



- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 91. IC 23-14-42.5-7, AS ADDED BY P.L.176-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to subsection (b), the cremated remains of a deceased animal of a deceased ~~record~~ owner ~~of burial rights in a burial plot~~ may be:

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

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

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

- (1) The person or entity owning the deceased animal at the time of the deceased animal's death:
 - (A) consents in writing to the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a); and
 - (B) before the scattering, placement, or interment of the cremated remains of the deceased animal is to take place, provides the written consent described in clause (A) to the owner of the cemetery in which the deceased owner's burial plot is located;



if the deceased ~~record~~ owner is not the owner of the deceased animal at the time of the deceased animal's death.

(2) The deceased owner provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a):

(A) in the deceased owner's last will and testament;

(B) in a written designation provided to a cemetery under IC 23-14-42-2; or

(C) in a funeral planning declaration executed under IC 29-2-19.

(3) If subdivision (2) does not apply, a person who has the right under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, IC 29-2-19-17, or any other applicable statute to:

(A) control the disposition of the deceased owner's remains;

(B) make arrangements for the funeral services of the deceased owner; or

(C) make other ceremonial arrangements after the deceased owner's death;

provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a).

SECTION 92. IC 24-4-20-3, AS ADDED BY P.L.195-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A **temporary** registration issued under this chapter expires not later than twenty-eight (28) days after the date on which the **temporary** registration is issued.

SECTION 93. IC 24-4-20-5, AS ADDED BY P.L.195-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A foreign entity registered under this chapter is entitled to sell precious metals bullion and currency at a trade fair or coin show in Indiana during the term of the **temporary** registration if the contract:

(1) is for the purchase of precious ~~metal~~ **metals** bullion or currency;

(2) requires physical delivery of the quantity of the precious metals bullion or currency purchased not later than twenty-eight (28) calendar days after payment in full of the purchase price; and

(3) provides for the purchaser to receive physical delivery of the quantity of precious metals bullion or currency purchased not later than twenty-eight (28) calendar days after payment in full of the purchase price.

SECTION 94. IC 24-4.5-1-301.5, AS AMENDED BY P.L.73-2016,



SECTION 5, AND AS AMENDED BY P.L.153-2016, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 301.5. In addition to definitions appearing in subsequent chapters in this article, the following definitions apply throughout this article:

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

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

the person subject to this article.

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

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

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

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

- (a) fees or premiums for title examination, title insurance, or similar purposes, including surveys;
- (b) fees for preparation of a deed, settlement statement, or other documents;
- (c) escrows for future payments of taxes and insurance;
- (d) fees for notarizing deeds and other documents;
- (e) appraisal fees; and
- (f) fees for credit reports.

(6) "Conspicuous" refers to a term or clause when it is so written that a reasonable person against whom it is to operate ought to have noticed it.

(7) "Consumer credit" means credit offered or extended to a consumer primarily for a personal, family, or household purpose.



(8) "Consumer credit sale" is a sale of goods, services, or an interest in land in which:

- (a) credit is granted by a person who regularly engages as a seller in credit transactions of the same kind;
- (b) the buyer is a person other than an organization;
- (c) the goods, services, or interest in land are purchased primarily for a personal, family, or household purpose;
- (d) either the debt is payable in installments or a credit service charge is made; and
- (e) with respect to a sale of goods or services, either:
 - (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed *fifty-three thousand five hundred dollars (\$53,500) or another the exempt threshold amount*, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
 - (ii) the debt is secured by personal property used or expected to be used as the principal dwelling of the buyer.

Unless the sale is made subject to this article by agreement (IC 24-4.5-2-601), "consumer credit sale" does not include a sale in which the seller allows the buyer to purchase goods or services pursuant to a lender credit card or similar arrangement or, except as provided with respect to disclosure (IC 24-4.5-2-301), debtors' remedies (IC 24-4.5-5-201), providing payoff amounts (IC 24-4.5-2-209), and powers and functions of the department (IC 24-4.5-6), a sale of an interest in land which is a first lien mortgage transaction.

(9) "Consumer loan" means a loan made by a person regularly engaged in the business of making loans in which:

- (a) the debtor is a person other than an organization;
- (b) the debt is primarily for a personal, family, or household purpose;
- (c) either the debt is payable in installments or a loan finance charge is made; and
- (d) either:
 - (i) the amount of credit extended, the written credit limit, or the initial advance does not exceed *fifty-three thousand five hundred dollars (\$53,500) or another the exempt threshold amount*, as adjusted in accordance with the annual adjustment of the exempt threshold amount, specified in Regulation Z (12 CFR 226.3 or 12 CFR 1026.3(b), as applicable); or
 - (ii) the debt is secured by an interest in land or by personal



property used or expected to be used as the principal dwelling of the debtor.

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

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

(11) "Creditor" means a person:

(a) who regularly engages in the extension of consumer credit that is subject to a credit service charge or loan finance charge, as applicable, or is payable by written agreement in more than four

(4) installments (not including a down payment); and

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

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

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

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

(a) condominium unit;

(b) cooperative unit;

(c) mobile home; or

(d) trailer;

that is used as a residence.

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

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

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

(18) "First lien mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

that is or will be used by the debtor primarily for personal, family, or



household purposes and that is secured by a mortgage or a land contract (or another consensual security interest equivalent to a mortgage or a land contract) that constitutes a first lien on a dwelling or on residential real estate upon which a dwelling is constructed or intended to be constructed.

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

(20) "Individual" means a natural person.

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

- (a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by the debtor;
- (b) by the lender's payment or agreement to pay the debtor's obligations; or
- (c) by the lender's purchase from the obligee of the debtor's obligations.

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

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

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

- (a) The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a mortgage transaction.
- (b) The communication with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:
 - (i) offering or negotiating loan rates or terms; or
 - (ii) counseling consumers about mortgage transaction rates or



terms.

An individual engaging solely in loan processor or underwriter activities shall not represent to the public through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(25) "Mortgage loan originator" means an individual who, for compensation or gain, or in the expectation of compensation or gain, regularly engages in taking a mortgage transaction application or in offering or negotiating the terms of a mortgage transaction that either is made under this article or under IC 24-4.4 or is made by an employee of a person licensed or exempt from licensing under this article or under IC 24-4.4, while the employee is engaging in the loan brokerage business. The term does not include the following:

(a) An individual engaged solely as a loan processor or underwriter as long as the individual works exclusively as an employee of a person licensed or exempt from licensing under this article.

(b) Unless the person or entity is compensated by:

(i) a creditor;

(ii) a loan broker;

(iii) another mortgage loan originator; or

(iv) any agent of the creditor, loan broker, or other mortgage loan originator described in items (i) through (iii);

a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law.

(c) A person solely involved in extensions of credit relating to timeshare plans (as defined in 11 U.S.C. 101(53D)).

(26) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage.

(27) "Mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

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

(28) "*Nationwide Multistate Licensing System and Registry*" (or



"Nationwide Mortgage Licensing System and Registry" or "NMLSR") means a *mortgage multistate* licensing system *developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators* owned and operated by the State Regulatory Registry, LLC, or by any successor or affiliated entity, for the licensing and registration of creditors, *and* mortgage loan originators, *and other persons in the mortgage or financial services industries. The term includes any other name or acronym that may be assigned to the system by the State Regulatory Registry, LLC, or by any successor or affiliated entity.*

(29) "Nontraditional mortgage product" means any mortgage product other than a thirty (30) year fixed rate mortgage.

(30) "Official fees" means:

- (a) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting, releasing, or satisfying a security interest related to a consumer credit sale, consumer lease, or consumer loan; or
- (b) premiums payable for insurance in lieu of perfecting a security interest otherwise required by the creditor in connection with the sale, lease, or loan, if the premium does not exceed the fees and charges described in *paragraph subdivision* (a) that would otherwise be payable.

(31) "Organization" means a corporation, a government or governmental subdivision, an agency, a trust, an estate, a partnership, a limited liability company, a cooperative, an association, a joint venture, an unincorporated organization, or any other entity, however organized.

(32) "Payable in installments" means that payment is required or permitted by written agreement to be made in more than four (4) installments not including a down payment.

(33) "Person" includes an individual or an organization.

(34) "Person related to" with respect to an individual means:

- (a) the spouse of the individual;
- (b) a brother, brother-in-law, sister, or sister-in-law of the individual;
- (c) an ancestor or lineal descendants of the individual or the individual's spouse; and
- (d) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(35) "Person related to" with respect to an organization means:

- (a) a person directly or indirectly controlling, controlled by, or



under common control with the organization;

(b) a director, an executive officer, or a manager of the organization or a person performing similar functions with respect to the organization or to a person related to the organization;

(c) the spouse of a person related to the organization; and

(d) a relative by blood or marriage of a person related to the organization who shares the same home with the person.

(36) "Presumed" or "presumption" means that the trier of fact must find the existence of the fact presumed, unless and until evidence is introduced that would support a finding of its nonexistence.

(37) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including the following:

(a) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property.

(b) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property.

(c) Negotiating, on behalf of any party, any part of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to the sale, purchase, lease, rental, or exchange of real property).

(d) Engaging in any activity for which a person is required to be registered or licensed as a real estate agent or real estate broker under any applicable law.

(e) Offering to engage in any activity, or act in any capacity, described in this subsection.

(38) "Registered mortgage loan originator" means any individual who:

(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(b) is registered with, and maintains a unique identifier through, the NMLSR.

(39) "Regularly engaged", with respect to a person who extends consumer credit, refers to a person who:

(a) extended consumer credit:

(i) more than twenty-five (25) times; or



(ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the preceding calendar year; or

(b) extends or will extend consumer credit:

(i) more than twenty-five (25) times; or

(ii) more than five (5) times for a mortgage transaction secured by a dwelling;

in the current calendar year, if the person did not meet the numerical standards described in subdivision (a) in the preceding calendar year.

(40) "Residential real estate" means any real property that is located in Indiana and on which there is located or intended to be constructed a dwelling.

(41) "Seller credit card" means an arrangement that gives to a buyer or lessee the privilege of using a credit card, letter of credit, or other credit confirmation or identification for the purpose of purchasing or leasing goods or services from that person, a person related to that person, or from that person and any other person. The term includes a card that is issued by a person, that is in the name of the seller, and that can be used by the buyer or lessee only for purchases or leases at locations of the named seller.

(42) "Subordinate lien mortgage transaction" means:

(a) a consumer loan; or

(b) a consumer credit sale;

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

(43) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

(44) "Land contract" means a contract for the sale of real estate in which the seller of the real estate retains legal title to the real estate until the total contract price is paid by the buyer.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

SECTION 95. IC 24-4.5-3-110.5, AS ADDED BY P.L.153-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 110.5. (1) "Civil proceeding", with respect to a CPAP transaction, means:

(a) a civil action;

(b) a mediation, an arbitration, or any other alternative dispute resolution proceeding; or

(c) an administrative proceeding before:

(i) an agency or instrumentality of the state; or

(ii) a political subdivision, or an agency or instrumentality of a political subdivision, of the state;

that is filed in, or is under the jurisdiction of, a court with jurisdiction



in Indiana, a tribunal in Indiana, or an agency or instrumentality described in subdivision (c) in Indiana. The term includes all proceedings arising out of or relating to the proceeding, including any proceedings on appeal or remand, and any enforcement, ancillary, or parallel proceedings.

(2) "Civil proceeding advance payment contract", or "CPAP contract", means a contract for a CPAP transaction that a CPAP provider enters into, or offers to enter into, with a consumer claimant.

(3) "Civil proceeding advance payment provider", or "CPAP provider", means a person that:

(a) enters into, or offers to enter into, a CPAP transaction with a consumer claimant in connection with a civil proceeding; and

(b) notwithstanding section 110(3) of this chapter, and subject to IC 24-12-9, is licensed with the department in accordance with this chapter and IC 24-12-9.

(4) "Consumer claimant", **with respect to a CPAP transaction**, means an individual:

(a) who is or may become a plaintiff, a claimant, or a demandant in a civil proceeding; and

(b) who:

(i) is offered a CPAP transaction by a CPAP provider; or

(ii) enters into a CPAP transaction with a CPAP provider;

regardless of whether the individual is a resident of Indiana.

(5) "Funded amount", with respect to a CPAP transaction, means the amount of money:

(a) that is provided to the consumer claimant by the CPAP provider; and

(b) the repayment of which is:

(i) required only if the consumer claimant prevails in the consumer claimant's civil proceeding; and

(ii) sourced from the proceeds of the civil proceeding, whether the proceeds result from a judgment, a settlement, or some other resolution;

regardless of the term used by the CPAP provider in the CPAP contract to identify the amount.

SECTION 96. IC 24-12-1-1, AS ADDED BY P.L.153-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following definitions apply throughout this article:

(1) "Advertise" means publishing or disseminating any written, electronic, or printed communication, or any communication by means of recorded telephone messages or transmitted on radio,



television, the Internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a CPAP transaction.

(2) "Charges" means the amount of money to be paid to a CPAP provider by or on behalf of a consumer **claimant** above the funded amount provided by or on behalf of the CPAP provider to a consumer claimant. The term includes all administrative, origination, underwriting, and other fees no matter how denominated.

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

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

~~(4)~~ (5) "Civil proceeding advance payment provider", or "CPAP provider", has the meaning set forth in IC 24-4.5-3-110.5.

~~(5)~~ (6) "Civil proceeding advance payment transaction", or "CPAP transaction", has the meaning set forth in IC 24-4.5-3-110.

~~(6)~~ (7) "Consumer claimant", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

~~(7)~~ (8) "Funded amount", with respect to a CPAP transaction, has the meaning set forth in IC 24-4.5-3-110.5.

~~(8)~~ (9) "Funding date" means the date on which the funded amount is transferred to the consumer claimant by the CPAP provider, by:

(A) personal delivery, wire, Automated Clearing House (ACH), or other electronic means; or

(B) insured, certified, or registered United States mail.

~~(9)~~ (10) "Resolution date" means the date the **funded** amount, ~~funded to the consumer claimant~~, plus the agreed upon charges, ~~are~~ is delivered to the CPAP provider.

SECTION 97. IC 24-12-3-1, AS ADDED BY P.L.153-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A CPAP provider may not do any of the following:

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

(2) Accept a commission, referral fee, rebate, or other form of consideration from an attorney, law firm, medical provider,



chiropractor, or physical therapist, or any of their employees.

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

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

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

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

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

SECTION 98. IC 25-1-1.1-2, AS AMENDED BY P.L.59-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.



- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) **(before its amendment on July 1, 2015)**.
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
 - (A) Class D felony for a crime committed before July 1, 2014, under:
 - (i) IC 35-48-4-11, before its amendment in 2013; or
 - (ii) IC 35-48-4-11.5; or
 - (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
- (10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
- (14) A sex crime under IC 35-42-4.
- (15) A felony that reflects adversely on the individual's fitness to hold a professional license.
- (16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 99. IC 25-20.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (HYPNOTISTS).

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SECTION 100. IC 25-38.1-1-12, AS AMENDED BY P.L.211-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) "Practice of veterinary medicine" means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry or any of their branches or specialties;
- (2) using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (3) accepting compensation for doing any of the things described in subdivisions (4) through (8);
- (4) providing the diagnosis, treatment, correction, or prevention of any disease, defect, injury, deformity, pain, or condition of animals;
- (5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, an application, or treatment of whatever nature for the prevention, cure, or relief of any disease, ailment, defect, injury, deformity, pain, or other condition of animals;
- (6) performing a:
 - (A) surgical or dental operation; or
 - (B) ~~complimentary~~ **complementary** or alternative therapy; upon an animal;
- (7) certifying the health, fitness, or soundness of an animal; or
- (8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.

(b) The term does not include:

- (1) administering a drug, medicine, appliance, application, or treatment that is administered at the direction and under the direct supervision of a veterinarian licensed under this article; or
- (2) equine massage therapy.

(c) As used in this section, "equine massage therapy" means a method of treating the body of a horse for remedial or hygienic purposes through techniques that:

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

Equine massage therapy does not include prescribing a drug, performing surgery, chiropractic, or acupuncture, or diagnosing a

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medical condition.

SECTION 101. IC 26-3-7-16.5, AS AMENDED BY P.L.75-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) Upon learning of the possibility that a shortage exists, either as a result of an inspection or a report or complaint from a depositor, the agency, based on an ~~on-premise~~ **on-premises** inspection, shall make a preliminary determination as to whether a shortage exists. If a shortage is not discovered, the agency shall treat the audit as it would any other audit.

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

(c) In the event that the director determines that the bond or letter of credit proceeds or cash deposit is to be distributed, the agency shall hold a hearing on claims. Notice shall be given to the surety company named on the licensee's bond, the issuer of the irrevocable letter of credit, and to all persons shown by the licensee's books and records to have interests in grain deposited with the licensee. If the agency has actual knowledge of any other depositor or person claiming rights in the grain deposited with the licensee, the bond, the irrevocable letter of credit, or the cash deposit, notice shall also be provided to that person. In addition, public notice shall be provided in newspapers of general



circulation that serve the counties in which licensed facilities are located, and notices shall be posted on the licensed premises. At the hearing on claims, the director may accept as evidence of claims the report of agency representatives who in informal conferences with depositors have concluded that a claim is directly and precisely supported by the licensee's books and records. When there is disagreement between the claims of a depositor and the licensee's books and records, the director or the director's designated representative shall hear oral claims and receive written evidence of claims in order to determine the validity of the claim.

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

(e) Following the hearing on claims, the director shall make a determination as to the total proven storage obligation of the claimants and the loss sustained by each depositor who has proven a claim. Depositors found to have proven their claims shall be proven claimants. In arriving at that loss, in accordance with section 19 of this chapter, the director shall apply all grain on hand or its identifiable proceeds to meet the licensee's obligations to grain depositors of grain of that type. Initial determinations of loss shall be made on the amount of grain on hand, or identifiable proceeds, and shall reduce the amount to which a depositor may have a proven claim. With respect to the remaining unfulfilled obligations, the director shall, for the sole purpose of establishing each depositor's claim under this chapter, establish a date upon which the loss is discovered, shall price the grain as of that date, shall treat all outstanding grain storage obligations not covered by grain on hand or identifiable proceeds as being sold as of that date, and shall determine the extent of each depositor's loss as being the actual loss sustained as of that date. Grain of a specific type on the premises of a licensee must first be applied to meet the licensee's storage obligations with respect to that type of grain. If there is insufficient grain of a specific type on hand to meet all storage obligations with respect to that type of grain, the grain that is present shall be prorated in accordance with the procedures described in this section and section 16.8 of this chapter.

(f) Upon the failure of the agency to begin an audit, which would serve as the basis for a preliminary administrative determination, within forty-five (45) days of the agency's receipt of a written claim by a depositor, a depositor shall have a right of action upon the bond, letter of credit, or cash deposit. A depositor bringing a civil action need not join other depositors. If the agency has undertaken an audit within



the forty-five (45) day period, the exclusive remedy for recovery against the bond, letter of credit, or cash deposit shall be through the recovery procedure prescribed by this section.

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

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

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

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

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

SECTION 102. IC 28-1-29-8, AS AMENDED BY P.L.73-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) An agreement between a licensee and a debtor must:

- (1) be in a written form;
- (2) be dated and signed by the licensee and the debtor;
- (3) include the name of the debtor and the address where the debtor resides;
- (4) include the name, business address, and telephone number of the licensee;
- (5) be delivered to the debtor immediately upon formation of the agreement; and
- (6) disclose the following:
 - (A) The services to be provided.
 - (B) The amount or method of determining the amount of all fees and charges, individually itemized, to be paid by the debtor.
 - (C) The schedule of payments to be made by or on behalf of the debtor, including the amount of each payment, the date on which each payment is due, and an estimate of the date of the final payment.
 - (D) If a plan provides for regular periodic payments to creditors:
 - (i) each creditor of the debtor to which payment will be



made, the amount owed to each creditor, and any concessions the licensee reasonably believes each creditor will offer; and

(ii) the schedule of expected payments to each creditor, including the amount of each payment and the date on which the payment will be made.

(E) Each creditor that the licensee believes will not participate in the plan and to which the licensee will not direct payment.

(F) The manner in which the licensee will comply with the licensee's obligations under section 9(k) of this chapter.

(G) That:

(i) the licensee may terminate the agreement for good cause, upon return of unexpended money of the debtor; and

(ii) the debtor may contact the department with any questions or complaints regarding the licensee.

(H) The address, telephone number, and Internet address or web site of the department.

(I) That the debtor has a right to terminate the agreement at any time without penalty (notwithstanding the close-out fee as permitted by section 8.3(d) of this chapter) or obligation.

(J) That the debtor authorizes any bank insured by the Federal Deposit Insurance Corporation in which the licensee or the licensee's agent has established a trust account to disclose to the department any financial records relating to the trust account.

(K) That the licensee shall notify the debtor within five (5) days after learning of a creditor's final decision to reject or withdraw from a plan under the agreement.

(b) For purposes of subsection (a)(5), delivery of an electronic record occurs when:

(1) the record is made available in a format in which the debtor may retrieve, save, and print the record; and

(2) the debtor is notified that the record is available.

(c) A debtor may exercise the debtor's right to terminate the agreement at any time without penalty (notwithstanding the close-out fee as permitted by section 8.3(d) of this chapter) or obligation, as described in subsection (a)(6)(I), by giving the licensee written or electronic notice, in which event:

(1) the licensee shall:

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



- (B) notify immediately in writing all creditors in the debt management plan of the cancellation by the contract debtor; and
- (2) all powers of attorney granted by the debtor to the licensee are revoked and ineffective.
- (d) A ~~licensee's~~ **licensee's** notice of a creditor's final decision to reject or withdraw from a plan under the agreement, as described in subsection (a)(6)(K) must include:
- (1) the identity of the creditor; and
 - (2) a statement that the debtor has the right to modify or terminate the agreement.
- (e) All creditors included in the plan must be notified of the contract debtor's and licensee's relationship.
- (f) A licensee shall give to the contract debtor a dated receipt for each payment, at the time of the payment, unless the payment is made by check, money order, or automated clearinghouse withdrawal as authorized by the contract debtor.
- (g) A licensee may not enter into an agreement with a debtor unless a thorough, written budget analysis of the debtor indicates that the debtor can reasonably meet the payments required under a proposed plan. The following must be included in the budget analysis:
- (1) Documentation and verification of all income considered. All income verification must be dated not more than sixty (60) days before the completion of the budget analysis.
 - (2) Monthly living expense figures, which must be reasonable for the particular family size and part of Indiana. If expenditure reductions are part of the planned budget for the debtor, details of the expected savings must be documented in the debtor's file and set forth in the budget provided to the debtor.
 - (3) Documentation and verification, by a current credit bureau report, current debtor account statements, or direct documentation from the creditor, of monthly debt payments and balances to be paid outside the plan.
 - (4) Documentation and verification, by a current credit bureau report, current debtor account statements, or direct documentation from the creditor, of the monthly debt payments and current balances to be paid through the plan.
 - (5) The date of the budget analysis and the signature of the debtor.
- (h) A licensee may not enter into an agreement with a debtor for a period longer than sixty (60) months.
- (i) A licensee may provide services under this chapter in the same place of business in which another business is operating, or from which



other products or services are sold, if the director issues a written determination that:

- (1) the operation of the other business; or
- (2) the sale of other products and services;

from the location in question is not contrary to the best interests of debtors.

(j) A licensee without a physical location in Indiana may:

- (1) solicit sales of; and
- (2) sell;

additional products and services to Indiana residents if the director issues a written determination that the proposed solicitation or sale is not contrary to the best interests of debtors.

(k) A licensee shall maintain a toll free communication system, staffed at a level that reasonably permits a contract debtor to speak to a counselor, debt specialist, or customer service representative, as appropriate, during ordinary business hours.

(l) A debt management company shall act in good faith in all matters under this chapter.

SECTION 103. IC 31-34-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If a court enters a dispositional decree that includes a no contact order under section ~~1(7)~~ **1(a)(7)** of this chapter:

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

SECTION 104. IC 31-34-20-6, AS AMENDED BY P.L.1-2005, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The juvenile court may emancipate a child under section ~~1(5)~~ **1(a)(5)** of this chapter if the court finds that the child:

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

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

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- (1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.
 - (2) Suspension of the following:
 - (A) The parent's or guardian's right to the control or custody of the child.
 - (B) The parent's right to the child's earnings.
 - (3) Empowering the child to consent to marriage.
 - (4) Empowering the child to consent to military enlistment.
 - (5) Empowering the child to consent to:
 - (A) medical;
 - (B) psychological;
 - (C) psychiatric;
 - (D) educational; or
 - (E) social; services.
 - (6) Empowering the child to contract.
 - (7) Empowering the child to own property.
 - (c) An emancipated child remains subject to the following:
 - (1) IC 20-33-2 concerning compulsory school attendance.
 - (2) The continuing jurisdiction of the court.
- SECTION 105. IC 31-37-19-1, AS AMENDED BY P.L.104-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:
- (1) Order supervision of the child by the probation department.
 - (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
 - (3) Remove the child from the child's home and place the child in another home or a shelter care facility, child caring institution, group home, or secure private facility. Placement under this subdivision includes authorization to control and discipline the child.
 - (4) Award wardship to a:
 - (A) person, other than the department; or
 - (B) shelter care facility.
 - (5) Partially or completely emancipate the child under section 27 of this chapter.
 - (6) Order:



- (A) the child; or
 - (B) the child's parent, guardian, or custodian;
- to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:

- ~~(A)~~ (1) approve a permanency plan for the child;
- ~~(B)~~ (2) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;
- ~~(C)~~ (3) designate responsibility for the placement and care of the child with the probation department; and
- ~~(D)~~ (4) find whether it:
 - (i) (A) serves the best interests of the child to be removed; and
 - (ii) (B) would be contrary to the health and welfare of the child for the child to remain in the home.

(c) If a dispositional decree under this section:

- (1) orders or approves removal of a child from the child's home or awards wardship of the child to a:
 - (A) person other than the department; or
 - (B) shelter care facility; and
- (2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the court shall include in the decree the appropriate findings and conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).

(d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 106. IC 31-37-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If a court enters a dispositional decree that includes a no contact order under section ~~1(7)~~ **1(a)(7)** of this chapter:

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



clerk.

SECTION 107. IC 31-37-19-27, AS AMENDED BY P.L.1-2005, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The juvenile court may emancipate a child under section ~~4(5)~~ **1(a)(5)** or 5(b)(5) of this chapter if the court finds that the child:

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

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

- (1) Suspension of the parent's or guardian's duty to support the child. In this case, the judgment of emancipation supersedes the support order of a court.
- (2) Suspension of:
 - (A) the parent's or guardian's right to the control or custody of the child; and
 - (B) the parent's right to the child's earnings.
- (3) Empowering the child to consent to marriage.
- (4) Empowering the child to consent to military enlistment.
- (5) Empowering the child to consent to:
 - (A) medical;
 - (B) psychological;
 - (C) psychiatric;
 - (D) educational; or
 - (E) social;

services.

- (6) Empowering the child to contract.
 - (7) Empowering the child to own property.
- (c) An emancipated child remains subject to:
- (1) IC 20-33-2 concerning compulsory school attendance; and
 - (2) the continuing jurisdiction of the court.

SECTION 108. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 392, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars



(\$120).

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

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).
- (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (7) A child abuse prevention fee (IC 33-37-5-12).
- (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- (9) A highway ~~work~~ worksite zone fee (IC 33-37-5-14).
- (10) A deferred prosecution fee (IC 33-37-5-17).
- (11) A document storage fee (IC 33-37-5-20).
- (12) An automated record keeping fee (IC 33-37-5-21).
- (13) A late payment fee (IC 33-37-5-22).
- (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- (15) A public defense administration fee (IC 33-37-5-21.2).
- (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- (17) A judicial salaries fee (IC 33-37-5-26).
- (18) A court administration fee (IC 33-37-5-27).
- (19) A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.



(3) The alcohol and drug services program ~~user~~ fee.

(4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) The clerk shall apply the partial payment to general court costs.

(2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.

(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 109. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss), SECTION 393, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) An alcohol and drug services program ~~user~~ fee (IC 33-37-5-8(b)).

(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).



- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).

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

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

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

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

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

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

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



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

SECTION 110. IC 33-37-4-3, AS AMENDED BY P.L.176-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

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

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

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

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

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program ~~user~~ fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

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

SECTION 111. IC 33-37-7-2, AS AMENDED BY P.L.77-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway ~~work~~ **worksite** zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

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

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under



IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

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

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

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

(g) The clerk of a circuit court shall distribute monthly to the county



auditor the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) The clerk of the circuit court shall distribute semiannually to the



auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

- (1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).
- (2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

- (1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
- (2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 112. IC 35-43-5-3, AS AMENDED BY P.L.158-2013, SECTION 470, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person who:

- (1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;
- (2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;
- (3) misapplies entrusted property, property of a governmental

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entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;

(4) knowingly or intentionally, in the regular course of business, either:

(A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or

(B) sells, offers, or displays for sale or delivers less than the represented quality or quantity of any commodity;

(5) with intent to defraud another person furnishing electricity, gas, water, telecommunication, or any other utility service, avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;

(6) with intent to defraud, misrepresents the identity of the person or another person or the identity or quality of property;

(7) with intent to defraud an owner of a coin machine, deposits a slug in that machine;

(8) with intent to enable the person or another person to deposit a slug in a coin machine, makes, possesses, or disposes of a slug;

(9) disseminates to the public an advertisement that the person knows is false, misleading, or deceptive, with intent to promote the purchase or sale of property or the acceptance of employment;

(10) with intent to defraud, misrepresents a person as being a physician licensed under IC 25-22.5;

(11) knowingly and intentionally defrauds another person furnishing cable TV service by avoiding paying compensation for that service by any scheme or device or by tampering with facilities or equipment of the person furnishing the service; or

(12) knowingly or intentionally provides false information to a governmental entity to obtain a contract from the governmental entity;

commits deception, a Class A misdemeanor. However, an offense under subdivision (12) is a Level 6 felony if the provision of false information results in financial loss to the governmental entity.

(b) In determining whether an advertisement is false, misleading, or deceptive under subsection (a)(9), there shall be considered, among other things, not only representations contained or suggested in the advertisement, by whatever means, including device or sound, but also



the extent to which the advertisement fails to reveal material facts in the light of the representations.

(c) A person who knowingly or intentionally falsely represents:

(1) any entity as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services; or

(2) an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as:

(A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or

(B) a women-owned **business** enterprise (as defined in ~~IC 5-16-6.5-3~~; **IC 5-16-6.5-3**);

in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services;

commits a Level 6 felony.

SECTION 113. IC 35-44.2-1-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 12: A person who violates driver training school requirements is subject to a civil action for an infraction under IC 5-2-6.5-15.~~

SECTION 114. IC 35-45-2-1, AS AMENDED BY P.L.168-2014, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of:

(A) causing:

(i) a dwelling, a building, or other structure; or

(ii) a vehicle;

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to be evacuated; or

(B) interfering with the occupancy of:

- (i) a dwelling, building, or other structure; or
- (ii) a vehicle;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Level 6 felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

- (i) is a law enforcement officer;
- (ii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
- (iii) is an employee of a school or school corporation;
- (iv) is a community policing volunteer;
- (v) is an employee of a court;
- (vi) is an employee of a probation department;
- (vii) is an employee of a community corrections program;
- (viii) is an employee of a hospital, church, or religious organization; or
- (ix) is a person that owns a building or structure that is open to the public or is an employee of the person;

and, except as provided in item (ii), the threat is communicated to the person because of the occupation, profession, employment status, or ownership status of the person as described in items (i) through (ix) or based on an act taken by the person within the scope of the occupation, profession, employment status, or ownership status of the person;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Level 5 felony if:

(A) while committing it, the person draws or uses a deadly weapon; or

(B) the person to whom the threat is communicated:

- (i) is a judge or bailiff of any court; or
- (ii) is a prosecuting attorney or a deputy prosecuting attorney.

(c) "Communicates" includes posting a message electronically,



including on a social networking web site (as defined in ~~IC 35-42-4-12(d)~~; **IC 35-31.5-2-307**).

(d) "Threat" means an expression, by words or action, of an intention to:

- (1) unlawfully injure the person threatened or another person, or damage property;
- (2) unlawfully subject a person to physical confinement or restraint;
- (3) commit a crime;
- (4) unlawfully withhold official action, or cause such withholding;
- (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
- (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
- (7) falsely harm the credit or business reputation of the person threatened; or
- (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

SECTION 115. IC 35-46-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The law enforcement agency with custody of a person who is sentenced to a term of imprisonment of more than ten (10) days following conviction of a crime under section 15.1 **or 15.3** of this chapter shall maintain a confidential record of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of each person that the person convicted under section 15.1 **or 15.3** of this chapter (**as appropriate**) is required to refrain from direct or indirect contact with under an order described by section 15.1 **or 15.3** of this chapter (**as appropriate**).

SECTION 116. IC 35-46-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. A person convicted of a crime under section 15.1 **or 15.3** of this chapter may not have access to the information maintained under section 16 of this chapter.

SECTION 117. IC 35-46-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The law enforcement agency having custody of a person who is sentenced to a term of imprisonment of more than ten (10) days following conviction of a crime under section 15.1 **or 15.3** of this chapter shall:

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

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

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

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

SECTION 118. IC 35-46-9-6, AS AMENDED BY P.L.26-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat while:

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

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

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

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

(3) intoxicated;

commits a Class C misdemeanor.

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

(1) the person has a previous conviction under:

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

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

(C) this chapter; or

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

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

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

SECTION 119. IC 35-48-4-5, AS AMENDED BY P.L.168-2014, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A person who:

(1) knowingly or intentionally:

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- (A) creates;
- (B) delivers; or
- (C) finances the delivery of;
a counterfeit substance; or
- (2) possesses, with intent to:
 - (A) deliver; or
 - (B) finance the delivery of;
a counterfeit substance;

commits dealing in a counterfeit substance, a Level 6 felony. However, a person may be convicted of an offense under ~~subsection (a)(2)~~ **subdivision (2)** only if there is evidence in addition to the weight of the counterfeit substance that the person intended to deliver or finance the delivery of the counterfeit substance.

SECTION 120. IC 35-48-7-11.1, AS AMENDED BY P.L.5-2016, SECTION 12, AND AS AMENDED BY P.L.82-2016, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) Information received by the INSPECT program under section 8.1 of this chapter is confidential.

(b) The board shall carry out a program to protect the confidentiality of the information described in subsection (a). The board may disclose the information to another person only under subsection (c), (d), or (g).

(c) The board may disclose confidential information described in subsection (a) to any person who is authorized to engage in receiving, processing, or storing the information.

(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

- (1) A member of the board or another governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any state or federal law that involves *ephedrine, pseudoephedrine, or a controlled substance*.
- (2) An investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general, who is engaged in:
 - (A) an investigation;
 - (B) an adjudication; or
 - (C) a prosecution;
 of a violation under any state or federal law that involves *ephedrine, pseudoephedrine, or a controlled substance*.



- (3) A law enforcement officer who is an employee of:
- (A) a local, state, or federal law enforcement agency; or
 - (B) an entity that regulates *ephedrine, pseudoephedrine, or controlled substances* or enforces *ephedrine, pseudoephedrine, or controlled substances* rules or laws in another state;
- that is certified to receive *ephedrine, pseudoephedrine, or controlled substance* prescription drug information from the INSPECT program.
- (4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.
- (5) *An ephedrine, pseudoephedrine, or a controlled substance* monitoring program in another state with which Indiana has established an interoperability agreement.
- (6) The state toxicologist.
- (7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.
- (8) A substance abuse assistance program for a licensed health care provider who:
- (A) has prescriptive authority under IC 25; and
 - (B) is participating in the assistance program.
- (9) An individual who holds a valid temporary medical permit issued under IC 25-22.5-5-4 or a temporary fellowship permit issued under IC 25-22.5-5-4.6.
- (10) *Beginning July 1, 2016, a county coroner conducting a medical investigation of the cause of death.*
- (e) Information provided to an individual under:
- (1) subsection (d)(3) is limited to information:
 - (A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and
 - (B) that will assist in an investigation or proceeding; and
 - (2) subsection (d)(4) may be released only for the purpose of:
 - (A) providing medical or pharmaceutical treatment; or
 - (B) evaluating the need for providing medical or pharmaceutical treatment to a patient.
- (f) Before the board releases confidential information under subsection (d), the applicant must be approved by the INSPECT program in a manner prescribed by the board.
- (g) The board may release to:
- (1) a member of the board or another governing body that licenses practitioners;
 - (2) an investigator for the consumer protection division of the



office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive *ephedrine, pseudoephedrine, or* controlled substance prescription drug information; and

(B) approved by the board to receive the type of information released;

confidential information generated from computer records that identifies practitioners who are prescribing or dispensing large quantities of a controlled substance.

(h) The information described in subsection (g) may not be released until it has been reviewed by:

(1) a member of the board who is licensed in the same profession as the prescribing or dispensing practitioner identified by the data;

or

(2) the board's designee;

and until that member or the designee has certified that further investigation is warranted. However, failure to comply with this subsection does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (i).

(i) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or (g) may disclose the information to a law enforcement officer or an attorney for the office of the attorney general for use as evidence in the following:

(1) A proceeding under IC 16-42-20.

(2) A proceeding under any state or federal law that involves *ephedrine, pseudoephedrine, or* a controlled substance.

(3) A criminal proceeding or a proceeding in juvenile court that involves *ephedrine, pseudoephedrine, or* a controlled substance.

(j) The board may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies any practitioner, ultimate user, or other person administering *ephedrine, pseudoephedrine, or* a controlled substance. Statistical reports compiled under this subsection are public records.

(k) Except as provided in IC 25-22.5-13, this section may not be construed to require a practitioner to obtain information about a patient from the data base.

(l) A practitioner *who checks the INSPECT program for the available data on a patient* is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner:



- (1) seeking *or not seeking* information from the INSPECT program; and
 (2) in good faith using the information for the treatment of the patient.

The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct.

(m) The board may review the records of the INSPECT program. If the board determines that a violation of the law may have occurred, the board shall notify the appropriate law enforcement agency or the relevant government body responsible for the licensure, regulation, or discipline of practitioners authorized by law to prescribe controlled substances.

(n) A practitioner who in good faith discloses information based on a report from the INSPECT program to a law enforcement agency is immune from criminal or civil liability. A practitioner that discloses information to a law enforcement agency under this subsection is presumed to have acted in good faith.

(o) *A practitioner's agent may act as a delegate and check INSPECT program reports on behalf of the practitioner.*

(p) *A patient may access a report from the INSPECT program that has been included in the patient's medical file by a practitioner.*

SECTION 121. IC 36-7-14-8, AS AMENDED BY P.L.204-2016, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on a day that is not a Saturday, a Sunday, or a legal holiday and that is their first meeting day of the year. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission. Notwithstanding any other provision of this chapter, but subject to subsection (c), the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of state laws that apply to other funds and accounts administered by the



fiscal officer. The treasurer shall report annually to the redevelopment commission before April 1.

(c) The treasurer of the redevelopment commission may disburse funds of the redevelopment commission only after the redevelopment commission allows and approves the disbursement. However, the redevelopment commission may, by rule or resolution, authorize the treasurer to make certain types of disbursements before the redevelopment commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

(1) The funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement.

(2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.

(3) The amount of the daily balance of redevelopment commission funds may not be below zero (0) at any time.

(4) The funds may not be maintained or used in a manner that is intended to avoid the ~~wavier~~ **waiver** procedures and requirements for a unit and the redevelopment commission under subsection (e).

(e) If the fiscal body of a unit determines that it is necessary to engage in short term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (d)(2). In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

(1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and

(2) an expiration date for the waiver.

If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

(f) Subsections (d) and (e) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment



commission entered into the written agreement.

(g) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(h) This subsection does not apply to a county redevelopment commission that consists of seven (7) members. Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

(i) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.

SECTION 122. IC 36-7-14-39, AS AMENDED BY P.L.184-2016, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally



determined for the assessment date immediately **preceding the effective date of the allocation** provision of the declaratory resolution, as adjusted under subsection (h); plus (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property



that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

- (1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:
 - (A) the assessed value of the property for the assessment date

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with respect to which the allocation and distribution is made;
or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected



to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 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.

(4) Except as provided in subsection (g), before June 15 of each year, the commission shall do the following:

- (A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and



interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

- (i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus
- (ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the

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allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax



proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

- (1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;
- (2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and
- (3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to



follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
 - (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
 - (B) specifically designates a particular date as the final allocation deadline.

SECTION 123. IC 36-7-15.1-3.5, AS AMENDED BY P.L.204-2016, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) The controller of the consolidated city is the fiscal officer of a commission subject to this chapter.

(b) The controller may obtain financial services on a contractual basis for purposes of carrying out the powers and duties of the commission and protecting the public interests related to the operations and funding of the commission. Subject to subsection (c), the controller has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the commission in accordance with the requirements of state law that apply to other funds and accounts administered by the controller.

(c) The controller may disburse funds of the commission only after the commission allows and approves the disbursement. However, the commission may, by rule or resolution, authorize the controller to make certain types of disbursements before the commission's allowance and approval at its next regular meeting.

- (d) The following apply to funds of the redevelopment commission:
- (1) The funds must be accounted for separately by the unit establishing the redevelopment commission and the daily balance of the funds must be maintained in a separate ledger statement.
 - (2) Except as provided in subsection (e), all funds designated as redevelopment commission funds must be accessible to the redevelopment commission at any time.
 - (3) The amount of the daily balance of redevelopment



commission funds shall be not below zero (0) at any time.

(4) The funds may not be maintained or used in a manner that is intended to avoid the ~~wavier~~ **waiver** procedures and requirements for a unit and the redevelopment commission under subsection (e).

(e) If the fiscal body of the unit determines that it is necessary to engage in short-term borrowing until the next tax collection period, the fiscal body of the unit may request approval from the redevelopment commission to waive the requirement in subsection (d)(2). In order to waive the requirement under subsection (d)(2), the fiscal body of the unit and the redevelopment commission must adopt similar resolutions that set forth:

- (1) the amount of the funds designated as redevelopment commission funds that are no longer accessible to the redevelopment commission under the waiver; and
- (2) an expiration date for the waiver.

If a loan is made to a unit from funds designated as redevelopment funds, the loan must be repaid by the unit and the funds made accessible to the redevelopment commission not later than the end of the calendar year in which the funds are received by the unit.

(f) Subsections (d) and (e) do not restrict transfers or uses by a redevelopment commission made to meet commitments under a written agreement of the redevelopment commission that was entered into before January 1, 2016, if the written agreement complied with the requirements existing under the law at the time the redevelopment commission entered into the written agreement.

SECTION 124. IC 36-7-27-13, AS AMENDED BY P.L.197-2016, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The treasurer of state shall establish an incremental income tax financing fund for the county. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) Before July 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall estimate and certify to the county auditor the amount of incremental income tax for the tax areas in the county that will be collected from that county during the twelve (12) month period beginning July 1 of that calendar year and ending June 30 of the following calendar year. The amount certified shall be deposited into the fund and shall be distributed on the dates specified in subsection (e) for the following calendar year. The amount certified may be adjusted under subsection (c) or (d).

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Taxpayers operating in the tax area shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the incremental income tax amount. A taxpayer operating in the tax area that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the tax area. If a taxpayer fails to report the information required by this section, the department shall use the best information available in calculating the amount of incremental income taxes.

(c) The department may certify to the county an amount that is greater than the estimated twelve (12) month incremental income tax collection if the department, after reviewing the recommendation of the budget agency, determines that there will be a greater amount of incremental income tax available for distribution from the fund.

(d) The department may certify an amount less than the estimated twelve (12) month incremental income tax collection if the department, after reviewing the recommendation of the budget agency, determines that a part of those collections need to be distributed during the current calendar year so that the county will receive its full certified amount for the current calendar year.

(e) The auditor of state shall disburse the certified amount to the commission in equal semiannual installments on May 31 and November 30 of each year.

(f) Money in the fund may be pledged by the commission to the following purposes:

- (1) To pay debt service on the bonds issued under section 14 of this chapter.
- (2) To pay lease rentals under section 14 of this chapter.
- (3) To establish and maintain a debt service reserve established by the commission or by a lessor that provides local public improvements to the commission.

(g) When money in the fund is sufficient when combined with other sources of payment to pay all outstanding principal and interest or lease rentals to the date on which the obligations can be redeemed on obligations of the commission for a local public improvement in the county, no additional incremental income tax for that project shall be deposited in the fund and ~~local~~ covered **local** income taxes shall be distributed as provided in IC 6-3.6-9.

SECTION 125. IC 36-7-38-2, AS ADDED BY P.L.211-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The legislative body of an eligible unit

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may adopt an ordinance:

- (1) establishing a body corporate and politic; or
- (2) directing the executive of the eligible unit to organize a nonprofit corporation under IC 23-17;

as an independent instrumentality exercising essential governmental functions. The primary purpose of an entity established under this subsection is to manage and improve the marketability of distressed real property located in the territory of the eligible unit.

(b) The legislative body shall specify the following in the ordinance:

- (1) The name of the entity.
- (2) The number of board members, subject to section 3 4 of this chapter.

(c) The territory of a land bank established by a county is all the territory of the county, except for the territory of any second class city in the county that has established a land bank.

SECTION 126. IC 36-7.5-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Northwest Indiana Regional Development Authority–Miscellaneous Study and Reporting).

SECTION 127. IC 36-8-16.7-32, AS AMENDED BY P.L.36-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (b) and (d), and subject to section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter and that provides for the proper development, operation, and maintenance of a statewide 911 system. The amount of the fee assessed under this subsection is one dollar (\$1). The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

- (1) The following apply to an increase in the fee:
 - (A) The board may increase the fee only one (1) time after June 30, 2015, and before July 1, 2020.
 - (B) The board may increase the fee only after review by the budget committee.
 - (C) If the board increases the fee, the amount of the increase must be ten cents (\$0.10).
- (2) The fee may not be lowered more than one (1) time in a calendar year.
- (3) The fee may not be lowered by an amount that is more than ten cents (\$0.10) without legislative approval.

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(b) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(c) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(d) A user is exempt from the fee if the user is any of the following:

- (1) The federal government or an agency of the federal government.
- (2) The state or an agency or instrumentality of the state.
- (3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.
- (4) A user that accesses communications service solely through a wireless data only service plan.

(e) This subsection applies to an eligible telecommunications carrier for purposes of receiving Lifeline reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. An eligible telecommunications carrier:

- (1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (d); and
- (2) with respect to communications service provided to end users by the eligible telecommunications carrier in its capacity as an eligible telecommunications carrier, is liable for the fee assessed under subsection (f).

(f) Beginning September 1, 2015, and on the first day of each month thereafter, an eligible telecommunications carrier described in subsection (e) shall pay to the board a fee equal to the product of the following factors:

- (1) The monthly statewide 911 fee established under subsection (a).
- (2) The number of unique end users for which the eligible telecommunications carrier received reimbursement from the universal service fund during the immediately preceding month.

The eligible telecommunications carrier may bill and collect from each end user the fees calculated under this subsection with respect to the end user. The eligible telecommunications carrier shall determine the manner in which the **provider eligible telecommunications carrier** bills and collects the fees. Except as provided in section 33(c) of this chapter, an eligible telecommunications carrier may not bill and collect from an end user an amount greater than the fees paid by the eligible telecommunications carrier to the board with respect to the end user.



SECTION 128. P.L.100-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 4. (a) IC 6-1.1-12-14.5, as added by this act, and ~~IC 6-1.1-12-13~~, IC 6-1.1-12-14 and IC 6-1.1-12-37, ~~and both~~ as amended by this act, apply to assessment dates after December 31, 2016.

(b) This SECTION expires January 1, 2020.

SECTION 129. [EFFECTIVE UPON PASSAGE] (a) **This act may be referred to as the "technical corrections bill of the 2017 general assembly".**

(b) **The phrase "technical corrections bill of the 2017 general assembly" may be used in the lead-in line of an act other than this act to identify provisions added, amended, or repealed by this act that are also amended or repealed in the other act.**

(c) **This SECTION expires December 31, 2017.**

SECTION 130. [EFFECTIVE UPON PASSAGE] (a) **This SECTION applies if a provision of the Indiana Code is:**

- (1) **added or amended by this act; and**
- (2) **repealed by another act without recognizing the existence of the amendment made by this act by an appropriate reference in the lead-in line of the SECTION of the other act repealing the same provision of the Indiana Code.**

(b) **As used in this SECTION, "other act" refers to an act enacted in the 2017 session of the general assembly other than this act. "Another act" has a corresponding meaning.**

(c) **Except as provided in subsections (d) and (e), a provision repealed by another act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. Except as provided in subsection (d), the lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish only the version of the Indiana Code provision that is repealed by the other act. The history line for an Indiana Code provision that is repealed by the other act must reference that act.**

(d) **This subsection applies if a provision described in subsection (a) that is added or amended by this act takes effect before the corresponding provision repeal in the other act. The lawful compilers of the Indiana Code, in publishing the provision added or amended in this act, shall publish that version of the provision and note that the provision is effective until the effective date of the corresponding provision repeal in the other act. On and after the effective date of the corresponding provision repeal in the other**



act, the provision repealed by the other act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. The lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish the version of the Indiana Code provision that is repealed by the other act, and shall note that this version of the provision is effective on the effective date of the repealed provision of the other act.

(e) If, during the same year, two (2) or more other acts repeal the same Indiana Code provision as the Indiana Code provision added or amended by this act, the lawful compilers of the Indiana Code, in publishing the Indiana Code provision, shall follow the principles set forth in this SECTION.

(f) This SECTION expires December 31, 2017.

SECTION 131. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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