



January 14, 2022

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## SENATE BILL No. 125

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DIGEST OF SB 125 (Updated January 12, 2022 4:02 pm - DI 140)

**Citations Affected:** Numerous provisions throughout the Indiana Code.

**Synopsis:** Technical corrections. Addresses technical errors in the Indiana Code, including spelling, tabulation, formatting, grammatical, and cross reference issues. Removes "empty" chapters which are no longer in use. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** Upon passage; July 1, 2022; July 1, 2023.

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January 4, 2022, read first time and referred to Committee on Judiciary.  
January 13, 2022, reported favorably — Do Pass.

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SB 125—LS 6172/DI 112





January 14, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 125

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

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

- 1 SECTION 1. IC 2-3-6 IS REPEALED [EFFECTIVE JULY 1, 2022].  
2 (Jury Duty).  
3 SECTION 2. IC 3-7-39-10, AS AMENDED BY P.L.169-2015,  
4 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2022]: Sec. 10. (a) Except as provided in section 9 of this  
6 chapter, and as required under 52 U.S.C. 20504(a)(2), the county voter  
7 registration office shall:  
8 (1) amend a voter's registration record under this chapter to reflect  
9 information stated by the voter on a registration form submitted  
10 at a license branch; and  
11 (2) if the information received from a license branch indicates  
12 that the voter has moved from Indiana to another state, send a  
13 notice to the voter as provided by IC 3-7-38.2-2.  
14 SECTION 3. IC 3-8-2-12.5 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12.5. (a) This section  
16 applies to a declaration of intent to be a write-in candidate in which the  
17 candidate states that the candidate is affiliated with the political party.

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1 (b) If a candidate claims affiliation with a political party:

2 (1) described by IC 3-8-4-1;

3 (2) of a candidate who has previously filed a petition of  
4 nomination under IC 3-8-6; or

5 (3) whose name would result in voter confusion due to its  
6 similarity with the name of a political party described in  
7 subdivision (1) or (2);

8 a registered voter of the election district may question the validity of  
9 the filing in accordance with IC 3-8-1-2. The commission or county  
10 election board shall determine the validity of the questioned filing  
11 under section 14 or section 18 of this chapter.

12 (c) Following the filing of a question under subsection (b) and not  
13 later than the deadline for resolution of a question concerning a  
14 candidacy under section 14 or section 18 of this chapter, a candidate  
15 may file a written amendment to the declaration to alter the name of the  
16 political party or to indicate that the candidate is independent.

17 (d) If:

18 (1) the commission or county election board determines that the  
19 candidate's stated party affiliation is described under subsection  
20 ~~(e)~~; **(b)**; and

21 (2) the candidate does not file an amendment under subsection  
22 ~~(d)~~; **(c)**;

23 the commission or board shall deny the filing.

24 SECTION 4. IC 4-15-11-3 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) An officer or  
26 employee of the state who is charged with a crime or infraction relating  
27 to that individual's acts as an officer or employee may apply to the  
28 budget agency for reimbursement of reasonable expenses incurred in  
29 the officer's or employee's defense against those charges if all charges  
30 have been dismissed or if the officer or employee has been found not  
31 guilty of the charges.

32 (b) An officer or employee of the state who is the target of a grand  
33 jury investigation relating to that individual's acts in carrying out the  
34 individual's responsibilities as an officer or employee of the state may  
35 apply to the ~~the~~ budget agency for reimbursement of reasonable  
36 expenses incurred by the officer or employee resulting from the grand  
37 jury investigation if the grand jury fails to indict the officer or  
38 employee.

39 (c) The budget agency may approve reimbursement of reasonable  
40 expenses under this section if:

41 (1) the officer or employee who was charged with a crime or  
42 infraction or who was the target of a grand jury investigation



1 retained counsel; and  
 2 (2) the expenses for which reimbursement is sought are  
 3 reasonable.

4 (d) Reimbursement payments approved under this section shall be  
 5 paid from the state general fund.

6 SECTION 5. IC 5-8-1-35, AS AMENDED BY P.L.169-2021,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2022]: Sec. 35. (a) When an accusation in writing, verified by  
 9 the oath of any person or in resolutions adopted by a county executive  
 10 and county fiscal body in accordance with IC 36-2-8.7, is presented to  
 11 a circuit court, superior court, or probate court, alleging that any officer  
 12 within the jurisdiction of the court has been guilty of:

- 13 (1) charging and collecting illegal fees for services rendered or to  
 14 be rendered in the officer's office;  
 15 (2) refusing or neglecting to perform the official duties pertaining  
 16 to the officer's office; ~~or~~  
 17 (3) in the case of a county officer (as defined in IC 36-2-8.7-1),  
 18 failing to be physically present in the county officer's office in  
 19 violation of IC 36-2-8.7-7; or  
 20 (4) violating IC 36-6-4-17(b) if the officer is the executive of a  
 21 township;

22 the court must cite the party charged to appear before the court at any  
 23 time not more than ten (10) nor less than five (5) days from the time the  
 24 accusation was presented, and on that day or some other subsequent  
 25 day not more than twenty (20) days from the time the accusation was  
 26 presented must proceed to hear, in a summary manner, the accusation  
 27 and evidence offered in support of the same, and the answer and  
 28 evidence offered by the party accused.

29 (b) If after the hearing under subsection (a) it appears that the  
 30 charge is sustained, the court must do the following:

- 31 (1) Enter a decree that the party accused be deprived of the party's  
 32 office.  
 33 (2) Enter a judgment as follows:  
 34 (A) For five hundred dollars (\$500) in favor of the prosecuting  
 35 officer.  
 36 (B) For costs as are allowed in civil cases.  
 37 (C) For the amount of money that was paid to the officer in  
 38 compensation from the day when the accusation was filed  
 39 under this section to the day when judgment is entered in favor  
 40 of the public entity paying the compensation to the officer.

41 (c) In an action under this section, a court may award reasonable  
 42 attorney's fees, court costs, and other reasonable expenses of litigation



1 to the accused officer if:

2 (1) the officer prevails; and

3 (2) the court finds that the accusation is frivolous or vexatious.

4 SECTION 6. IC 5-10-8-20, AS AMENDED BY P.L.114-2020,  
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2022]: Sec. 20. (a) As used in this section, "covered  
7 individual" means an individual entitled to coverage under a state  
8 employee plan.

9 (b) As used in this section, "drug" means a prescription drug.

10 (c) As used in this section, "pharmacy" refers to a pharmacist or  
11 pharmacy that has entered into an agreement with a state employee  
12 plan to provide drugs to individuals covered under a state employee  
13 plan.

14 (d) As used in this section, "state employee plan" refers to the  
15 following that provide coverage for drugs:

16 (1) A self-insurance program established under section 7(b) of  
17 this chapter to provide group health coverage.

18 (2) A contract with a prepaid health care delivery plan that is  
19 entered into or renewed under section 7(c) of this chapter.

20 The term includes a person that administers drug benefits on behalf of  
21 a state employee plan.

22 (e) A pharmacy or pharmacist shall have the right to provide a  
23 covered individual with information concerning the amount of the  
24 covered individual's cost share for a prescription drug. Neither a  
25 pharmacy nor a pharmacist shall be proscribed by a pharmacy ~~benefits~~  
26 **benefit** manager from discussing this information or from selling to the  
27 covered individual a more affordable alternative if an affordable  
28 alternative is available.

29 (f) A pharmacy ~~benefits~~ **benefit** manager that covers prescription  
30 drugs may not include a provision that requires a covered individual to  
31 make payment for a prescription drug at the point of sale in an amount  
32 that exceeds the lesser of:

33 (1) the contracted copayment amount; or

34 (2) the amount of total approved charges by the pharmacy ~~benefits~~  
35 **benefit** manager at the point of sale.

36 This subsection does not prohibit the adjudication of claims in  
37 accordance with the state employee plan administered by a pharmacy  
38 ~~benefits~~ **benefit** manager. The covered individual is not liable for any  
39 additional charges or entitled to any credits as a result of the  
40 adjudicated claim.

41 (g) The state employee plan or a pharmacy ~~benefits~~ **benefit** manager  
42 may not require a pharmacy or pharmacist to collect a higher



1 copayment for a prescription drug from a covered individual than the  
 2 state employee plan or pharmacy ~~benefits~~ **benefit** manager allows the  
 3 pharmacy or pharmacist to retain.

4 SECTION 7. IC 6-1.1-20-1.9, AS AMENDED BY P.L.109-2021,  
 5 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2022]: Sec. 1.9. (a) As used in this chapter, "registered voter"  
 7 means the following:

8 (1) In the case of a petition under section 3.1 of this chapter to  
 9 initiate a petition and remonstrance process, an individual who is  
 10 registered to vote in the political subdivision on the date the  
 11 county voter registration board makes the determination under  
 12 section 3.1(b)(8) of this chapter regarding whether persons who  
 13 signed the petition are registered voters.

14 (2) In the case of:

15 (A) a petition under section 3.2 of this chapter in favor of the  
 16 proposed debt service or lease payments; or

17 (B) a remonstrance under section 3.2 of this chapter against  
 18 the proposed debt service or lease payments;

19 an individual who is registered to vote in the political subdivision  
 20 on the date the county voter registration board makes the  
 21 determination under section 3.2(b)(5) of this chapter regarding  
 22 whether persons who signed the petition or remonstrance are  
 23 registered voters.

24 (3) In the case of a petition under section 3.5 of this chapter  
 25 requesting the application of the local public question process  
 26 under section 3.6 of this chapter concerning proposed debt service  
 27 or lease payments, an individual who is registered to vote in the  
 28 political subdivision on the date the county voter registration  
 29 board makes the determination under section 3.5(b)(8) of this  
 30 chapter regarding whether persons who signed the petition are  
 31 registered voters.

32 (b) As used in this chapter, in the case of an election on a public  
 33 question held under section 3.6 of this chapter, "eligible voter" means  
 34 an individual who:

35 (1) is eligible to vote in the election in the political subdivision in  
 36 which the public question will be held, as determined under IC 3;  
 37 and

38 (2) resides within the boundaries of the political subdivision for  
 39 which the public question is being considered.

40 The term does not include an individual who changes residence from  
 41 a location within a school corporation ~~for to~~ a location outside of the  
 42 school corporation less than thirty (30) days before an election under



1 this chapter.  
2 (c) As used in this chapter, "owner of property" means a person that  
3 owns:  
4 (1) real property;  
5 (2) a mobile home assessed as personal property, used as a  
6 principal place of residence, and receiving the standard property  
7 tax deduction under IC 6-1.1-12-37; or  
8 (3) a manufactured home assessed as personal property, used as  
9 a principal place of residence, and receiving the standard property  
10 tax deduction under IC 6-1.1-12-37.  
11 SECTION 8. IC 6-1.1-23-3 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) When a county  
13 treasurer levies upon personal property, ~~he the county treasurer~~ may:  
14 (1) take immediate possession of the property and store it in a  
15 secure place; or  
16 (2) leave the property in the custody of the delinquent taxpayer  
17 until the day of the sale.  
18 (b) If the personal property is left in the custody of the delinquent  
19 taxpayer, ~~he the delinquent taxpayer~~ shall give the county treasurer  
20 a joint and several delivery bond, with a surety acceptable to the county  
21 treasurer. The bond must be payable to this state in an amount at least  
22 equal to the sum of the delinquent taxes, penalties, and anticipated  
23 collection expenses. The state may not initiate an action on the bond if:  
24 (1) the personal property is delivered for sale at the time and place  
25 designated by the county treasurer; or  
26 (2) the obligor, before the time of the sale, pays to the county  
27 treasurer the amount of the delinquent taxes, penalties, and  
28 collection expenses.  
29 (c) The bond required by subsection (b) ~~of this section~~ shall be  
30 prepared in the following form:  
31 We, A, as principal, and B, as surety, are jointly and severally bound  
32 unto the state of Indiana in the penal sum of \_\_\_\_\_ (\_\_\_\_) on  
33 the following condition:  
34 Whereas, C, as treasurer of \_\_\_\_\_ County, has this day levied  
35 upon the following personal property, (here list such property), of the  
36 value of \_\_\_\_\_ (\_\_\_\_) to satisfy the delinquent taxes,  
37 penalties, and anticipated collection expenses for the year(s) \_\_\_\_\_  
38 due from said A. Now if A shall deliver the said personal property to  
39 C at \_\_\_\_\_ o'clock (A.M. or P.M.) of the \_\_\_\_ day of \_\_\_\_\_ ~~19~~  
40 **20** \_\_, at the place designated by C to be sold to pay the delinquent  
41 taxes, penalties, and anticipated collection expenses, then this bond  
42 shall be void, else in full force.





1 Witness our hands and  
 2 seals \_\_\_\_\_ (date) \_\_\_\_\_  
 3 \_\_\_\_\_ A \_\_\_\_\_  
 4 \_\_\_\_\_ B \_\_\_\_\_  
 5 Approved by me \_\_\_\_\_ (date) \_\_\_\_\_  
 6 \_\_\_\_\_ C \_\_\_\_\_  
 7 Treasurer of \_\_\_\_\_ County  
 8 SECTION 9. IC 6-3.6-9-19, AS ADDED BY P.L.165-2021,  
 9 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2023]: Sec. 19. Before October 1, 2023, and October 1 of each  
 11 year thereafter, the state department of revenue shall provide to each  
 12 county a report for the fiscal year ending in the calendar year of the  
 13 report. The report shall contain at least the following information:  
 14 (1) The number of returns filed by single, joint, and married filing  
 15 separate status.  
 16 (2) The number of returns ~~filed~~ **filed** by full-year **residents** and  
 17 filers who are not full-year residents.  
 18 (3) The amounts billed to county taxpayers for underpayment of  
 19 tax during the fiscal year.  
 20 (4) The amounts collected from county taxpayers for amounts  
 21 billed prior to the end of the state fiscal year ending in the  
 22 calendar year of the report.  
 23 (5) The amounts reported on the individual lines of the annual  
 24 returns filed by or for county taxpayers during the fiscal year  
 25 ending in the calendar year of the report.  
 26 If the amounts reported on one (1) or more individual returns can  
 27 reasonably identify the return information of one (1) or more county  
 28 taxpayers or can reasonably result in a disclosure not permitted under  
 29 Section 6103 of the Internal Revenue Code, the department may redact  
 30 those amounts and such other amounts necessary to prevent the  
 31 disclosure of the return information of such county taxpayers.  
 32 SECTION 10. IC 6-5.5-3-8 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. Notwithstanding any  
 34 other provision of this chapter, a taxpayer, except for a trust company  
 35 formed under IC 28-1-4 (**repealed July 1, 2022**), is not considered to  
 36 be transacting business in Indiana if the only activities of the taxpayer  
 37 in Indiana are or are in connection with any of the following:  
 38 (1) Maintaining or defending an action or suit.  
 39 (2) Filing, modifying, renewing, extending, or transferring a  
 40 mortgage, deed of trust, or security interest.  
 41 (3) Acquiring, foreclosing, or otherwise conveying property in  
 42 Indiana as a result of a default under the terms of a mortgage,



1 deed of trust, or other security instrument relating to the property.

2 (4) Selling tangible personal property, if taxation under this article  
3 is precluded by 15 U.S.C. 381 through 384.

4 (5) Owning an interest in the following types of property,  
5 including those activities within Indiana that are reasonably  
6 required to evaluate and complete the acquisition or disposition  
7 of the property, the servicing of the property or the income from  
8 the property, the collection of income from the property, or the  
9 acquisition or liquidation of collateral relating to the property:

10 (A) An interest in a real estate mortgage investment conduit,  
11 a real estate investment trust, or a regulated investment  
12 company (as those terms are defined in the Internal Revenue  
13 Code).

14 (B) An interest in a loan backed security representing  
15 ownership or participation in a pool of promissory notes or  
16 certificates of interest that provide for payments in relation to  
17 payments or reasonable projections of payments on the notes  
18 or certificates.

19 (C) An interest in a loan or other asset from which the interest  
20 is attributed in IC 6-5.5-4-4, IC 6-5.5-4-5, and IC 6-5.5-4-6  
21 and in which the payment obligations were solicited and  
22 entered into by a person that is independent and not acting on  
23 behalf of the owner.

24 (D) An interest in the right to service or collect income from  
25 a loan or other asset from which interest on the loan or other  
26 asset is attributed in IC 6-5.5-4-4, IC 6-5.5-4-5, and  
27 IC 6-5.5-4-6 and in which the payment obligations were  
28 solicited and entered into by a person that is independent and  
29 not acting on behalf of the owner.

30 (E) An amount held in an escrow or a trust account with  
31 respect to property described in this subdivision.

32 (6) Acting:

33 (A) as an executor of an estate;

34 (B) as a trustee of a benefit plan;

35 (C) as a trustee of an employees' pension, profit sharing, or  
36 other retirement plan;

37 (D) as a trustee of a testamentary or inter vivos trust or  
38 corporate indenture; or

39 (E) in any other fiduciary capacity, including holding title to  
40 real property in Indiana.

41 SECTION 11. IC 7.1-3-1.1-4, AS AMENDED BY P.L.194-2021,  
42 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2022]: Sec. 4. This section sets out the procedure for a permit  
 2 holder to request deposit of a permit or extension of a term of deposit.

3 A permit holder must do the following:

4 (1) Submit the permit holder's request for deposit or an extension  
 5 of the term of deposit to the commission in writing. A permit  
 6 holder must submit a request for extension at least sixty (60) days  
 7 before the term of deposit expires.

8 (2) To make an initial request for deposit of a permit, ~~the permit~~  
 9 ~~holder must~~ submit documentation of the following:

10 (A) The specific reasons why the business for which the  
 11 permit was issued is not immediately operational.

12 (B) A timetable for making the business and the permit active.

13 (C) A detailed statement of the permit holder's efforts to make  
 14 the business operational and the permit active.

15 (3) To request an extension of a term of deposit, appear at a  
 16 public meeting of the commission and provide to the  
 17 commission's satisfaction an explanation of the following:

18 (A) The specific reasons why the business for which the  
 19 permit was issued is not immediately operational.

20 (B) A timetable for making the business operational and the  
 21 permit active.

22 (C) A detailed statement of the permit holder's efforts to make  
 23 the business operational and the permit active.

24 (4) Submit to the commission any other documentation of the  
 25 permit holder's efforts under subdivision (3)(C), including:

26 (A) contracts for construction or renovation of the permit  
 27 premises;

28 (B) zoning applications and approvals; and

29 (C) building permits and any other necessary government  
 30 approvals.

31 (5) If the commission approves the permit holder's initial request  
 32 for deposit or request for an extension of a term of deposit, pay  
 33 any permit renewal fees that are due.

34 SECTION 12. IC 8-1-2-5.5, AS ADDED BY P.L.177-2021,  
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2022]: Sec. 5.5. (a) As used in this section, "attaching entity"  
 37 means a cable operator (as defined in 47 U.S.C. 522(5)) that seeks an  
 38 attachment, or has an attachment, to a pole.

39 (b) As used in this section, "carrying charge factor", or "ccf", refers  
 40 to the carrying charge factor, as described in subsection (i)(2)(B)(ii),  
 41 that is used in calculating a pole attachment rental fee under subsection  
 42 (i)(2)(B).

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1 (c) As used in this section, "net bare pole cost", or "nbp", refers to  
 2 the average net cost of a bare pole to the pole owner, as described in  
 3 subsection (i)(2)(B)(iii), that is used in calculating a pole attachment  
 4 rental fee under subsection (i)(2)(B).

5 (d) As used in this section, "pole" refers to an electric distribution  
 6 pole.

7 (e) As used in this section, "pole owner" means a:

8 (1) corporation organized under IC 8-1-13;

9 (2) corporation organized under IC 23-17 that is an electric  
 10 cooperative and that has at least one (1) member that is a  
 11 corporation organized under IC 8-1-13; or

12 (3) municipality providing electric service;

13 that owns or controls one (1) or more poles.

14 (f) As used in this section, "space allocation factor", or "saf", with  
 15 respect to a pole, means the quotient of:

16 (1) the space on the pole occupied by an attaching entity; divided  
 17 by

18 (2) the usable space on the pole;

19 as described in subsection (i)(2)(B)(i), that is used in calculating a pole  
 20 attachment rental fee under subsection (i)(2)(B).

21 (g) Subject to subsections (h) through (s), a pole owner shall permit  
 22 attachments by attaching entities to the poles owned or controlled by  
 23 the pole owner.

24 (h) A rate, term, or condition imposed by a pole owner for access to  
 25 poles owned or controlled by the pole owner:

26 (1) must be nondiscriminatory, just, and reasonable; and

27 (2) must not favor:

28 (A) the pole owner or an affiliate of the pole owner; or

29 (B) any other entity with facilities attached to the pole.

30 (i) Any pole attachment rental fee imposed by a pole owner for  
 31 access to poles owned or controlled by the pole owner:

32 (1) must be calculated on an annual, per-pole basis; and

33 (2) is considered to provide reasonable compensation and to be  
 34 nondiscriminatory, just, and reasonable if the fee:

35 (A) is agreed upon by the parties; or

36 (B) is not greater than the fee that would apply if the pole  
 37 attachment rental fee were calculated by multiplying the  
 38 following factors:

39 (i) Subject to subsection (j), the percentage of the total  
 40 usable space that is occupied by the pole attachment.

41 (ii) The sum of the pole owner's annual administrative,  
 42 maintenance, and depreciation expenses, plus cost of debt.



- 1 (iii) The net bare pole cost.  
 2 Expressed mathematically:  
 3 (saf) times (ccf) times (nbp)  
 4 (j) For purposes of determining the percentage of a pole's usable  
 5 space that is occupied by a pole attachment under subsection  
 6 (i)(2)(B)(i):  
 7 (1) the usable space is presumed to be sixteen (16) feet, based on  
 8 an average pole height of forty (40) feet; and  
 9 (2) the pole attachment is presumed to occupy two (2) feet of  
 10 usable space;  
 11 resulting in a space allocation factor of twelve and one-half percent  
 12 (12.5%).  
 13 (k) If an attaching entity and a pole owner fail to agree upon:  
 14 (1) access to poles owned or controlled by the pole owner; or  
 15 (2) the rates, terms, and conditions for attachment to poles owned  
 16 or controlled by the pole owner;  
 17 the attaching entity may apply to the commission for a determination  
 18 of the matter.  
 19 (l) Upon receiving a request for a determination under subsection  
 20 (k), the commission shall:  
 21 (1) proceed to determine whether:  
 22 (A) the denial of access to one (1) or more poles was unlawful;  
 23 or  
 24 (B) the rates, terms, and conditions complained of were not  
 25 just and reasonable as determined under subsection (i)(2)(B);  
 26 as applicable; and  
 27 (2) issue an order:  
 28 (A) directing that access to the poles at issue be permitted; and  
 29 (B) prescribing for such access such rates, terms, conditions,  
 30 and compensations that:  
 31 (i) are reasonable; and  
 32 (ii) comply with subsections (h) and (i).  
 33 (m) In any case in which the commission issues an order under  
 34 subsection (l):  
 35 (1) the access ordered by the commission under subsection  
 36 (l)(2)(A) shall be permitted by the pole owner; and  
 37 (2) the rates, terms, conditions, and compensations prescribed by  
 38 the commission under subsection (l)(2)(B) shall be observed,  
 39 followed, and paid by the parties, as applicable;  
 40 subject to recourse to the courts upon the complaint of any interested  
 41 party as provided in this chapter and in IC 8-1-3. Any order of the  
 42 commission under subsection (l) may be revised by the commission



1 from time to time upon application of any interested party or upon the  
2 commission's own motion.

3 (n) Any attachment to a pole may only be made with the written  
4 permission of the pole owner. If a contract does not exist between a  
5 pole owner and an attaching entity at the time an attachment is made,  
6 an attaching entity that violates this subsection shall pay a fine of five  
7 hundred dollars (\$500) for each pole on which an unauthorized  
8 attachment is made.

9 (o) An attachment to a utility pole made without notification to the  
10 pole owner and without the pole owner's written authorization, as  
11 required by subsection (n), is considered to have been made on:

12 (1) the date of the most recent survey; **or**

13 (2) the date that is five (5) years before the date of first discovery  
14 of the unauthorized attachment by the pole owner;

15 whichever date is more recent. However, if the unauthorized pole  
16 attachment is discovered by survey, the unauthorized attachment is  
17 considered to have been made on the date of that survey.

18 (p) A pole owner's acceptance of payment for unauthorized pole  
19 attachments does not constitute a waiver of any other rights or remedies  
20 under an existing agreement or under any law.

21 (q) An attaching entity that has been given written permission from  
22 a pole owner for an attachment to the pole owner's pole is responsible  
23 for transferring the attachment not later than ninety (90) days after  
24 receiving written notice from the pole owner to do so. If:

25 (1) after the expiration of the ninety (90) day period described in  
26 this subsection; or

27 (2) after having been given as much notice as possible, in the case  
28 of an emergency;

29 the attaching entity has failed to rearrange or transfer the attaching  
30 entity's system, or an applicable portion of that system, the pole owner  
31 may rearrange the system or portion of the system, transfer the system  
32 or portion of the system to one (1) or more substituted poles, or relocate  
33 the system or portion of the system, and the attaching entity shall  
34 reimburse the pole owner for the pole owner's costs in doing so.  
35 However, this section does not relieve the attaching entity from  
36 maintaining adequate workforces readily at hand to handle the  
37 rearrangement, repair, service, or maintenance of the attaching entity's  
38 attached system, or any portions of that system, in the event that the  
39 condition of the attached system, or any portion of the system, hinders  
40 the pole owner's operations.

41 (r) An attaching entity is primarily responsible for:

42 (1) scheduling; and



1 (2) coordinating directly with all other users of a pole;  
 2 all relocations required as part of any project of the attaching entity.  
 3 The pole owner shall assist in coordinating the relocation of the  
 4 attaching entity's attachments or of other attachments to the pole  
 5 owner's poles whenever the relocation is caused by any project of the  
 6 attaching entity. The attaching entity shall indemnify and hold harmless  
 7 the pole owner from any loss or liability that is incurred or claimed by  
 8 the attaching entity or the attaching entity's contractor, and that arises  
 9 from or is related to the failure of the pole owner to timely relocate a  
 10 pole if that same attaching entity has not timely removed its attachment  
 11 from the pole owner's pole.

12 (s) To the extent any provision set forth in this section conflicts with  
 13 a provision in a contract in effect on July 1, 2021, the provision in the  
 14 contract controls unless otherwise agreed to by the attaching entity and  
 15 the pole owner.

16 SECTION 13. IC 8-1-2.6-4, AS AMENDED BY P.L.177-2021,  
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2022]: Sec. 4. (a) As used in this section, "committee" means  
 19 the interim study committee on energy, utilities, and  
 20 telecommunications established by IC 2-5-1.3-4.

21 (b) The commission shall, by July 1 of each year, report to the  
 22 committee in an electronic format under IC 5-14-6 on the following:

23 (1) The effects of competition and technological change on  
 24 universal service and on pricing of all telecommunications  
 25 services offered in Indiana.

26 (2) The status of competition and technological change in the  
 27 provision of video service (as defined in IC 8-1-34-14) available  
 28 to Indiana customers, as including the following information:

29 (A) The number of multichannel video programming  
 30 distributors offering video service to Indiana customers.

31 (B) The technologies used to provide video service to Indiana  
 32 customers.

33 (C) The advertised programming and pricing options offered  
 34 by video service providers to Indiana customers.

35 (3) Best practices concerning vertical location of underground  
 36 facilities for purposes of IC 8-1-26. A report under this  
 37 subdivision must address the viability and economic feasibility of  
 38 technologies used to vertically locate underground facilities.

39 (c) In addition to reviewing the commission report prepared under  
 40 subsection (b), the committee may also issue a report and  
 41 recommendations to the legislative council by November 1 of each year  
 42 that is based on a review of the following issues:

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- 1 (1) The effects of competition and technological change in the
- 2 telecommunications industry and impact of competition on
- 3 available subsidies used to maintain universal service.
- 4 (2) The status of modernization of the publicly available
- 5 telecommunications infrastructure in Indiana and the incentives
- 6 required to further enhance this infrastructure.
- 7 (3) The effects on economic development and educational
- 8 opportunities of the modernization described in subdivision (2).
- 9 (4) The current methods of regulating providers, at both the
- 10 federal and state levels, and the effectiveness of the methods.
- 11 (5) The economic and social effectiveness of current
- 12 telecommunications service pricing.
- 13 (6) All other telecommunications issues the committee deems
- 14 appropriate.

15 The report and recommendations issued under this subsection to the  
 16 legislative council must be in an electronic format under IC 5-14-6.

17 (d) The committee shall, with the approval of the commission, retain  
 18 the independent consultants the committee considers appropriate to  
 19 assist the committee in the review and study. The expenses for the  
 20 consultants shall be paid by the commission.

21 SECTION 14. IC 8-1-32.3-15, AS AMENDED BY P.L.177-2021,  
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2022]: Sec. 15. (a) This chapter applies to permits issued by  
 24 a permit authority to a communications service provider, under local  
 25 law and consistent with IC 36-7, for the following:

- 26 (1) Construction of a new wireless support structure.
- 27 (2) Substantial modification of a wireless support structure.
- 28 (3) Collocation of wireless facilities on an existing structure.
- 29 (4) Construction, placement, and use of small cell facilities.

30 (b) A permit authority may not require an application or a permit  
 31 for, or charge fees for, any of the following:

- 32 (1) The routine maintenance of wireless facilities.
- 33 (2) The replacement of wireless facilities with wireless facilities  
 34 that are:  
 35 (A) substantially similar to; or  
 36 (B) the same size or smaller than;  
 37 the wireless facilities being replaced.

38 (3) The installation, placement, maintenance, or replacement of  
 39 micro wireless facilities that are suspended on cables strung  
 40 between existing utility poles in compliance with applicable codes  
 41 by a communications service provider that is authorized to use the  
 42 public rights-of-way. For purposes of this subdivision, "applicable





- 1 codes" means uniform building, fire, electrical, plumbing, or  
 2 mechanical codes that are:  
 3 (A) adopted by a recognized national code organization; and  
 4 (B) enacted solely to address imminent threats of destruction  
 5 of property or injury to persons;  
 6 including any local amendments to those codes.
- 7 (c) With respect to the construction, placement, or use of a small  
 8 cell facility and the associated supporting structure, a permit authority  
 9 may prohibit the placement of a new utility pole or a new wireless  
 10 support structure in a right-of-way within an area that is designated  
 11 strictly for underground or buried utilities, if all of the following apply:  
 12 (1) The area is designated strictly for underground or buried  
 13 utilities before May 1, 2017.  
 14 (2) No above ground:  
 15 (A) wireless support structure;  
 16 (B) utility pole; or  
 17 (C) other utility superstructure;  
 18 other than light poles or small cell facilities approved as part of a  
 19 waiver process described in subdivision (3)(C), exists in the area.  
 20 (3) The permit authority does all of the following:  
 21 (A) Allows the collocation of small cell facilities on existing:  
 22 (i) utility poles;  
 23 (ii) light poles; and  
 24 (iii) wireless support structures;  
 25 as a permitted use within the area.  
 26 (B) Allows the replacement or improvement of existing:  
 27 (i) utility poles;  
 28 (ii) light poles; and  
 29 (iii) wireless support structures;  
 30 as a permitted use within the area.  
 31 (C) Provides:  
 32 (i) a waiver;  
 33 (ii) a zoning process; or  
 34 (iii) another procedure;  
 35 that addresses requests to install new utility poles or new  
 36 wireless support structures within the area.  
 37 (D) Upon receipt of an application for the construction,  
 38 placement, or use of a small cell facility on one (1) or more  
 39 new utility poles or one (1) or more new wireless support  
 40 structures in an area that is designated strictly for underground  
 41 or buried utilities, posts notice of the application on the permit  
 42 authority's Internet web site, if the permit authority maintains



1 an Internet web site. The notice of the application required by  
 2 this clause must include a statement indicating that the  
 3 application is available to the public upon request.

4 (4) The prohibition or other restrictions with respect to the  
 5 placement of new utility poles or new wireless support structures  
 6 within the area are applied in a nondiscriminatory manner.

7 (5) The area is zoned strictly for residential land use before May  
 8 1, 2017.

9 (d) With respect to applications for the placement of one (1) or more  
 10 small cell facilities in an area that is zoned strictly for residential land  
 11 use, and that is designated strictly for underground or buried utilities,  
 12 a permit authority shall allow a neighborhood association or a  
 13 homeowners association to register with the permit authority to:

14 (1) receive notice; and

15 (2) request that homeowners within the jurisdiction of the  
 16 neighborhood association or homeowners association receive  
 17 notice;

18 by United States mail or by electronic mail of any application filed with  
 19 the permit authority for a permitted use described in subsection  
 20 (c)(3)(A) or (c)(3)(B) or for the construction, placement, or use of a  
 21 small cell facility on one (1) or more new utility poles or one (1) or  
 22 more new wireless support structures in an area that is designated  
 23 strictly for underground or buried utilities and that is within the  
 24 jurisdiction of the neighborhood association or homeowners  
 25 association. If the permit authority maintains an Internet web site, the  
 26 permit authority shall post on the permit authority's Internet web site  
 27 instructions for how a neighborhood association or homeowners  
 28 association may register to receive notice under this subsection. A  
 29 permit authority that receives a request under subdivision (2) may  
 30 agree to provide notice to homeowners regarding a project for which  
 31 applications described in this subsection have been filed with the  
 32 permit authority, but not provide notice to homeowners regarding each  
 33 permit application filed with the permit authority with respect to the  
 34 project. A permit authority that receives a request under subdivision (2)  
 35 may agree to provide notice only to certain homeowners. A permit  
 36 authority may require a neighborhood association, homeowners  
 37 association, or homeowner to pay the cost of postage associated with  
 38 the mailed provision of notice to the neighborhood association,  
 39 homeowners association, or homeowner under this subsection. A  
 40 permit authority that chooses to provide mailed notice under this  
 41 subsection at its own cost may choose to pass those costs along to a  
 42 permit applicant. Any mailing costs passed through to an applicant



1 under this subsection are not in addition to the application fee, and  
 2 shall not increase the application fee beyond the limit set forth in  
 3 section 26(a)(3) of this chapter. A permit authority may not pass  
 4 through to an applicant any costs for notices provided electronically.

5 (e) This subsection does not apply to an application for a permitted  
 6 use described in subsection (c)(3)(A) or (c)(3)(B). With respect to an  
 7 area that is designated strictly for underground or buried utilities in  
 8 accordance with subsection (c), to establish the standards that will  
 9 apply in a waiver, zoning process, or other procedure described in  
 10 subsection (c)(3)(C), a permit authority may collaborate with a  
 11 neighborhood association or a homeowners association on the preferred  
 12 location and reasonable aesthetics of new utility poles or new wireless  
 13 support structures added within the jurisdiction of the neighborhood  
 14 association or homeowners association. For purposes of this  
 15 subsection, a permit authority is considered to have collaborated with  
 16 a neighborhood association or a homeowners association if the permit  
 17 authority adopts neighborhood specific guidelines after providing  
 18 notice and allowing public comment on the proposed guidelines. A  
 19 permit authority must comply with any guidelines adopted under this  
 20 subsection with respect to a particular application for a permit if:

- 21 (1) the guidelines have been adopted and published before the
- 22 filing of the application in a manner consistent with this
- 23 subsection;
- 24 (2) subject to subsection (f), compliance with the guidelines is
- 25 technically feasible and cost-efficient, as determined by the
- 26 applicant; and
- 27 (3) compliance with the guidelines does not result in a prohibition
- 28 of the applicant's service or an effective prohibition of the
- 29 applicant's service.

30 A permit authority that elects not to collaborate with a neighborhood  
 31 association or a homeowners association to adopt neighborhood  
 32 specific guidelines under this subsection is not precluded from using  
 33 the waiver, zoning process, or other procedure described in subsection  
 34 (c)(3)(C) with respect to any application to place one (1) or more new  
 35 utility poles or new wireless support structures within the jurisdiction  
 36 of the neighborhood association or homeowners association.

37 (f) In demonstrating that compliance with guidelines adopted by a  
 38 permit authority under subsection (e) is not technically feasible under  
 39 subsection (e)(2), a permit applicant may not be required to submit  
 40 information about the need for a small cell facility or the associated  
 41 wireless support structure, including:

- 42 (1) information about additional wireless coverage or capacity, or



1 increased wireless speeds;  
 2 (2) propagation maps or telecommunications traffic studies; or  
 3 (3) information about the permit applicant's business decisions  
 4 with respect to:  
 5 (A) service;  
 6 (B) customer demand; or  
 7 (C) quality of service;  
 8 to or from a particular area or site.  
 9 (g) Subject to section 26(b) of this chapter, with respect to the  
 10 construction, placement, or use of a small cell facility and the  
 11 associated supporting structure within an area:  
 12 (1) designated as a historic preservation district under IC 36-7-11;  
 13 (2) designated as a historic preservation area under IC 36-7-11.1;  
 14 or  
 15 (3) that is subject to the jurisdiction of the Meridian Street  
 16 preservation commission under IC 36-7-11.2;  
 17 a permit authority may apply any generally applicable procedures that  
 18 require applicants to obtain a certificate of appropriateness.  
 19 (h) An applicant for the placement of a small cell facility and an  
 20 associated supporting structure shall comply with applicable:  
 21 (1) Federal Communications Commission requirements; and  
 22 (2) industry standards;  
 23 for identifying the owner's name and contact information.  
 24 (i) A resolution, ordinance, or other regulation:  
 25 (1) adopted by a permit authority after April 14, 2017, and before  
 26 May 2, 2017; and  
 27 (2) that designates an area within the jurisdiction of the permit  
 28 authority as strictly for underground or buried utilities;  
 29 applies only to communications service providers and those geographic  
 30 areas that are zoned residential and where all existing utility  
 31 infrastructure is already buried.  
 32 (j) Nothing in this section extends the time periods set forth in  
 33 section 20 of this ~~section~~ **chapter**.  
 34 SECTION 15. IC 8-1-40.5-12, AS ADDED BY P.L.80-2021,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2022]: Sec. 12. (a) The interest of an assignee in securitization  
 37 property and in securitization charges is not subject to setoff,  
 38 counterclaim, surcharge, or defense by the electric utility or any other  
 39 person, or in connection with the bankruptcy of the electric utility or  
 40 any other person. A financing order remains in effect and unabated  
 41 notwithstanding the bankruptcy of the electric utility, its successors, or  
 42 assignees.



1 (b) A financing order must include terms ensuring that the  
 2 securitization charges authorized under the order are nonbypassable  
 3 charges that are payable by all customers and customer classes of the  
 4 electric utility, including any customer that:

5 (1) is participating in:

6 (A) a net metering program under 170 IAC 4-4.2;

7 (B) a distributed generation program under IC 8-1-40; or

8 (C) a feed-in-tariff program;

9 offered by the electric utility; or

10 (2) supplies at least part of the customer's own electricity demand.

11 (c) A financing order must include a mechanism requiring that  
 12 securitization charges be reviewed and adjusted by the commission at  
 13 least annually. Each year, not earlier than forty-five (45) days before  
 14 the anniversary date of the issuance of securitization bonds under the  
 15 financing order, and not later than the anniversary date of the issuance  
 16 of the securitization bonds, the electric utility shall submit to the  
 17 commission an application to do the following:

18 (1) Correct any ~~over collections~~ **overcollections** or ~~under~~  
 19 ~~collections~~ **undercollections** of securitization charges during the  
 20 twelve (12) months preceding the date of the filing of the electric  
 21 utility's application under this section. For the first annual review  
 22 under this section, the electric utility shall correct for any ~~over~~  
 23 ~~collections~~ **overcollections** or ~~under collections~~ **undercollections**  
 24 of securitization charges during those months:

25 (A) that precede the date of the filing of the electric utility's  
 26 application under this section; and

27 (B) in which securitization charges were collected.

28 (2) Ensure, through proposed securitization charges, as set forth  
 29 by the electric utility in the application, the expected recovery of  
 30 amounts sufficient to timely provide all payments of debt service  
 31 and other required amounts and charges in connection with the  
 32 securitization bonds.

33 The commission shall review the application, including the electric  
 34 utility's proposed securitization charges. The review of the filing must  
 35 be limited to determining whether the application contains any  
 36 mathematical or clerical errors in the application of the formula-based  
 37 mechanism relating to the appropriate amount of any overcollection or  
 38 undercollection of the securitization charges and the amount of an  
 39 adjustment. If the proposed securitization charges have been  
 40 appropriately calculated, the commission shall issue an order approving  
 41 the application and the proposed securitization charges not later than  
 42 forty-five (45) days after the filing of the application. The commission



1 shall approve any revisions to securitization charges under this  
 2 subsection without conducting an evidentiary hearing. At any time  
 3 during a calendar year, an electric utility may, on its own initiative, file  
 4 an application with the commission under this section as the electric  
 5 utility may determine to be necessary to meet the requirements set forth  
 6 in subdivisions (1) and (2). The commission shall review any  
 7 application filed by an electric utility outside of the annual review  
 8 schedule, including the electric utility's proposed securitization  
 9 charges, and if the proposed securitization charges have been  
 10 appropriately calculated issue an order approving the application and  
 11 the proposed securitization charges not later than forty-five (45) days  
 12 after the filing of the application.

13 (d) A financing order must provide that:

14 (1) any difference between:

15 (A) qualified costs approved by the commission in the  
 16 financing order; and

17 (B) the electric utility's qualified costs at the time an electric  
 18 generation facility is retired;

19 shall be accounted for by the electric utility as a regulatory asset  
 20 or liability;

21 (2) an electric utility that ultimately incurs costs of removal and  
 22 restoration greater than the amount estimated at the time an  
 23 electric generation facility is retired may seek recovery of such  
 24 incremental costs through rates; and

25 (3) the commission may approve recovery of incremental costs  
 26 under subdivision (2) if the commission finds the costs just and  
 27 reasonable.

28 SECTION 16. IC 9-21-11.5-1, AS ADDED BY P.L.15-2021,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2022]: Sec. 1. As used in this chapter, "agent" refers to a  
 31 person who is charged with the responsibility of navigating and  
 32 operating a personal delivery device. The term does not include **the**  
 33 **following:**

34 (1) A person who requests or receives the services of a personal  
 35 delivery device for the purpose of transporting property.

36 (2) A person who only arranges for and dispatches the requested  
 37 services of a personal delivery device.

38 SECTION 17. IC 12-9.1-5-2, AS ADDED BY P.L.36-2021,  
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2022]: Sec. 2. (a) The dementia strategic plan must include  
 41 the following:

42 (1) Proposed state actions.



- 1 (2) Implementation steps.
- 2 (3) Recommendations to carry out the purposes of the plan.
- 3 (b) The dementia strategic plan must do the following:
- 4 (1) Assess Indiana's current and future status concerning
- 5 dementia, including the following:
- 6 (A) Determine Indiana trends concerning the diagnosis of
- 7 dementia, and the current and future economic cost on Indiana.
- 8 (B) Evaluate the services, resources, and care available to
- 9 address the needs of individuals with dementia, and their
- 10 families and caregivers.
- 11 (C) Identify methods to reduce the financial costs of dementia
- 12 care while improving care and services in Indiana.
- 13 (2) Identify strategies to increase awareness of dementia,
- 14 including the following:
- 15 (A) Educate health care providers:
- 16 (i) on the importance of early detection and diagnosis of
- 17 Alzheimer's disease and dementia;
- 18 (ii) on the importance of an annual wellness visit for
- 19 cognitive health; and
- 20 (iii) ~~of~~ **on** Medicare having a billing code for individuals
- 21 with cognitive impairment.
- 22 (B) Promote culturally appropriate public health campaigns to
- 23 increase understanding and awareness of early warning
- 24 symptoms of dementia, and the value of early detection and
- 25 diagnosis.
- 26 (C) Incorporate messages on brain health, including how to
- 27 reduce the risk of cognitive decline, in existing public health
- 28 campaigns and in diverse community settings where there is
- 29 a greater risk of developing dementia.
- 30 (3) Identify strategies to enhance Indiana's dementia based
- 31 workforce, including the following:
- 32 (A) Analyze dementia specific training requirements for paid
- 33 professionals engaged in the care of individuals with dementia
- 34 in institutions and home and community based settings.
- 35 (B) Increase the number of individuals pursuing careers in
- 36 dementia care and geriatric occupations to meet future state
- 37 needs.
- 38 (C) Enhance the capacity of adult protective services workers
- 39 and law enforcement to properly respond to individuals with
- 40 dementia.
- 41 (4) Identify strategies to increase access to home and community
- 42 based services for individuals with dementia, including the



- 1 following:
- 2 (A) Identify the type, cost, and variety of dementia services in
- 3 Indiana.
- 4 (B) Assess capacity and access to adult day care, respite care,
- 5 assisted living, and long term care services.
- 6 (C) Identify methods to expand Indiana's health care system
- 7 capacity to meet the growing number and needs of individuals
- 8 with Alzheimer's disease and dementia.
- 9 (5) Identify strategies to enhance the quality of care for
- 10 individuals with dementia, including the following:
- 11 (A) Assess quality care measures for long term care facilities,
- 12 assisted living facilities, and residential programs available to
- 13 care for individuals with dementia.
- 14 (B) Uncover any existing gaps in dementia services and
- 15 determine a plan to cover the gap in service.
- 16 (C) Identify methods to improve dementia services provided
- 17 in home and community based settings.
- 18 (6) Recommend strategies to decrease health disparities
- 19 concerning dementia in ethnic and racial populations in Indiana.
- 20 (7) Identify and increase state based support for Alzheimer's
- 21 disease research through Indiana universities and other resources.
- 22 (8) Identify needed state policies or actions to act upon findings
- 23 under this section and implement the recommendations of the
- 24 plan, setting forth a time frame for implementation.
- 25 SECTION 18. IC 12-15-1.3-22, AS ADDED BY P.L.196-2021,
- 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2022]: Sec. 22. (a) Before September 1, 2021, the office must
- 28 apply to the United States Department of Health and Human Services
- 29 for a state plan amendment that:
- 30 (1) provides for establishment of the long term care partnership
- 31 program as described in IC 12-15-39.8;
- 32 (2) provides that the long term care program established under
- 33 IC 12-15-39.6 shall be discontinued on the date on which the long
- 34 term care partnership program described in IC 12-15-39.8 is fully
- 35 implemented; and
- 36 (3) ensures, with the explicit concurrence of the United States
- 37 Department of Health and Human Services, that an individual
- 38 who purchased a qualified long term care policy (as defined in
- 39 IC 12-15-39.6-5) before the discontinuance of the long term care
- 40 program established under IC 12-15-39.6 shall be eligible for an
- 41 asset disregard under IC 12-15-39.6-10:
- 42 (A) notwithstanding the discontinuance of the long term care





- 1 program, as provided in IC 12-15-39.6-12; and  
 2 (B) even though a qualified long term care policy (as defined  
 3 in IC 12-15-39.6-5):  
 4 (i) was issued before the date of the state plan amendment  
 5 requested under this subsection;  
 6 (ii) is not tax qualified; and  
 7 (iii) does not meet the standards of Section 6021 of the  
 8 federal Deficit Reduction Act (P.L.109-171).
- 9 (b) If the office receives approval for the state plan amendment  
 10 described in subsection (a):  
 11 (1) the office shall implement the state plan amendment not later  
 12 than sixty (60) days after the state plan amendment is approved;  
 13 and  
 14 (2) the office shall publish in the Indiana Register under  
 15 IC 4-22-7-7 a statement:  
 16 (A) announcing that the state plan amendment described in  
 17 subsection (a) has been approved by the United States  
 18 Department of Health and Human Services; and  
 19 (B) setting forth the date on which:  
 20 (i) the office will fully implement the state plan amendment  
 21 under ~~subsection (b)(1)~~; **subdivision (1)**; and  
 22 (ii) the long term care program established under  
 23 IC 12-15-39.6 will be discontinued.
- 24 (c) If the office does not receive approval for a state plan  
 25 amendment described in subsection (a):  
 26 (1) the office shall take no action under subsection (b); and  
 27 (2) the office and the department of insurance:  
 28 (A) shall study:  
 29 (i) the long term care program established under  
 30 IC 12-15-39.6, including the affordability and cost  
 31 effectiveness of the program for individuals who purchase  
 32 qualified long term care policies (as defined in  
 33 IC 12-15-39.6-5); and  
 34 (ii) the affordability and cost effectiveness of long term care  
 35 partnership programs established under Section 6021 of the  
 36 federal Deficit Reduction Act of 2005;  
 37 (B) may solicit the comments and recommendations of  
 38 individuals with experience and expertise in the fields of  
 39 Medicaid, insurance, personal finance, and government  
 40 concerning the subjects set forth in clause (A);  
 41 (C) shall make findings and recommendations concerning  
 42 ways in which the affordability and cost effectiveness of the



- 1 long term care program established under IC 12-15-39.6 can  
 2 be improved; and  
 3 (D) shall, not later than December 1, 2022:  
 4 (i) issue a report setting forth the findings and  
 5 recommendations made under clause (C); and  
 6 (ii) submit the report to the executive director of the  
 7 legislative services agency in an electronic format under  
 8 IC 5-14-6 for distribution to the members of the general  
 9 assembly.
- 10 SECTION 19. IC 14-12-4-3, AS ADDED BY P.L.160-2021,  
 11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2022]: Sec. 3. (a) There is established the Indiana wetlands  
 13 task force. Subject ~~to~~ subsection (c), the task force consists of the  
 14 following fourteen (14) members:  
 15 (1) One (1) individual appointed by the governor as chairperson  
 16 of the task force.  
 17 (2) One (1) individual who is a representative of Ducks  
 18 Unlimited.  
 19 (3) One (1) individual who is a representative of the Indiana  
 20 Builders Association.  
 21 (4) One (1) individual who is a representative of Accelerate  
 22 Indiana Municipalities.  
 23 (5) One (1) individual who is a representative of the Indiana Farm  
 24 Bureau.  
 25 (6) One (1) individual who is a representative of the White River  
 26 Alliance.  
 27 (7) One (1) individual who is a representative of the Indiana  
 28 Society of Professional Land Surveyors and has expertise in  
 29 regulated drains.  
 30 (8) One (1) individual who is a representative of the department  
 31 of environmental management and has expertise in wetlands.  
 32 (9) One (1) individual who is a representative of the Purdue  
 33 University Center for the Environment.  
 34 (10) One (1) individual who is a representative of the Kankakee  
 35 River basin and Yellow River basin development commission  
 36 established by IC 14-13-9.  
 37 (11) One (1) individual who is a representative of the St. Joseph  
 38 River Basin Commission established by IC 14-30-3.  
 39 (12) One (1) individual who is a representative of the Indiana  
 40 Association of Soil and Water Conservation Districts.  
 41 (13) One (1) individual who is a professional wetland delineator.  
 42 (14) One (1) individual appointed by the director of the



- 1 department of natural resources who is:  
 2 (A) employed as a biologist or hydrologist for the department;  
 3 and  
 4 (B) a wetland expert.
- 5 (b) The governor shall appoint the members described in subsection  
 6 (a)(2) through (a)(13).
- 7 (c) Each organization or entity identified in subsection (a)(2)  
 8 through (a)(12) must provide to the governor the name of at least one  
 9 (1) individual who represents the organization or entity as a candidate  
 10 for appointment to the task force. If an organization or entity does not,  
 11 before June 1, 2021, provide to the governor the name of at least one  
 12 (1) candidate for appointment, the governor may appoint to the task  
 13 force an individual who is not a representative of the organization or  
 14 entity in place of a representative of the organization or entity.
- 15 (d) A vacancy in a position on the task force shall be filled by the  
 16 appointment of a replacement member by the appointing authority  
 17 identified for the task force position in ~~section 3(a) of this chapter.~~  
 18 **subsection (a).**
- 19 SECTION 20. IC 14-34-6-15, AS AMENDED BY P.L.101-2016,  
 20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2022]: Sec. 15. (a) As used in this section, "fund" refers to the  
 22 post-1977 abandoned mine reclamation fund established by this  
 23 section.
- 24 (b) The post-1977 abandoned mine reclamation fund is established.  
 25 The fund consists of bond forfeiture money collected under section 16  
 26 of this chapter and the civil penalties described in IC 14-34-16-9.  
 27 Unless the prior approval of the general assembly is given for another  
 28 use, the fund may be used only as follows:
- 29 (1) To effect the restoration of land:  
 30 (A) that is not otherwise eligible for restoration through  
 31 federal funding; and  
 32 (B) that has been affected by surface coal mining operations  
 33 that occurred after August 3, 1977.
- 34 (2) To replace domestic water supplies disrupted or affected by a  
 35 surface coal mining and reclamation operation, including the  
 36 disposal of coal combustion waste, ~~(as defined in IC 13-19-3-3);~~  
 37 where the surface coal mining and reclamation operation has been  
 38 completed and is no longer subject to IC 14-34.
- 39 (c) At least five hundred thousand dollars (\$500,000) in the fund is  
 40 dedicated as collateral for the bond pool under IC 14-34-8 and may not  
 41 be used for the restoration of land or replacement of water described in  
 42 subsection (b).



1 (d) The treasurer of state shall invest the money in the fund not  
 2 currently needed to meet the obligations of the fund in the same  
 3 manner as other public money may be invested. Interest that accrues  
 4 from these investments shall be deposited in the fund.

5 (e) Money in the fund at the end of a state fiscal year does not revert  
 6 to the state general fund.

7 SECTION 21. IC 15-16-6-9, AS ADDED BY P.L.2-2008,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2022]: Sec. 9. (a) The directors shall elect one (1) director to  
 10 serve as president and one (1) director to serve as secretary.

11 (b) The secretary shall also serve as treasurer of the association and  
 12 have custody of the ~~the~~ association's money. The secretary shall  
 13 execute a bond, with good freehold surety, for double the amount of  
 14 money that will probably be received by the secretary at any time  
 15 during the secretary's term of office.

16 (c) The secretary shall:

17 (1) keep a record of the transactions of the association, including:

18 (A) brief minutes of meetings;

19 (B) the results of elections; and

20 (C) an itemized account of all receipts and expenditures; and

21 (2) present a report of the transactions of the association to the  
 22 members of the association at the annual meeting.

23 SECTION 22. IC 15-17-10-10, AS AMENDED BY P.L.41-2021,  
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2022]: Sec. 10. If the board determines that an emergency  
 26 event or a disease or pest of animals has **resulted in** or is likely to  
 27 result in a large number of dead animals, the board may facilitate the  
 28 prompt disposal of the dead animals by adopting an emergency rule  
 29 under IC 4-22-2-37.1 that amends or suspends any of the following:

30 (1) IC 15-17-11.

31 (2) A rule adopted by the board that governs the disposal of dead  
 32 animals.

33 SECTION 23. IC 16-18-2-339, AS AMENDED BY P.L.2-2008,  
 34 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2022]: Sec. 339. (a) "State department" refers to the ~~state~~  
 36 ~~department of health.~~ **department established by IC 16-19-1-1.**

37 (b) For purposes of IC 16-42-1 through IC 16-42-4, the term means  
 38 the Indiana state board of animal health when impounding or disposing  
 39 of adulterated or misbranded products under IC 15-17-5 and  
 40 IC 15-18-1.

41 SECTION 24. IC 16-19-1-1, AS AMENDED BY P.L.130-2021,  
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 1. The state department of health is established.  
 2 The **state** department may officially be known as the Indiana  
 3 department of health.

4 SECTION 25. IC 16-19-4-1, AS AMENDED BY P.L.130-2021,  
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2022]: Sec. 1. (a) The state health commissioner, by virtue of  
 7 the state health commissioner's office, is secretary and executive officer  
 8 of the executive board.

9 (b) The state health commissioner is the appointing authority and  
 10 director of the **state** department.

11 SECTION 26. IC 16-19-4-4, AS AMENDED BY P.L.130-2021,  
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2022]: Sec. 4. (a) The state health commissioner and any  
 14 physicians employed by the **state** department are governed in the  
 15 performance of their official duties by IC 4-2-6 and IC 35-44.1-1-4  
 16 concerning ethics and conflict of interest.

17 (b) To learn professional skills and to become familiar with new  
 18 developments in the field of medicine, and except as provided in  
 19 IC 16-42-27-2(f), the state health commissioner may, in an individual  
 20 capacity as a licensed physician and not in an official capacity as state  
 21 health commissioner, engage in the practice of medicine if the practice  
 22 of medicine does not interfere with the performance of the state health  
 23 commissioner's duties as state health commissioner.

24 (c) The state health commissioner may designate in writing  
 25 employees in the **state** department who are licensed as a physician and  
 26 may engage in the practice of medicine outside of their official duties.

27 SECTION 27. IC 16-19-4-5, AS AMENDED BY P.L.130-2021,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2022]: Sec. 5. (a) This section does not apply to the  
 30 prescribing, dispensing, or issuance of a standing order for an overdose  
 31 intervention drug under IC 16-42-27-2.

32 (b) The state is not liable for any act performed by the state health  
 33 commissioner or a physician employed by the **state** department for any  
 34 medical care provided to a patient by the state health commissioner or  
 35 a physician employed by the **state** department that is provided in an  
 36 individual capacity as a licensed physician.

37 SECTION 28. IC 16-23-1-3, AS AMENDED BY P.L.149-2017,  
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2022]: Sec. 3. (a) A governing board shall manage the  
 40 hospital. The board consists of seven (7) members, all of whom must  
 41 be qualified voters of the county in which the hospital is located.

42 (b) One (1) or two (2) of the members may be a licensed and



1 practicing physician. One (1) member may be a registered nurse.

2 (c) The governing board is a separate legal entity.

3 (d) This subsection is retroactively effective beginning January 1,  
4 1971. The name of the board may be styled as:

5 (1) "The Board of Trustees of \_\_\_\_\_ Hospital", to include the  
6 full name of the hospital;

7 (2) the full name of the hospital; or

8 (3) an assumed business name under which the board conducts  
9 the board's affairs.

10 Any legal action taken by a board after December 31, 1970, that  
11 ~~is questioned~~ **is questioned** solely because of the board's name under  
12 this section is hereby legalized and validated.

13 SECTION 29. IC 16-31-13-1, AS ADDED BY P.L.37-2021,  
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2022]: Sec. 1. (a) As used in this chapter, "operational canine"  
16 means a dog that:

17 (1) is owned, used, or requested for use by a law enforcement  
18 agency or a federal, state, or local fire or other emergency  
19 response agency; and

20 (2) is used for the ~~principle~~ **principal** purposes of aiding in:

21 (A) the detection of criminal activity;

22 (B) the enforcement of laws;

23 (C) the apprehension of offenders;

24 (D) providing search and rescue services; or

25 (E) ensuring the public safety and welfare.

26 (b) The term includes the following:

27 (1) An arson investigation dog.

28 (2) A bomb detection dog.

29 (3) A narcotic detection dog.

30 (4) A patrol dog.

31 (5) A military working dog.

32 (6) A search and rescue dog.

33 SECTION 30. IC 16-36-5-7.7, AS ADDED BY P.L.50-2021,  
34 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2022]: Sec. 7.7. As used in this chapter, and with respect to  
36 a declarant, witness, or other person who signs or participates in the  
37 signing of an out of hospital DNR declaration under this chapter,  
38 "presence" means a process of signing and witnessing a DNR  
39 declaration in which:

40 (1) the declarant and witness are:

41 (A) directly present with each other in the same physical  
42 space;



- 1 (B) able to interact with each other in real time through use of
- 2 any audiovisual communications technology now known or
- 3 later developed; or
- 4 (C) ~~are~~ able to speak to and hear each other in real time
- 5 through telephonic interaction;
- 6 (2) the:
- 7 (A) identity of the declarant is personally known to all
- 8 witnesses;
- 9 (B) witnesses are able to view a government issued,
- 10 photographic identification of the declarant; or
- 11 (C) witnesses are able to ask any question of the declarant that:
- 12 (i) authenticates the identity of the declarant; and
- 13 (ii) establishes the capacity and sound mind of the declarant
- 14 to the satisfaction of the witnesses; and
- 15 (3) each witness is able to interact with the declarant and each
- 16 other when observing or hearing in real time, as applicable:
- 17 (A) the declarant's expression of intent to execute an out of
- 18 hospital DNR declaration under this chapter;
- 19 (B) the declarant's actions in executing or directing the
- 20 execution of the out of hospital DNR declaration under this
- 21 chapter; and
- 22 (C) the actions of the declarant and all other witnesses when
- 23 signing the out of hospital DNR declaration.

24 The term includes the use of technology or learned skills for the  
 25 purpose of assisting with hearing, eyesight, and speech or for the  
 26 purpose of compensating for a hearing, eyesight, or speech impairment.

27 SECTION 31. IC 16-36-5-11, AS AMENDED BY P.L.50-2021,  
 28 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2022]: Sec. 11. (a) A person who is of sound mind and at least  
 30 eighteen (18) years of age may execute an out of hospital DNR  
 31 declaration.

32 (b) A person's representative may execute an out of hospital DNR  
 33 declaration for the person under this chapter only if the person is:

- 34 (1) at least eighteen (18) years of age; and
- 35 (2) incompetent.

36 (c) An out of hospital DNR declaration must meet the following  
 37 conditions:

- 38 (1) Be voluntary.
- 39 (2) Be in writing.
- 40 (3) Be signed by the person making the declaration or by another
- 41 person in the declarant's presence and at the declarant's express
- 42 direction.



- 1           (4) Be dated.
- 2           (5) Be signed in the presence of at least two (2) competent
- 3           witnesses.
- 4           (d) If the requirements concerning presence are met, a competent
- 5           declarant and all necessary witnesses may complete and sign an out of
- 6           hospital DNR declaration in two (2) or more tangible, paper
- 7           counterparts with the declarant's signature placed on one (1) original
- 8           counterpart and the signatures of the witnesses placed on one (1) or
- 9           more different tangible, paper counterparts if the text of the out of
- 10          hospital DNR declaration states that the declaration is being signed in
- 11          separate counterparts. If an out of hospital DNR declaration is signed
- 12          in counterparts under this subsection, one (1) or more of the following
- 13          persons must combine each of the separately signed tangible, paper
- 14          counterparts into a single composite document that contains all of the
- 15          text of the ~~declarant~~, **out of hospital DNR declaration**, the signature
- 16          of the declarant, and the signature of each witness:
- 17               (1) The declarant.
- 18               (2) A health care representative who has been appointed by the
- 19               declarant.
- 20               (3) A person who supervised the signing of the out of hospital
- 21               DNR declaration in the person's presence.
- 22               (4) Any other person who was present during the signing of the
- 23               out of hospital DNR declaration.
- 24          The person who combines the separately signed counterparts into a
- 25          single composite document must do so not later than ten (10) business
- 26          days after the person receives all of the separately signed tangible,
- 27          paper counterparts. Any scanned, photocopied, or other accurate copy
- 28          of the single, composite document shall be treated as validly signed
- 29          under this subsection if the single, composite document contains the
- 30          complete text of the out of hospital DNR declaration and all required
- 31          signatures.
- 32          (e) If physical impairment, physical isolation, or other factors make
- 33          it impossible or impractical for a declarant to use audiovisual
- 34          technology to interact with witnesses or to otherwise comply with the
- 35          requirements concerning presence as defined in section 7.7 of this
- 36          chapter, the declarant and the witnesses may use telephonic interaction
- 37          to witness and sign an out of hospital DNR declaration. A potential
- 38          witness may not, however, be compelled to only use telephonic
- 39          interaction when participating in the signing or witnessing of an out of
- 40          hospital DNR declaration under this subsection. If an out of hospital
- 41          DNR declaration is signed using telephonic interaction under this
- 42          subsection:





- 1 (1) the:
- 2 (A) identity of the declarant must be personally known to the
- 3 witness;
- 4 (B) witness must be able to view a government issued,
- 5 photographic identification of the declarant; or
- 6 (C) witness must be able to ask any question of the declarant
- 7 that:
- 8 (i) authenticates the identity of the declarant; and
- 9 (ii) establishes the capacity and sound mind of the declarant
- 10 to the satisfaction of the witness;
- 11 (2) the text of the declaration must specify that the declarant and
- 12 witnesses used telephonic interaction throughout the witnessing
- 13 and signing process of the out of hospital DNR declaration; and
- 14 (3) the out of hospital DNR declaration is presumed valid if it
- 15 specifies that the declarant and the witnesses witnessed and
- 16 signed the declaration in compliance with Indiana law.

17 A health care provider or person who disputes the validity of an out of  
 18 hospital DNR declaration described under this subsection has the  
 19 burden of proving the invalidity of the declaration or noncompliance  
 20 with this subsection, as applicable, by a preponderance of the evidence.

21 (f) An out of hospital DNR declaration must be issued on the form  
 22 specified in section 15 of this chapter.

23 SECTION 32. IC 16-36-5-15, AS AMENDED BY P.L.50-2021,  
 24 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2022]: Sec. 15. An out of hospital DNR declaration and order  
 26 must be in substantially the following form:

27 OUT OF HOSPITAL DO NOT RESUSCITATE DECLARATION  
 28 AND ORDER

29 This declaration and order is effective on the date of execution and  
 30 remains in effect until the death of the declarant or revocation.

31 OUT OF HOSPITAL DO NOT RESUSCITATE DECLARATION  
 32 Declaration made this \_\_\_\_ day of \_\_\_\_\_. I, \_\_\_\_\_,  
 33 being of sound mind and at least eighteen (18) years of age, willfully  
 34 and voluntarily make known my desires that my dying shall not be  
 35 artificially prolonged under the circumstances set forth below. I  
 36 declare:

37 My attending physician, advanced practice registered nurse, or  
 38 physician assistant has certified that I am a qualified person, meaning  
 39 that I have a terminal condition or a medical condition such that, if I  
 40 suffer cardiac or pulmonary failure, resuscitation would be  
 41 unsuccessful or within a short period I would experience repeated  
 42 cardiac or pulmonary failure resulting in death.



1 I direct that, if I experience cardiac or pulmonary failure in a  
 2 location other than an acute care hospital or a health facility,  
 3 cardiopulmonary resuscitation procedures be withheld or withdrawn  
 4 and that I be permitted to die naturally. My medical care may include  
 5 any medical procedure necessary to provide me with comfort care or  
 6 to alleviate pain.

7 I understand that I may revoke this out of hospital DNR declaration  
 8 at any time by a signed and dated writing, by destroying or canceling  
 9 this document, or by communicating to health care providers at the  
 10 scene the desire to revoke this declaration.

11 This declaration was signed by me and by the witnesses in  
 12 compliance with Indiana law and by: [Initial or check only one (1) of  
 13 the following spaces]

14  Signing on paper or electronically in each other's direct physical  
 15 presence.

16  Signing in separate counterparts on paper using two (2) way, real  
 17 time audiovisual technology.

18  Signing electronically using two (2) way, real time audiovisual  
 19 technology or telephonic interaction.

20  Signing in separate counterparts on paper using telephonic  
 21 interaction between ~~the~~ me (**the** declarant) and all witnesses.

22 I understand the full import of this declaration.

23 Signed \_\_\_\_\_

24 Printed name \_\_\_\_\_

25 \_\_\_\_\_

26 City and State of Residence \_\_\_\_\_

27 The declarant is personally known to me, and I believe the declarant  
 28 to be of sound mind. I did not sign the declarant's signature above, for,  
 29 or at the direction of, the declarant. I am not a parent, spouse, or child  
 30 of the declarant. I am not entitled to any part of the declarant's estate or  
 31 directly financially responsible for the declarant's medical care. I am  
 32 competent and at least eighteen (18) years of age.

33 Witness \_\_\_\_\_ Printed name \_\_\_\_\_ Date \_\_\_\_\_

34 Witness \_\_\_\_\_ Printed name \_\_\_\_\_ Date \_\_\_\_\_

35 **OUT OF HOSPITAL DO NOT RESUSCITATE ORDER**

36 I, \_\_\_\_\_, the attending physician, advanced  
 37 practice registered nurse, or physician assistant of  
 38 \_\_\_\_\_, have certified the declarant as a qualified person  
 39 to make an out of hospital DNR declaration, and I order health care  
 40 providers having actual notice of this out of hospital DNR declaration  
 41 and order not to initiate or continue cardiopulmonary resuscitation  
 42 procedures on behalf of the declarant, unless the out of hospital DNR



1 declaration is revoked.

2 Signed \_\_\_\_\_ Date \_\_\_\_\_

3 Printed name \_\_\_\_\_

4 Medical license number \_\_\_\_\_

5 SECTION 33. IC 16-36-7-19, AS ADDED BY P.L.50-2021,  
6 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2022]: Sec. 19. (a) As used in this chapter and with respect to  
8 interactions between a declarant and a witness who signs or  
9 participates in the signing of an advance directive or other document  
10 under this chapter, "presence", "present", and "to be present" means  
11 that throughout the process of signing and witnessing the advance  
12 directive or other document the following must occur:

13 (1) The declarant and the witness are:

14 (A) directly present with each other in the same physical  
15 space;

16 (B) able to interact with each other in real time through the use  
17 of any audiovisual technology now known or later developed;  
18 or

19 (C) able to speak to and hear each other in real time through  
20 telephonic interaction when:

21 (i) the identity of the declarant is personally known to the  
22 witness;

23 (ii) the witness is able to view a government issued,  
24 photographic identification of the declarant; or

25 (iii) the witness is able to ask any question of the declarant  
26 that authenticates the identity of the declarant and  
27 establishes the capacity and sound mind of the declarant to  
28 the satisfaction of the witness.

29 (2) The witnesses are able to positively identify the declarant by  
30 viewing a government issued, photographic identification of the  
31 declarant, or by receiving accurate answers from the declarant  
32 that authenticate the identity of the declarant and establish the  
33 capacity and sound mind of the declarant to the satisfaction of the  
34 witness.

35 (3) Each witness is able to interact with the declarant and each  
36 other witness, if any, by observing:

37 (A) the declarant's expression of intent to execute an advance  
38 directive or other document under this chapter;

39 (B) the declarant's actions in executing or directing the  
40 execution of the advance directive or other document under  
41 this chapter; and

42 (C) the actions of each other witness in signing the advance



- 1 directive or other document.
- 2 The requirements of subdivisions (2) and (3) are satisfied even if the
- 3 declarant and one (1) or all witnesses use technology to assist with one
- 4 (1) or more of the capabilities of hearing, eyesight, or speech to
- 5 compensate for impairments of any one (1) or more of those
- 6 capabilities.
- 7 (b) As used in this chapter and with respect to interactions between
- 8 a declarant and a notarial officer who signs or participates in the
- 9 signing of an advance directive or other document under this chapter,
- 10 "presence", "present", and "to be present" means that throughout the
- 11 process of signing, acknowledging, and notarizing the advance
- 12 directive or other document the following must occur:
- 13 (1) The declarant and the notarial officer are:
- 14 (A) directly present with each other in the same physical
- 15 space; or
- 16 (B) able to interact with each other in real time through the use
- 17 of any audiovisual technology, now known or later developed,
- 18 whose use complies with IC 33-42.
- 19 (2) The notarial officer is able to positively identify the declarant
- 20 by using an identity proofing method permitted under
- 21 IC 33-42-0.5-16.
- 22 (3) Each witness or the notarial officer is able to interact with the
- 23 declarant and each other witness, if any, by observing the
- 24 declarant's:
- 25 (A) expression of intent to execute an advance directive or
- 26 other document under this chapter; and
- 27 (B) actions in executing or directing the execution of the
- 28 advance directive or other document under this chapter.
- 29 If the declarant appears before the notarial officer in a manner that
- 30 satisfies the definitions of "appear" and "appearance" as defined in
- 31 IC 33-42-0.5, then the declarant and the notarial officer satisfy the
- 32 presence requirement described in this chapter. The requirements
- 33 specified in subdivisions (2) and (3) are satisfied even if the ~~testator~~
- 34 **declarant** and the notarial officer use technology to assist with one (1)
- 35 or more of the capabilities of hearing, eyesight, or speech to
- 36 compensate for impairments of any one (1) or more of those
- 37 capabilities.
- 38 SECTION 34. IC 16-36-7-43, AS ADDED BY P.L.50-2021,
- 39 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2022]: Sec. 43. The following individuals may not serve as a
- 41 proxy under section 42 of this chapter:
- 42 (1) An individual specifically disqualified in the declarant's



- 1 advance directive.
- 2 (2) A spouse who:
- 3 (A) is legally separated **from the declarant**; or
- 4 (B) has a petition for dissolution, legal separation, or
- 5 annulment of marriage **from the declarant** that is pending in
- 6 a court.
- 7 ~~from the individual.~~
- 8 (3) An individual who is subject to a protective order or other
- 9 court order that directs that individual to avoid contact with the
- 10 declarant.
- 11 (4) An individual who is subject to a pending criminal charge in
- 12 which the declarant was the alleged victim.
- 13 SECTION 35. IC 16-44-2-22 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 22. Except as provided
- 15 in ~~sections~~ **section 9 and 10** of this chapter, a person who recklessly
- 16 violates this chapter commits a Class B misdemeanor.
- 17 SECTION 36. IC 20-25-15-3, AS AMENDED BY P.L.211-2021,
- 18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2022]: Sec. 3. (a) If a school is placed in academic
- 20 receivership, the superintendent and the board must take action to raise
- 21 the school's level of performance.
- 22 (b) The actions that the superintendent and the board may take to
- 23 raise the performance of a school in academic receivership include the
- 24 following:
- 25 (1) Shifting resources of the school city to the school.
- 26 (2) Changing or removing:
- 27 (A) the school principal;
- 28 (B) teachers;
- 29 (C) administrators; or
- 30 (D) other staff.
- 31 (3) Establishing a new educational plan for the school.
- 32 (4) Requiring the superintendent or another school city appointee
- 33 to administer the school until the academic receivership status of
- 34 the school is removed.
- 35 (5) Contracting with: ~~a~~
- 36 (A) **a** for-profit organization;
- 37 (B) **a** nonprofit organization; or
- 38 (C) **an** individual;
- 39 to manage the school.
- 40 (6) Closing the school.
- 41 (7) Any other management, personnel, or policy changes that the
- 42 superintendent and board expect in the following school year to:



- 1 (A) raise the performance of the school; and
- 2 (B) avoid continuing academic receivership status for the
- 3 school.
- 4 (c) If this chapter is inconsistent with any other law relating to:
- 5 (1) education;
- 6 (2) teachers; or
- 7 (3) common schools;

8 this chapter governs.

9 SECTION 37. IC 20-33-9-6, AS ADDED BY P.L.1-2005,  
 10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2022]: Sec. 6. A member of the administrative staff who,  
 12 based on personal knowledge or on the report of another employee of  
 13 the school corporation, believes that a person has committed a violation  
 14 described in section 1 of this chapter or a delinquent act that would be  
 15 a violation described in section 1 of this chapter if the violator were an  
 16 adult in, on, or within one thousand (1,000) feet of the school property  
 17 of the school corporation employing the member, shall immediately  
 18 report:

- 19 (1) a general description of the violation;
- 20 (2) the name or a general description of each violator known to
- 21 the member;
- 22 (3) the date, time, and ~~and~~ place of the violation;
- 23 (4) the name or a general description of each person who the
- 24 member knows witnessed any part of the violation; and
- 25 (5) a general description and the location of any property that the
- 26 member knows was involved in the violation;

27 in writing to a law enforcement officer.

28 SECTION 38. IC 20-51.4-4-1, AS ADDED BY P.L.165-2021,  
 29 SECTION 180, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) After June 30, 2022, a parent  
 31 of an eligible student or an emancipated eligible student may establish  
 32 an Indiana education scholarship account for the eligible student by  
 33 entering into a written agreement with the treasurer of state on a form  
 34 prepared by the treasurer of state. The treasurer of state shall establish  
 35 a date by which an application to establish an account for the  
 36 2022-2023 school year must be submitted. However, for a school year  
 37 beginning after July 1, 2022, applications must be submitted for an  
 38 eligible student not later than April 1 for the immediately following  
 39 school year. The account of an eligible student shall be made in the  
 40 name of the eligible student. The treasurer of state shall make the  
 41 agreement available on the Internet web site of the treasurer of state. To  
 42 be eligible, a parent of an eligible student or an emancipated eligible



- 1 student wishing to participate in the program must agree that:
- 2 (1) a grant deposited in the eligible student's account under
- 3 section 2 of this chapter and any interest that may accrue in the
- 4 account will be used only for the eligible student's qualified
- 5 expenses;
- 6 (2) money in the account when the account is terminated reverts
- 7 to the state general fund;
- 8 (3) the parent of the eligible student or the emancipated eligible
- 9 student will use part of the money in the account:
- 10 (A) for the eligible student's study in the subject of reading,
- 11 grammar, mathematics, social studies, or science; or
- 12 (B) for use in accordance with the eligible student's:
- 13 (i) individualized education program;
- 14 (ii) service plan developed under 511 IAC 7-34;
- 15 (iii) choice special education plan developed under 511
- 16 IAC 7-49; or
- 17 (iv) plan developed under Section 504 of the federal
- 18 Rehabilitation Act of 1973, 29 U.S.C. 794;
- 19 (4) the eligible student will not be enrolled in a school that
- 20 receives tuition support under IC 20-43; and
- 21 (5) the eligible student will take the statewide assessment, as
- 22 applicable based on the eligible student's grade level, as provided
- 23 under IC 20-32-5.1, or the assessment specified in the eligible
- 24 student's:
- 25 (A) individualized education program developed under
- 26 IC 20-35;
- 27 (B) service plan developed under 511 IAC 7-34;
- 28 (C) choice special education plan developed under 511
- 29 IAC 7-49; or
- 30 (D) plan developed under Section 504 of the federal
- 31 Rehabilitation Act of 1973, 29 U.S.C. 794.
- 32 (b) A parent of an eligible student may enter into a separate
- 33 agreement under subsection (a) for each child of the parent. However,
- 34 not more than one (1) account may be established for each eligible
- 35 student.
- 36 (c) The account must be established under subsection (a) by a parent
- 37 of an eligible student or an emancipated eligible student for a school
- 38 year on or before a date established by the treasurer of state, which
- 39 must be at least thirty (30) days before the fall ADM count date
- 40 established by the state board under IC 20-43-4-3. A parent of an
- 41 eligible student or an emancipated eligible student may not enter into
- 42 an agreement under this section or maintain an account under this



1 chapter if the eligible student receives a choice scholarship under  
 2 IC 20-51-4 for the same school year. An eligible student may not  
 3 receive a grant under section 2 of this chapter if the eligible student is  
 4 currently included in a school corporation's ADM count under  
 5 IC 20-43-4.

6 (d) Except as provided in subsections (e) and (f), an agreement  
 7 made under this section is valid for one (1) school year while the  
 8 eligible student is in kindergarten through grade 12 and may be  
 9 renewed annually. Upon graduation or receipt of a certificate of  
 10 completion under the eligible student's individualized education  
 11 program, the eligible student's account is terminated.

12 (e) An agreement entered into under this section terminates  
 13 automatically for an eligible student if:

14 (1) the eligible student no longer resides in Indiana while the  
 15 eligible student is eligible to receive grants under section 2 of this  
 16 chapter; or

17 (2) the account is not renewed within three hundred ninety-five  
 18 (395) days after the date the account was either established or last  
 19 renewed.

20 If an account is terminated under this section, money in the eligible  
 21 student's account, including any interest accrued, reverts to the state  
 22 general fund.

23 (f) An agreement made under this section for an eligible student  
 24 while the eligible student is in kindergarten through grade 12 may be  
 25 terminated before the end of the school year if the parent of the eligible  
 26 student or the emancipated eligible student notifies the treasurer of  
 27 state in a manner specified by the treasurer of state.

28 (g) A distribution made to an account under ~~section 3~~ **section 2** of  
 29 this chapter is considered tax exempt as long as the distribution is used  
 30 for a qualified expense. The amount is subtracted from the definition  
 31 of adjusted federal gross income under IC 6-3-1-3.5 to the extent the  
 32 distribution used for the qualified expense is included in the taxpayer's  
 33 adjusted federal gross income under the Internal Revenue Code.

34 (h) The department shall establish a student test number as  
 35 described in IC 20-19-3-9.4 for each eligible student. The treasurer of  
 36 state shall provide the department information necessary for the  
 37 department to comply with this subsection.

38 SECTION 39. IC 21-14-2-6, AS AMENDED BY P.L.234-2007,  
 39 SECTION 270, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2022]: Sec. 6. ~~Subject to section 12 of this~~  
 41 ~~chapter~~, A state educational institution shall set tuition and fee rates for  
 42 a two (2) year period.





1 SECTION 40. IC 21-40-1-3, AS AMENDED BY P.L.130-2017,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2022]: Sec. 3. "Certificate of immunity" means a form that  
 4 meets the following requirements:

- 5 (1) Is acceptable to a state educational institution.  
 6 (2) Establishes the immunity of the certificate holder.  
 7 (3) Consists of:  
 8 (A) a physician's certificate, if available;  
 9 (B) immunization records forwarded from another school or  
 10 state educational institution;  
 11 (C) a record maintained by the student or a parent of the  
 12 student showing the month and year during which each dose  
 13 of vaccine was administered;  
 14 (D) a form developed by the department that may be used by  
 15 state educational institutions to meet the requirements of  
 16 IC 21-40-5; or  
 17 (E) evidence of having met alternative criteria defined by rules  
 18 adopted under IC 4-22-2 by the department.  
 19 ~~(4) Before July 1, 2018, includes a line to be signed by the student~~  
 20 ~~or the student's parent or guardian that indicates compliance with~~  
 21 ~~IC 21-40-5-5.~~

22 SECTION 41. IC 23-0.5-9-51, AS ADDED BY P.L.118-2017,  
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2022]: Sec. 51. ~~(a)~~ The secretary of state shall collect the  
 25 following fees for filing articles of domestication:

- 26 (1) Twenty dollars (\$20) for an electronic filing.  
 27 (2) Thirty dollars (\$30) for filing in a manner other than  
 28 electronically.

29 SECTION 42. IC 23-1-33-6, AS AMENDED BY P.L.206-2021,  
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2022]: Sec. 6. (a) The articles of incorporation or the bylaws  
 32 may provide for staggering their terms by dividing the total number of  
 33 directors into either:

- 34 (1) two (2) groups, with each group containing one-half (1/2) of  
 35 the total, as near as may be; or  
 36 (2) if there are more than two (2) directors, three (3) groups, with  
 37 each group containing one-third (1/3) of the total, as near as may  
 38 be.

39 (b) In the event that terms are staggered under subsection (a), the  
 40 terms of directors in the first group expire at the first annual  
 41 shareholders' meeting after their election, the terms of the second group  
 42 expire at the second annual shareholders' meeting after their election,



1 and the terms of the third group, if any, expire at the third annual  
 2 shareholders' meeting after their election. At each annual shareholders'  
 3 meeting held thereafter, directors shall be chosen for a term of two (2)  
 4 years or three (3) years, as the case may be, to succeed those whose  
 5 terms expire.

6 (c) A corporation that has a class of voting shares registered with the  
 7 Securities and Exchange Commission under Section 12 of the  
 8 Securities Exchange Act of 1934 shall provide for staggering the terms  
 9 of directors in accordance with this section unless, not later than thirty  
 10 (30) days after the later of:

11 (1) July 1, 2009; or

12 (2) the time when the corporation's voting shares are registered  
 13 with the Securities and Exchange Commission under Section 12  
 14 of the Securities Exchange Act of 1934;

15 the board of directors of the corporation adopts a bylaw expressly  
 16 electing not to be governed by this subsection. A public corporation  
 17 governed by this article on July 1, 2021, may elect ~~to~~ not ~~to~~ be  
 18 governed by this subsection if the board of directors of the public  
 19 corporation adopts a bylaw expressly electing not ~~to~~ be governed by  
 20 this subsection. An election not to be governed by this subsection may  
 21 be rescinded by a subsequent action of the board of directors unless the  
 22 original articles of incorporation contain a provision expressly electing  
 23 not to be governed by this subsection.

24 (d) If the board fails to provide for the staggering of the terms of  
 25 directors as required by subsection (c), the board must be staggered as  
 26 follows:

27 (1) The first group comprises one-third (1/3) of the directors or  
 28 one-third (1/3) of the directors rounded to the nearest higher  
 29 whole number if the number of directors is not divisible by three  
 30 (3) without any remaining.

31 (2) The second group comprises one-third (1/3) of the directors or  
 32 one-third (1/3) of the directors rounded to the nearest higher  
 33 whole number if the number of directors is not divisible by three  
 34 (3) without two (2) remaining.

35 (3) The third group comprises one-third (1/3) of the directors or  
 36 one-third (1/3) of the directors rounded to the nearest lower whole  
 37 number if the number of directors is not divisible by three (3)  
 38 without any remaining.

39 The directors shall be placed into the groups established by this  
 40 subsection alphabetically by last name.

41 SECTION 43. IC 23-14-46-7 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. Because the owner



1 of a cemetery is responsible for the performance of the care and  
 2 maintenance of the cemetery, a cemetery owner has the exclusive right  
 3 to:

- 4 (1) open and close a grave or grave space, burial space, crypt, or  
 5 niche in the cemetery;  
 6 (2) set or install: ~~a~~  
 7 (A) a marker;  
 8 (B) a monument; or  
 9 (C) any type of memorial;  
 10 in the cemetery; and  
 11 (3) install any kind of foundation or other type of base for the  
 12 marker, monument, or any type of memorial in the cemetery.

13 This exclusive right may also be exercised by the authorized  
 14 representative of the owner of the cemetery.

15 SECTION 44. IC 23-17-10-3 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. ~~(a)~~ The circuit court  
 17 or superior court of the county where a corporation's principal office is  
 18 located or, if no principal office is located in Indiana, the corporation's  
 19 registered office, may order a meeting to be held and may fix the time  
 20 and place of the meeting that shall be conducted in accordance with the  
 21 corporation's articles of incorporation and bylaws as follows:

- 22 (1) On application of a member or other person entitled to  
 23 participate in an annual or a regular meeting if an annual meeting  
 24 was not held within the earlier of the following:  
 25 (A) Six (6) months after the end of the corporation's fiscal  
 26 year.  
 27 (B) Fifteen (15) months after the corporation's last annual  
 28 meeting.  
 29 (2) On application of a member or other person entitled to  
 30 participate in a regular meeting if a regular meeting is not held  
 31 within forty (40) days after the date it was required to be held.  
 32 (3) On application of a member who signed a demand for a  
 33 special meeting valid under section 2 of this chapter, a person  
 34 entitled to call a special meeting if:  
 35 (A) notice of the special meeting was not given within sixty  
 36 (60) days after the date the demand was delivered to the  
 37 corporation's secretary; or  
 38 (B) the special meeting was not held in accordance with the  
 39 notice.

40 SECTION 45. IC 25-0.5-9-29.5, AS ADDED BY P.L.212-2021,  
 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2022]: Sec. 29.5. The behavior analyst committee (IC



- 1     **25-8.5-2)** is a board under IC 25-1-8.
- 2     SECTION 46. IC 25-1-9.8-10, AS ADDED BY P.L.93-2020,  
3     SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4     JULY 1, 2022]: Sec. 10. (a) As used in this chapter, "provider facility"  
5     means any of the following:
- 6         (1) A hospital licensed under IC 16-21-2.
  - 7         (2) An ambulatory outpatient ~~surgery~~ **surgical** center licensed  
8         under IC 16-21-2.
  - 9         (3) An abortion clinic licensed under IC 16-21-2.
  - 10        (4) A birthing center licensed under IC 16-21-2.
  - 11        (5) Except for an urgent care facility (as defined by  
12        IC 27-1-46-10.5), a facility that provides diagnostic services to  
13        the medical profession or the general public.
  - 14        (6) A laboratory where clinical pathology tests are carried out on  
15        specimens to obtain information about the health of a patient.
  - 16        (7) A facility where radiologic and electromagnetic images are  
17        made to obtain information about the health of a patient.
  - 18        (8) An infusion center that administers intravenous medications.
- 19     (b) The term does not include the following:
- 20         (1) A private mental health institution licensed under IC 12-25.
  - 21         (2) A Medicare certified, freestanding rehabilitation hospital.
- 22     SECTION 47. IC 25-23-1-19.5, AS AMENDED BY P.L.28-2019,  
23     SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24     JULY 1, 2022]: Sec. 19.5. (a) This section does not apply to certified  
25     registered nurse anesthetists.
- 26     (b) The board shall establish a program under which advanced  
27     practice registered nurses who meet the requirements established by  
28     the board are authorized to prescribe drugs, including controlled  
29     substances (as defined in IC 35-48-1-9) in accordance with  
30     IC 25-1-9.3.
- 31     (c) The authority granted by the board under this section:
- 32         (1) expires on October 31 of the odd-numbered year following the  
33         year the authority was granted or renewed; and
  - 34         (2) is subject to renewal indefinitely for successive periods of two  
35         (2) years.
- 36     (d) The rules adopted under section 7 of this chapter concerning the  
37     authority of advanced practice registered nurses to prescribe drugs  
38     must do the following:
- 39         (1) Require an advanced practice registered nurse or a prospective  
40         advanced practice registered nurse who seeks the authority to  
41         submit an application to the board.
  - 42         (2) Require an applicant to satisfy the following as a prerequisite



1 to the initial granting of the authority:  
 2 (A) Meet all the qualifications for licensure as a registered  
 3 nurse under this article.  
 4 (B) Successfully complete:  
 5 (i) education requirements determined by the board to be  
 6 appropriate to the advanced practice registered nurse's role;  
 7 and  
 8 (ii) a graduate level course in pharmacology providing at  
 9 least two (2) semester hours of academic credit.  
 10 (C) Either:  
 11 (i) provide documentation, as requested by the board, that  
 12 the applicant has graduated before December 31, 1997, from  
 13 an advanced, organized formal education program  
 14 appropriate to the practice and that is acceptable to the  
 15 board; or  
 16 (ii) complete a graduate, postgraduate, or doctoral advanced  
 17 practice registered nurse program from an accredited college  
 18 or university.  
 19 (3) Establish requirements for an advanced practice registered  
 20 nurse to comply with national certification or the certification's  
 21 equivalence, including a portfolio equivalence, appropriate to the  
 22 ~~advance~~ **advanced** practice registered nurse's role.  
 23 (4) Require, as a condition of the renewal of the authority, the  
 24 completion by the advanced practice registered nurse of the  
 25 continuing education requirements set out in section 19.7 of this  
 26 chapter.  
 27 SECTION 48. IC 25-26-21-11, AS ADDED BY P.L.122-2005,  
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2022]: Sec. 11. (a) A person who engages in the business of  
 30 home medical equipment services and who:  
 31 (1) is required to be licensed under this chapter; and  
 32 (2) knowingly provides home medical equipment services without  
 33 a license issued under this chapter;  
 34 commits a Class A misdemeanor.  
 35 (b) Each day a violation of this section continues constitutes a  
 36 separate offense.  
 37 (c) The board may, in the name of the state and through ~~the attorney~~  
 38 **the attorney** general, apply in a court to enjoin a person from  
 39 providing home medical equipment services in violation of this  
 40 chapter.  
 41 SECTION 49. IC 27-1-46-10, AS ADDED BY P.L.93-2020,  
 42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 10. (a) As used in this chapter, "provider facility"  
2 means any of the following:

- 3 (1) A hospital licensed under IC 16-21-2.  
4 (2) An ambulatory outpatient ~~surgery~~ **surgical** center licensed  
5 under IC 16-21-2.  
6 (3) An abortion clinic licensed under IC 16-21-2.  
7 (4) A birthing center licensed under IC 16-21-2.  
8 (5) Except for an urgent care facility, a facility that provides  
9 diagnostic services to the medical profession or the general  
10 public, including outpatient facilities.  
11 (6) A laboratory where clinical pathology tests are carried out on  
12 specimens to obtain information about the health of a patient.  
13 (7) A facility where radiologic and electromagnetic images are  
14 made to obtain information about the health of a patient.  
15 (8) An infusion center that administers intravenous medications.

16 (b) The term does not include the following:

- 17 (1) A private mental health institution licensed under IC 12-25.  
18 (2) A Medicare certified, freestanding rehabilitation hospital.

19 SECTION 50. IC 27-1-47-1, AS ADDED BY P.L.196-2021,  
20 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2022]: Sec. 1. (a) The following definitions apply throughout  
22 this section:

- 23 (1) "Drawing" means an activity in which:  
24 (A) multiple participating persons could possibly receive a  
25 prize; and  
26 (B) the person or persons who receive a prize are determined  
27 by chance, as by randomly drawing one (1) or more names or  
28 numbers from among many names or numbers.  
29 (2) "Gift" means the voluntary transfer of anything of value  
30 without consideration.  
31 (3) "Prize" means something of value received by a person as the  
32 result of a drawing.

33 (b) Notwithstanding any other provision of this title, an insurer, an  
34 employee of an insurer, or ~~a~~ **an insurance** producer may do the  
35 following:

- 36 (1) Offer and give one (1) or more gifts to a person in connection  
37 with marketing for the sale or retention of a contract of insurance  
38 if the reasonable value of all gifts given by the insurer, employee,  
39 or producer to a person in one (1) year does not exceed two  
40 hundred fifty dollars (\$250).  
41 (2) Conduct a drawing if:  
42 (A) persons participating in the drawing do not pay or incur a



- 1 cost for their participation; and  
 2 (B) the value of the prize or prizes received by any single  
 3 person participating in the drawing does not exceed five  
 4 hundred dollars (\$500).
- 5 (c) Neither:  
 6 (1) a gift given under subsection (b)(1); nor  
 7 (2) a prize received in a drawing conducted under subsection  
 8 (b)(2);  
 9 may be in the form of cash.
- 10 SECTION 51. IC 27-2-25-11, AS ADDED BY P.L.93-2020,  
 11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2022]: Sec. 11. As used in this chapter, "provider facility"  
 13 means any of the following:  
 14 (1) A hospital licensed under IC 16-21-2.  
 15 (2) An ambulatory outpatient ~~surgery~~ **surgical** center licensed  
 16 under IC 16-21-2.  
 17 (3) An abortion clinic licensed under IC 16-21-2.  
 18 (4) A birthing center licensed under IC 16-21-2.  
 19 (5) Except for an urgent care facility (as defined by  
 20 IC 27-1-46-10.5), a facility that provides diagnostic services to  
 21 the medical profession or the general public.  
 22 (6) A laboratory where clinical pathology tests are carried out on  
 23 specimens to obtain information about the health of a patient.  
 24 (7) A facility where radiologic and electromagnetic images are  
 25 made to obtain information about the health of a patient.  
 26 (8) An infusion center that administers intravenous medications.
- 27 SECTION 52. IC 27-8-11-12, AS AMENDED BY P.L.114-2020,  
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2022]: Sec. 12. (a) As used in this section, "drug" means a  
 30 prescription drug.  
 31 (b) As used in this section, "insurer" refers to an insurer that  
 32 provides coverage for drugs. The term includes a person that  
 33 administers drug benefits on behalf of an insurer.  
 34 (c) As used in this section, "pharmacy" refers to a pharmacist or  
 35 pharmacy that has entered into an agreement with an insurer under  
 36 section 3 of this chapter.  
 37 (d) A pharmacy or pharmacist shall have the right to provide an  
 38 insured with information concerning the amount of the insured's cost  
 39 share for a prescription drug. Neither a pharmacy nor a pharmacist  
 40 shall be proscribed by an insurer from discussing this information or  
 41 from selling to the insured a more affordable alternative if an  
 42 affordable alternative is available.



1 (e) An insurer that covers prescription drugs may not include a  
 2 provision that requires an insured to make payment for a prescription  
 3 drug at the point of sale in an amount that exceeds the lesser of:

- 4 (1) the contracted copayment amount; or  
 5 (2) the amount of total approved charges by the insurer at the  
 6 point of sale.

7 This subsection does not prohibit the adjudication of claims in  
 8 accordance with an accident and sickness insurance policy issued or  
 9 administered by an insurer. The insured is not liable for any additional  
 10 charges or entitled to any credits as a result of the adjudicated claim.

11 (f) The insurer or a pharmacy ~~benefits~~ **benefit** manager may not  
 12 require a pharmacy or pharmacist to collect a higher copayment for a  
 13 prescription drug from an insured than the insurer or pharmacy ~~benefits~~  
 14 **benefit** manager allows the pharmacy or pharmacist to retain.

15 SECTION 53. IC 27-13-15-6, AS AMENDED BY P.L.114-2020,  
 16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2022]: Sec. 6. (a) As used in this section, "drug" means a  
 18 prescription drug.

19 (b) As used in this section, "health maintenance organization" refers  
 20 to a health maintenance organization that provides coverage for drugs.  
 21 The term includes the following:

- 22 (1) A limited service health maintenance organization.  
 23 (2) A person that administers drug benefits on behalf of a health  
 24 maintenance organization or a limited service health maintenance  
 25 organization.

26 (c) As used in this section, "pharmacy" refers to a pharmacist or  
 27 pharmacy that is a participating provider.

28 (d) A pharmacy or pharmacist shall have the right to provide an  
 29 enrollee with information concerning the amount of the enrollee's cost  
 30 share for a prescription drug. Neither a pharmacy nor a pharmacist  
 31 shall be proscribed by a health maintenance organization from  
 32 discussing this information or from selling to the enrollee a more  
 33 affordable alternative if an affordable alternative is available.

34 (e) A health maintenance organization that covers prescription drugs  
 35 may not include a provision that requires an enrollee to make payment  
 36 for a prescription drug at the point of sale in an amount that exceeds the  
 37 lesser of:

- 38 (1) the contracted copayment amount; or  
 39 (2) the amount of total approved charges by the health  
 40 maintenance organization at the point of sale.

41 This subsection does not prohibit the adjudication of claims in  
 42 accordance with an individual contract or group contract issued or





1 administered by a health maintenance organization. The enrollee is not  
 2 liable for any additional charges or entitled to any credits as a result of  
 3 the adjudicated claim.

4 (f) The health maintenance organization or a pharmacy ~~benefits~~  
 5 **benefit** manager may not require a pharmacy or pharmacist to collect  
 6 a higher copayment for a prescription drug from an enrollee than the  
 7 health maintenance organization or pharmacy ~~benefits~~ **benefit** manager  
 8 allows the pharmacy or pharmacist to retain.

9 SECTION 54. IC 28-1-4 IS REPEALED [EFFECTIVE JULY 1,  
 10 2022]. (Formation of Banks, Trust Companies, and Building and Loan  
 11 Associations).

12 SECTION 55. IC 28-1-7-19 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 19. When any such  
 14 merger or consolidation shall have been effected, as provided in this  
 15 chapter:

16 ~~(a)~~ **(1)** the several corporations which are parties to the agreement  
 17 of merger or of consolidation shall be a single corporation, which  
 18 shall be:

19 ~~(1)~~ **(A)** in case of a merger, the surviving corporation which is  
 20 a party to the agreement of merger into which it has been  
 21 agreed that the other corporations which are parties to the  
 22 agreement shall be merged, which surviving corporation shall  
 23 survive the merger; or

24 ~~(2)~~ **(B)** in case of a consolidation, the new corporation into  
 25 which it has been agreed that the corporations which are  
 26 parties to the agreement of consolidation shall be consolidated;

27 ~~(b)~~ **(2)** the separate existence of all the corporations which are  
 28 parties to the agreement of merger or consolidation, except the  
 29 surviving corporation in the case of a merger, shall cease;

30 ~~(c)~~ **(3)** such single corporations shall have all of the rights,  
 31 privileges, immunities, and powers and shall be subject to all of  
 32 the duties and liabilities of a corporation organized under  
 33 IC 28-1-4 (**repealed July 1, 2022**);

34 ~~(d)~~ **(4)** such single corporation shall thereupon and thereafter  
 35 possess all of the rights, privileges, immunities, powers, and  
 36 franchises which such corporation would possess if it were  
 37 organized under the provisions of this article; all property, real,  
 38 personal, and mixed, and all debts due on whatever account,  
 39 including subscriptions to shares of capital stock, and all other  
 40 choses in action, and all and every other interest, of or belonging  
 41 to or due to each of the corporations so merged or consolidated,  
 42 shall be taken and deemed to be transferred to and vested in such



1 single corporation without further act or deed, and the title to any  
 2 real estate, or any interest therein, under the laws of this state  
 3 vested in any of such corporations shall not revert or be in any  
 4 way impaired by reason of such merger or consolidation;

5 ~~(e)~~ **(5)** such single corporation shall thenceforth be responsible  
 6 and liable for all the liabilities and obligations of each of the  
 7 corporations so merged or consolidated, in the same manner and  
 8 to the same extent as if such single corporation had itself incurred  
 9 such liabilities and obligations, or contracted therefor, and any  
 10 claim existing or any action or proceeding pending by or against  
 11 any of such corporations may be prosecuted to judgment as if  
 12 such merger or consolidation had not taken place, or such single  
 13 corporation may be substituted in its place; neither the rights of  
 14 creditors nor any liens upon the property of any of such  
 15 corporations shall be impaired by such merger or consolidation,  
 16 but such liens shall be limited to the property upon which they  
 17 were liens immediately prior to the time of such merger or  
 18 consolidation, unless otherwise provided in the agreement of  
 19 merger or consolidation and with the consent in writing of the  
 20 parties affected; and

21 ~~(f)~~ **(6)** in case of a merger, the articles of incorporation of the  
 22 surviving corporation shall be supplanted and superseded to the  
 23 extent, if any, that any provision or provisions of such articles  
 24 shall be restated in the agreement of merger as provided by  
 25 section 2(d) of this chapter, and such articles of incorporation  
 26 shall be deemed to be thereby and to that extent amended. In case  
 27 of a consolidation, the statements set forth in the agreement of  
 28 consolidation, as provided in section 11(d) of this chapter, shall  
 29 be deemed to be the articles of incorporation of the new  
 30 corporation formed by such consolidation.

31 SECTION 56. IC 28-1-26 IS REPEALED [EFFECTIVE JULY 1,  
 32 2022]. (Minors Under Servicemen's Act).

33 SECTION 57. IC 28-2-4 IS REPEALED [EFFECTIVE JULY 1,  
 34 2022]. (Contributions).

35 SECTION 58. IC 28-2-8 IS REPEALED [EFFECTIVE JULY 1,  
 36 2022]. (Penalties for Stop Payment of Checks).

37 SECTION 59. IC 28-8-5-20 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. In making  
 39 investigations concerning the compliance of a licensee the department  
 40 may:

- 41 (1) administer oaths;
- 42 (2) subpoena witnesses; and

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1 (3) require the production of:

- 2 (i) (A) books, documents, or other tangible items; and  
 3 (ii) (B) information pertaining to the identity of and location  
 4 of persons having knowledge of facts concerning compliance  
 5 with this chapter.

6 SECTION 60. IC 29-1-5-3, AS AMENDED BY P.L.185-2021,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2022]: Sec. 3. (a) This section applies to a will executed  
 9 before, on, or after July 1, 2003. A will, other than a nuncupative will,  
 10 must be executed by the signature of the testator and of at least two (2)  
 11 witnesses on:

- 12 (1) a will under subsection (b);  
 13 (2) a self-proving clause under section 3.1(c) of this chapter; or  
 14 (3) a self-proving clause under section 3.1(d) of this chapter.

15 (b) A will may be attested as follows:

- 16 (1) The testator, in the presence of two (2) or more attesting  
 17 witnesses, shall signify to the witnesses that the instrument is the  
 18 testator's will and either:

- 19 (A) sign the will;  
 20 (B) acknowledge the testator's signature already made; or  
 21 (C) at the testator's direction and in the testator's presence have  
 22 someone else sign the testator's name.

- 23 (2) The attesting witnesses must sign in the presence of the  
 24 testator and each other.

25 An attestation or self-proving clause is not required under this  
 26 subsection for a valid will.

27 (c) Under the supervision of an attorney or directed paralegal, the  
 28 testator and the witnesses may execute and complete the will in two (2)  
 29 or more original counterparts that exist in a tangible and readable paper  
 30 form with:

- 31 (1) the testator's signature placed on one (1) original counterpart  
 32 in the presence of attesting witnesses; and  
 33 (2) the signatures of the witnesses placed on one (1) or more  
 34 different counterparts of the same will;

35 in a tangible and readable paper form. If a will is signed and witnessed  
 36 in counterparts under this subsection, the testator or an individual  
 37 acting at the testator's specific direction must physically assemble all  
 38 of the separately signed paper counterparts of the will and the  
 39 signatures of the testator and all attesting witnesses not later than five  
 40 (5) business days after all the paper counterparts have been signed by  
 41 the testator and witnesses. If the testator directs another individual to  
 42 assemble the separate, signed paper counterparts of the will into a



1 single composite paper document, the five (5) business day period does  
 2 not commence until the compiling individual receives all of the  
 3 separately signed paper counterparts. Any scanned copy or photocopy  
 4 of the composite document containing all signatures shall be treated as  
 5 validly signed under this section and may be electronically filed to offer  
 6 the will for probate under IC 29-1-7. If the testator dies after executing  
 7 a will under this subsection but before the separate counterparts are  
 8 assembled into a single composite paper document, the intervening  
 9 death of the testator shall not affect the validity of the will.

10 (d) An attorney or directed paralegal must supervise the execution  
 11 of a will that is signed and witnessed in counterparts as described in  
 12 subsection (c). An attorney or directed paralegal may supervise the  
 13 execution of a will in counterparts even if the supervising attorney or  
 14 directed paralegal is one (1) of the will's attesting witnesses. When an  
 15 attorney or directed paralegal supervises the execution of a will in  
 16 counterparts as described in subsection (c), the attorney or directed  
 17 paralegal must sign, date, and complete an affidavit of compliance  
 18 within a reasonable time after all paper counterparts of the will have  
 19 been signed by the testator and the witnesses. An affidavit of  
 20 compliance under this subsection must be sworn or affirmed by the  
 21 signing attorney or directed paralegal under the penalties of perjury and  
 22 must contain the following information:

23 (1) The name and residence address of the testator.

24 (2) The name and:

25 (A) residential address; or

26 (B) business address;

27 for each witness who signs the will.

28 (3) The address, city, and state in which the testator was  
 29 physically located at the time the testator signed an original  
 30 counterpart of the will.

31 (4) The city and state in which each attesting witness was  
 32 physically located when the witness signed an original  
 33 counterpart of the will as a witness.

34 (5) A description of the method and form of identification used to  
 35 confirm the identity of the testator to the witnesses and to the  
 36 supervising attorney or directed paralegal, as applicable.

37 (6) A description of the audiovisual technology or other method  
 38 used by the supervising attorney or paralegal, as applicable, the  
 39 testator, and the witnesses for the purpose of interacting with each  
 40 other in real time during the signing process.

41 (7) A description of the method used by the testator and the  
 42 witnesses to identify the location of each page break within the



1 text of the will and to confirm that the separate paper counterparts  
2 of the will were identical in content.

3 (8) A general description of how and when the attorney or  
4 paralegal, as applicable, physically combined the separate, signed  
5 paper counterparts of the will into a single composite paper  
6 document containing the will, the signature of the testator, and the  
7 signatures of all attesting witnesses.

8 (9) The name, business or residence address, and telephone  
9 number of the attorney or directed paralegal who supervised the  
10 execution and witnessing of the will in counterparts.

11 (10) Any other information that the supervising attorney or  
12 directed paralegal, as applicable, considers to be material with  
13 respect to:

14 (A) the testator's capacity to sign a valid will; and

15 (B) the testator's and witnesses' compliance with subsection

16 (c).

17 (e) When a party files a petition under IC 29-1-7 to probate a will  
18 that was executed and witnessed in counterparts under subsection (c),  
19 the party shall file a true copy of the affidavit of compliance under  
20 subsection (d) with the petition or at any time ordered by the court. A  
21 party who files a copy of the affidavit of compliance may redact private  
22 information from the affidavit in a manner consistent with Rule 5 of the  
23 Indiana Rules on Access to Court Records. If a will is executed and  
24 witnessed in counterparts under subsection (c) but without the  
25 supervision of an attorney or directed paralegal and that will is later  
26 offered for probate under IC 29-1-7, the will is voidable in the  
27 discretion of the court, upon objection to probate filed under  
28 IC 29-1-7-16, or upon a timely filed will contest under ~~IC 2-29-7-17~~.  
29 **IC 29-1-7-17.**

30 (f) A will that is executed substantially in compliance with  
31 subsection (b) will not be rendered invalid by the existence of:

32 (1) an attestation or self-proving clause or other language; or

33 (2) additional signatures;

34 not required by subsection (b).

35 (g) A will executed in accordance with subsection (b) is self-proved  
36 if the witness signatures follow an attestation or self-proving clause or  
37 other declaration indicating in substance the facts set forth in section  
38 3.1(c) or 3.1(d) of this chapter.

39 (h) This section shall be construed in favor of effectuating the  
40 testator's intent to make a valid will.

41 SECTION 61. IC 29-1-15-5 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. In all sales of real or



1 personal property, the court may authorize credit to be given by the  
 2 personal representative for a term and for an amount of the purchase  
 3 price each in the discretion of the court, the payment of which shall be  
 4 secured by notes or bonds with approved sureties or by a purchase  
 5 money mortgage. If credit is authorized, the ~~the~~ order shall specify the  
 6 time of payment, the minimum rate of interest on deferred payments  
 7 and the manner in which such payments shall be secured. If the estate  
 8 is solvent, credit may be extended by the personal representative for a  
 9 time longer than one (1) year with the written consent of the  
 10 distributees affected thereby.

11 SECTION 62. IC 29-2-1-1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. ~~As used in~~ **The**  
 13 **following terms are defined** for this chapter:

14 (1) "Local administration" means administration by a personal  
 15 representative appointed in this state pursuant to appointment  
 16 proceedings described in ~~article 1 of this title~~ **IC 29-1**.

17 (2) "Local personal representative" includes any personal  
 18 representative appointed in this state pursuant to appointment  
 19 proceedings described in ~~article 1 of this title~~ **IC 29-1** and  
 20 excludes foreign personal representatives who acquire the power  
 21 of a local personal representative under section 6 **of this chapter**.

22 (3) "Resident creditor" means a person domiciled in, or doing  
 23 business in this state, who is, or could be, a claimant against an  
 24 estate of a non-resident decedent.

25 (4) "Non-resident decedent" means a decedent not domiciled in  
 26 Indiana at ~~his~~ **the decedent's** death.

27 (5) "Foreign personal representative" means a personal  
 28 representative appointed in a jurisdiction other than Indiana to  
 29 administer a non-resident ~~decedent's~~ **decedent's** estate.

30 (6) "Domiciliary foreign personal representative" means a foreign  
 31 personal representative appointed in the jurisdiction where the  
 32 decedent was domiciled at the time of ~~his~~ **the decedent's** death.

33 SECTION 63. IC 31-25-4-33.5, AS ADDED BY P.L.86-2021,  
 34 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2022]: Sec. 33.5. (a) If the Title IV-D agency finds that an  
 36 obligor is delinquent and issues an order to the bureau of motor  
 37 vehicles stating that the obligor is delinquent under ~~sections~~ **section**  
 38 32(b) or 33(d) of this chapter, the obligor may have the obligor's  
 39 driving privileges reinstated by making a single payment of either:

40 (1) if the obligor is required by court order to pay a child support  
 41 obligation, the equivalent of eight (8) weeks of the child support  
 42 order to the clerk of the court or the state central collection unit;



- 1 or  
 2 (2) if the obligor is no longer required to pay a child support  
 3 obligation but has a child support arrearage, the equivalent of  
 4 eight (8) weeks of the most recent child support order or the full  
 5 amount of the child support arrearage, whichever is less, to the  
 6 clerk of the court or the state central collection unit.
- 7 (b) If the court ordered support obligation cannot be determined for  
 8 an obligor, the obligor shall contact the Title IV-D agency enforcing  
 9 the child support order to reach an agreement for a payment amount  
 10 that must be paid for the obligor to have the obligor's driving privileges  
 11 reinstated.
- 12 (c) Once the obligor pays the required amount under subsection (a)  
 13 or (b), the obligor shall provide proof of payment to the Title IV-D  
 14 agency enforcing the child support order. Within seven (7) days of  
 15 confirming the obligor's payment, the Title IV-D agency shall issue an  
 16 order to the bureau of motor vehicles to reinstate the obligor's driving  
 17 privileges.
- 18 (d) If multiple orders have been issued by the Title IV-D agency to  
 19 the bureau of motor vehicles to suspend the obligor's driving privileges,  
 20 the obligor must make a required payment under subsection (a) in each  
 21 case where an order to suspend the obligor's driving privileges is issued  
 22 to have those suspensions of the obligor's driving privileges lifted.
- 23 (e) The Title IV-D agency shall monitor compliance with the court  
 24 ordered child support obligation for a period of sixty (60) days after the  
 25 obligor's driving privileges are reinstated. After the period of sixty (60)  
 26 days, if the obligor has failed to comply with the child support order  
 27 and is again delinquent, as defined by section 2 of this chapter, the  
 28 Title IV-D agency may again initiate the process to suspend the  
 29 obligor's driving privileges under section 32 of this chapter.
- 30 (f) This section does not prevent the:
- 31 (1) Title IV-D agency from entering into and enforcing a child  
 32 support payment agreement with the obligor, including  
 33 suspension of the child support obligor's ~~operator's~~ **driver's**  
 34 license; or
- 35 (2) obligor from filing a petition for specialized driving privileges  
 36 under IC 9-30-16.
- 37 SECTION 64. IC 31-27-2-13, AS ADDED BY P.L.214-2021,  
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2022]: Sec. 13. If the governor declares a state of disaster  
 40 emergency under IC 10-14-3-12, the director **of the department**, or the  
 41 director's designee, may modify or suspend enforcement of a statute or  
 42 rule specifying a time within which a foster parent must provide for a



1 child to be examined by a physician, physician assistant, or advanced  
 2 practice registered nurse after the child's placement in the foster  
 3 parent's home.

4 SECTION 65. IC 31-28-5.8-5, AS AMENDED BY P.L.214-2021,  
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2022]: Sec. 5. (a) An older youth who received foster care  
 7 under a court order on the day the individual attains eighteen (18) years  
 8 of age is eligible to receive collaborative care services under applicable  
 9 rules of the department at any time until the individual becomes  
 10 twenty-one (21) years of age.

11 (b) An older youth may request the department to petition a juvenile  
 12 court for approval of a collaborative care agreement under this chapter.

13 (c) A court may grant a petition described in subsection (b) if the  
 14 court finds, consistent with applicable rules of the department, that the  
 15 older youth is:

- 16 (1) employed;
- 17 (2) attending school or a vocational or educational certification or  
 18 degree program;
- 19 (3) participating in a program or activity designed to promote, or  
 20 remove barriers to, employment; or
- 21 (4) incapable of performing any of the activities in subdivisions  
 22 (1) through (3) due to a medical condition documented by  
 23 regularly updated information in the older youth's current case  
 24 plan.

25 (d) A child who:

- 26 (1) is at least seventeen (17) years and six (6) months of age;
- 27 (2) is receiving foster care under a court order; and
- 28 (3) expects to be eligible for collaborative care under this chapter  
 29 when the child becomes an older youth;

30 may request the department to start the process of planning for  
 31 collaborative care under this chapter.

32 (e) If the governor declares a state of disaster emergency under  
 33 IC 10-14-3-12, the director **of the department**, or the director's  
 34 designee, may allow older youth who are receiving collaborative care  
 35 services at the time of the declaration to continue to receive  
 36 collaborative care services for the duration of the state of disaster  
 37 emergency.

38 SECTION 66. IC 32-18-1-15 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) If a creditor or  
 40 the trustee, by verified petition, asks the court for the examination of  
 41 the assignor or any person to whom any part of the person's property  
 42 has been transferred within six (6) months before the assignment, the





1 circuit or superior court may issue an order for the examination of:

- 2 (1) the assignor;  
 3 (2) a person or officer of a corporation to whom a transfer is  
 4 believed to have been fraudulently made;  
 5 (3) a a person or officer of an association to whom a transfer is  
 6 believed to have been fraudulently made; and  
 7 (4) a person alleged to have been concerned in the transfer.

8 (b) A person described in subsection (a) may be brought before the  
 9 court and, on oath, be compelled to answer all questions put to the  
 10 person pertinent to the alleged transaction. The court may stay further  
 11 transfers and subject property that has been fraudulently withheld or  
 12 transferred to the operation of the general trust. The assignor or person  
 13 shall be interrogated or be compelled to answer all questions  
 14 concerning the disposition of the property of the assignor. The assignor  
 15 may be interrogated and compelled to answer all questions concerning  
 16 the management of the assignor's business and affairs for the six (6)  
 17 months before the assignment. The assignor shall be compelled to  
 18 produce all books, papers, and accounts in reference to the assignor's  
 19 business affairs during the six (6) months preceding the assignment.

20 SECTION 67. IC 32-21-4-0.5, AS ADDED BY P.L.2-2021,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2022]: Sec. 0.5. For purposes of section 1 of this chapter, the  
 23 general assembly makes the following findings:

- 24 (1) It is in the public interest for any conveyance, as defined in  
 25 section 1(a) of this chapter, and any mortgage recorded in the  
 26 office of ~~the~~ **an** Indiana county recorder to not be attacked due to  
 27 technical deficiencies.  
 28 (2) The ability to rely upon documents indexed and recorded in  
 29 the public land records of an Indiana county recorder provides  
 30 stability to the ownership of Indiana real property and to Indiana's  
 31 statewide and local real estate economies.  
 32 (3) Making or keeping these subsections in section 1 of this  
 33 chapter retroactive will not upset any vested substantive rights,  
 34 liabilities, or duties.  
 35 (4) This section is intended to express the original legislative  
 36 intent of ~~IC 32-21-4-1~~ **section 1 of this chapter** more clearly.

37 SECTION 68. IC 32-28-12-4, AS AMENDED BY P.L.45-2016,  
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2022]: Sec. 4. (a) An employee having acquired a lien under  
 40 this chapter may enforce the lien by filing a complaint in the circuit or  
 41 superior court in the county where the lien was acquired at any time  
 42 within six (6) months after the date of acquiring the lien, or if a credit



1 is given, after the date of the credit.

2 (b) The court rendering judgment for the claim shall declare the  
3 claim a lien upon the corporation's property and order the property sold  
4 to pay and satisfy the judgment and costs, as other lands are sold on  
5 execution or decree.

6 (c) In an action brought under this section, the court shall make  
7 orders as to the application of the earnings of the corporation that are  
8 just and equitable, whether or not the ~~the~~ relief is asked for in the  
9 complaint.

10 SECTION 69. IC 32-29-7-3, AS AMENDED BY P.L.152-2021,  
11 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2022]: Sec. 3. (a) In a proceeding for the foreclosure of a  
13 mortgage executed on real estate, process may not issue for the  
14 execution of a judgment or decree of sale for a period of three (3)  
15 months after the filing of a complaint in the proceeding. However:

16 (1) the period is:

17 (A) twelve (12) months in a proceeding for the foreclosure of  
18 a mortgage executed before January 1, 1958; and

19 (B) six (6) months in a proceeding for the foreclosure of a  
20 mortgage executed after December 31, 1957, but before July  
21 1, 1975; and

22 (2) if the court finds under IC 32-30-10.6 that the mortgaged real  
23 estate has been abandoned, a judgment or decree of sale may be  
24 executed on the date the judgment of foreclosure or decree of sale  
25 is entered, regardless of the date the mortgage is executed.

26 (b) A judgment and decree in a proceeding to foreclose a mortgage  
27 that is entered by a court having jurisdiction may be filed with the clerk  
28 in any county as provided in IC 33-32-3-2. After the period set forth in  
29 subsection (a) expires, a person who may enforce the judgment and  
30 decree may file a praecipe with the clerk in any county where the  
31 judgment and decree is filed, and the clerk shall promptly issue and  
32 certify to the sheriff of that county a copy of the judgment and decree  
33 under the seal of the court. However, if:

34 (1) a praecipe is not filed with the clerk within one hundred eighty  
35 (180) days after the later of the dates on which:

36 (A) the period specified in subsection (a) expires; or

37 (B) the judgment and decree is filed; and

38 (2) the sale is not:

39 (A) otherwise prohibited by law;

40 (B) subject to a voluntary statewide foreclosure moratorium;

41 or

42 (C) subject to a written agreement that:



- 1 (i) provides for a delay in the sale of the mortgaged real  
 2 estate; and  
 3 (ii) is executed by and between the owner of the mortgaged  
 4 real estate and a party entitled to enforce the judgment and  
 5 decree;  
 6 an enforcement authority that has issued an abatement order under  
 7 IC 36-7-36-9 with respect to the mortgaged real estate may file a  
 8 praecipe with the clerk in any county where the judgment and decree  
 9 is filed. If an enforcement authority files a praecipe under this  
 10 subsection, the clerk of the county in which the praecipe is filed shall  
 11 promptly issue and certify to the sheriff of that county a copy of the  
 12 judgment and decree under the seal of the court.  
 13 (c) Upon receiving a certified judgment under subsection (b), the  
 14 sheriff shall, subject to section 4 of this chapter, sell the mortgaged  
 15 premises or as much of the mortgaged premises as necessary to satisfy  
 16 the judgment, interest, and costs at public auction at the office of the  
 17 sheriff or at another location that is reasonably likely to attract higher  
 18 competitive bids. The sheriff shall schedule the date and time of the  
 19 sheriff's sale for:  
 20 (1) a date not later than:  
 21 (A) sixty (60) days after the date on which a judgment and  
 22 decree under IC 32-30-10.6-5; and  
 23 (B) one hundred twenty (120) days after the date on which a  
 24 judgment and decree in all other cases;  
 25 under seal of the court is certified to the sheriff by the clerk; and  
 26 (2) a time certain between the hours of 10 a.m. and 4 p.m. on any  
 27 day of the week except Sunday.  
 28 (d) Before selling mortgaged property, the sheriff must advertise the  
 29 sale by publication once each week for three (3) successive weeks:  
 30 (1) with each publication of notice in a daily or weekly newspaper  
 31 of general circulation in at least one (1) newspaper published and  
 32 circulated in each county where the real estate is situated; or  
 33 (2) with the first publication of notice in a newspaper described  
 34 in subdivision (1) and the two (2) subsequent publications of  
 35 notice:  
 36 (A) in accordance with IC 5-3-5; and  
 37 (B) on the official web site of each county where the real  
 38 estate is located.  
 39 The first publication shall be made at least thirty (30) days before the  
 40 date of sale. At the time of placing the first advertisement by  
 41 publication, the sheriff shall also serve a copy of the written or printed  
 42 notice of sale upon each owner of the real estate. Service of the written



1 notice shall be made as provided in the Indiana Rules of Trial  
2 Procedure governing service of process upon a person.

3 (e) The sheriff shall charge a fee of ten dollars (\$10) to one (1)  
4 owner and three dollars (\$3) to each additional owner for service of  
5 written notice under ~~this~~ subsection (d). The fee is:

6 (1) a cost of the proceeding;

7 (2) to be collected as other costs of the proceeding are collected;  
8 and

9 (3) to be deposited in the county general fund for appropriation  
10 for operating expenses of the sheriff's department.

11 (f) The sheriff also shall post written or printed notices of the sale  
12 at the door of the courthouse of each county in which the real estate is  
13 located.

14 (g) If the sheriff is unable to procure the publication of a notice  
15 within the county, the sheriff may dispense with publication. The  
16 sheriff shall state that the sheriff was not able to procure the  
17 publication and explain the reason why publication was not possible.

18 (h) Notices under subsections (d), ~~(e)~~, (f), and (j) must contain a  
19 statement, for informational purposes only, of the location of each  
20 property by street address, if any, or other common description of the  
21 property other than legal description. A misstatement in the  
22 informational statement under this subsection does not invalidate an  
23 otherwise valid sale.

24 (i) The sheriff may charge an administrative fee of not more than  
25 two hundred dollars (\$200) with respect to a proceeding referred to in  
26 subsection (b) for actual costs directly attributable to the administration  
27 of the sale under subsection (c). The fee is:

28 (1) payable by the person seeking to enforce the judgment and  
29 decree; and

30 (2) due at the time of filing of the praecipe;  
31 under subsection (b).

32 (j) If a sale of mortgaged property scheduled under this section is  
33 canceled, the sheriff shall provide written notice of the cancellation to  
34 each owner of the real estate. Service of the written notice shall be  
35 made as provided in the Indiana Rules of Trial Procedure governing  
36 service of process upon a person. The sheriff shall charge a fee of ten  
37 dollars (\$10) for notice to one (1) owner and three dollars (\$3) for  
38 notice to each additional owner for service of written notice under this  
39 subsection. The fee:

40 (1) is a cost of the proceeding;

41 (2) shall be collected as other costs of the proceeding are  
42 collected; and



1 (3) shall be deposited in the county general fund for appropriation  
2 for operating expenses of the sheriff's department.

3 The fee for service under this subsection shall be paid by the person  
4 who caused the sale to be canceled.

5 SECTION 70. IC 32-34-1.5-23, AS ADDED BY P.L.141-2021,  
6 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2022]: Sec. 23. (a) Subject to subsection (b), the holder of  
8 property presumed abandoned must send to the apparent owner notice  
9 by first class United States mail that complies with section 24 of this  
10 chapter in a format acceptable to the attorney general not more than  
11 one hundred eighty (180) days and **not** less than sixty (60) days before  
12 filing the report under section 18 of this chapter if:

13 (1) the holder has in its records an address for the apparent owner  
14 which the holder's records do not disclose to be invalid and is  
15 sufficient to direct the delivery of first class United States mail to  
16 the apparent owner; and

17 (2) the value of the property is fifty dollars (\$50) or more.

18 (b) If an apparent owner has consented to receive electronic mail  
19 delivery from the holder, the holder may, at its election, send the notice  
20 described in subsection (a) by either first class United States mail to the  
21 apparent owner's last known mailing address, or by electronic mail,  
22 unless the holder believes the apparent owner's electronic mail address  
23 is invalid.

24 SECTION 71. IC 32-34-1.5-70, AS ADDED BY P.L.141-2021,  
25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2022]: Sec. 70. (a) The attorney general may join another state  
27 or foreign country to examine and seek enforcement of this chapter  
28 against a putative holder.

29 (b) On request of another state or foreign country, the attorney  
30 general may commence **an** action on behalf of the other state or  
31 country to enforce, in this state, the law of the other state or country  
32 against a putative holder subject to a claim by the other state or  
33 country, if the other state or country agrees to pay the costs incurred by  
34 the attorney general in the action.

35 (c) The attorney general may request the official authorized to  
36 enforce the unclaimed property law of another state or foreign country  
37 to commence an action to recover property in the other state or country  
38 on behalf of the attorney general. The state shall pay all the costs,  
39 including reasonable attorney's fees and expenses, incurred by the other  
40 state or foreign country in an action under this subsection.

41 (d) The attorney general may pursue an action on behalf of this state  
42 to recover property subject to this chapter but delivered to the custody



1 of another state if the attorney general believes the property is subject  
2 to the custody of the attorney general.

3 (e) The attorney general may retain an attorney in this state, another  
4 state, or a foreign country to commence an action to recover property  
5 on behalf of the attorney general and may agree to pay attorney's fees  
6 based in whole or in part on a fixed fee, hourly fee, or a percentage of  
7 the amount or value of property recovered in the action.

8 (f) Expenses incurred by the state in an action under this section  
9 may be paid from property received under this chapter or the net  
10 proceeds of the property. Expenses paid to recover property may not be  
11 deducted from the amount that is subject to a claim under this chapter  
12 by the owner.

13 SECTION 72. IC 33-23-16-11, AS AMENDED BY P.L.161-2018,  
14 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2022]: Sec. 11. A city court or county court may establish a  
16 problem solving court. A problem solving court established under this  
17 section may be: ~~a~~:

- 18 (1) a drug court;
- 19 (2) a mental health court;
- 20 (3) a family dependency drug court;
- 21 (4) a community court;
- 22 (5) a reentry court;
- 23 (6) a domestic violence court;
- 24 (7) a veterans' court; or
- 25 (8) any other court certified as a problem solving court by the  
26 office of judicial administration under section 17 of this chapter.

27 SECTION 73. IC 33-28-2-1 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. ~~(a)~~ A judge of the  
29 circuit court shall be elected under IC 3-10-2-11 by the voters of each  
30 circuit.

31 SECTION 74. IC 33-39-1-5 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. Except as provided  
33 in IC 12-15-23-6(d), the prosecuting attorneys, within their respective  
34 jurisdictions, shall:

- 35 (1) conduct all prosecutions for felonies, misdemeanors, or  
36 infractions and all suits on forfeited recognizances;
- 37 (2) superintend, on behalf of counties or any of the trust funds, all  
38 suits in which the ~~the~~ counties or trust funds may be interested or  
39 involved; and
- 40 (3) perform all other duties required by law.

41 SECTION 75. IC 33-43-3 IS REPEALED [EFFECTIVE JULY 1,  
42 2022]. (Prohibition on Solicitation by Nonattorneys).



1 SECTION 76. IC 34-11-2-6 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. An action against:

3 ~~(A) (1)~~ a sheriff;

4 ~~(B) (2)~~ another public officer; or

5 ~~(C) (3)~~ the officer and the officer's sureties on a public bond;

6 growing out of a liability incurred by doing an act in an official  
 7 capacity, or by the omission of an official duty, must be commenced  
 8 within five (5) years after the cause of action accrues. However, an  
 9 action may be commenced against the officer or the officer's legal  
 10 representatives, for money collected in an official capacity and not paid  
 11 over, at any time within six (6) years after the cause of action accrues.

12 SECTION 77. IC 35-31.5-2-22 IS REPEALED [EFFECTIVE JULY  
 13 1, 2022]. Sec. 22. "Attorney", for purposes of IC 35-45-14 has the  
 14 meaning set forth in IC 35-45-14-1.

15 SECTION 78. IC 35-44.2-1-2, AS ADDED BY P.L.126-2012,  
 16 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2022]: Sec. 2. (a) As used in this section, "state employee"  
 18 means:

19 (1) an employee (as defined in ~~IC 4-2-6-1(a)(8)~~; **IC 4-2-6-1**);

20 (2) a special state appointee (as defined in ~~IC 4-2-6-1(a)(16)~~;

21 **IC 4-2-6-1**); or

22 (3) a state officer (as defined in ~~IC 4-2-6-1(a)(17)~~; **IC 4-2-6-1**).

23 (b) A state employee who knowingly or intentionally retaliates or  
 24 threatens to retaliate against another state employee or former state  
 25 employee for:

26 (1) filing a complaint with the state ethics commission or the  
 27 inspector general;

28 (2) providing information to the state ethics commission or the  
 29 inspector general; or

30 (3) testifying at a state ethics commission proceeding;

31 commits retaliation for reporting to the inspector general, a Class A  
 32 misdemeanor.

33 (c) It is a defense to a prosecution under this section that the  
 34 reporting state employee or former state employee:

35 (1) did not act in good faith; or

36 (2) knowingly, intentionally, or recklessly provided false  
 37 information or testimony to the state ethics commission or the  
 38 inspector general.

39 SECTION 79. IC 35-45-14 IS REPEALED [EFFECTIVE JULY 1,  
 40 2022]. (Unlawful Solicitation).

41 SECTION 80. IC 36-7-31.3-8, AS AMENDED BY P.L.79-2021,  
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 8. (a) A designating body may designate as part  
 2 of a professional sports and convention development area any facility  
 3 that is:

4 (1) owned by the city, the county, a school corporation, or a board  
 5 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and  
 6 used by a professional sports franchise for practice or competitive  
 7 sporting events;

8 (2) owned by the city, the county, or a board under IC 36-9-13,  
 9 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of  
 10 the following:

11 (A) A facility used principally for convention or tourism  
 12 related events serving national or regional markets.

13 (B) An airport.

14 (C) A museum.

15 (D) A zoo.

16 (E) A facility used for public attractions of national  
 17 significance.

18 (F) A performing arts venue.

19 (G) A county courthouse registered on the National Register  
 20 of Historic Places; or

21 (3) a hotel.

22 Notwithstanding section 9 of this chapter or any other law, a  
 23 designating body may by resolution approve the expansion of a  
 24 professional sports and convention development area after June 30,  
 25 2009, to include a hotel designated by the designating body. A  
 26 resolution for such an expansion must be reviewed by the budget  
 27 committee and approved by the budget agency in the same manner as  
 28 a resolution establishing a professional sports and convention  
 29 development area is reviewed and approved. A facility may not include  
 30 a private golf course or related improvements. The tax area may  
 31 include only facilities described in this section and any parcel of land  
 32 on which a facility is located. An area may contain noncontiguous  
 33 tracts of land within the city, county, or school corporation.

34 (b) Except for a tax area that is located in a city having a population  
 35 of:

36 (1) more than one hundred fifty thousand (150,000) but less than  
 37 five hundred thousand (500,000); or

38 (2) more than eighty thousand (80,000) but less than eighty  
 39 thousand four hundred (80,400);

40 a tax area must include at least one (1) facility described in subsection  
 41 (a)(1).

42 (c) A tax area may contain other facilities not owned by the





- 1 designating body if:
- 2 (1) the facility is owned by a city, the county, a school
- 3 corporation, or a board established under IC 36-9-13, IC 36-10-8,
- 4 IC 36-10-10, or IC 36-10-11; and
- 5 (2) an agreement exists between the designating body and the
- 6 owner of the facility specifying the distribution and uses of the
- 7 covered taxes to be allocated under this chapter.
- 8 (d) This subsection applies to all tax areas located in a county
- 9 having a population of more than three hundred thousand (300,000) but
- 10 less than four hundred thousand (400,000). The facilities located at an
- 11 Indiana University Fort Wayne and Purdue University Fort Wayne
- 12 campus are added to the tax area designated by the county. For state
- 13 fiscal years:
- 14 (1) beginning before July 1, 2021, the maximum amount of
- 15 covered taxes that may be captured in all tax areas located in the
- 16 county is three million dollars (\$3,000,000) per year; and
- 17 (2) beginning after June 30, 2021, the maximum amount of
- 18 covered taxes that may be captured in all tax areas located in the
- 19 county is five million dollars (\$5,000,000) **per year;**
- 20 regardless of the designating body that established the tax area. The
- 21 revenue from the local income tax imposed under IC 6-3.6 that is
- 22 captured must be counted first toward this maximum.
- 23 (e) This subsection applies to a tax area located in Evansville.
- 24 Notwithstanding any other provision of this chapter, for state fiscal
- 25 years beginning after July 1, 2021, any facility in Evansville, Indiana:
- 26 (1) that consists of a hotel; and
- 27 (2) is located in the north part of an area bounded on the
- 28 northwest by Walnut Street, on the northeast by SE Martin Luther
- 29 King Jr. Boulevard, on the southwest by SE 6th Street, and on the
- 30 southeast by Cherry Street, as those streets were located on July
- 31 1, 2021;
- 32 is added to the tax area. The provisions in sections 11 and 12 of this
- 33 chapter are not applicable to the area described in this subsection.
- 34 (f) This subsection applies to a tax area located in South Bend.
- 35 Notwithstanding any other provision of this chapter, for state fiscal
- 36 years in which the tax area is renewed under section ~~10(d)~~ **10(e)** of this
- 37 chapter after June 30, 2021, the tax area shall also include any facility
- 38 or complex of facilities:
- 39 (1) that consists of hotels located in the following areas in South
- 40 Bend, Indiana:
- 41 (A) in the east quadrant of an area bounded on the north by
- 42 Columbus Court, on the east by North Main Street, and on the



- 1 south by West Washington Street, as those streets were located
- 2 on July 1, 2021;
- 3 (B) an area bounded on the north by East Colfax Avenue, on
- 4 the east by Doctor Martin Luther King, Jr. Boulevard, on the
- 5 south by East Washington Street, and on the west by North
- 6 Michigan Street, as those streets were located on July 1, 2021;
- 7 and
- 8 (C) in the southeast quadrant of an area bounded on the north
- 9 by East Washington Street, on the east by Doctor Martin
- 10 Luther King, Jr. Boulevard, and on the south by East Jefferson
- 11 Boulevard, as those streets were located on July 1, 2021;
- 12 (2) that consists of a sports, recreational, and event facility or
- 13 complex of facilities located in South Bend, Indiana, in the
- 14 northeast quadrant of an area bounded on the north by East
- 15 Jefferson Boulevard, on the east by South St. Louis Boulevard, as
- 16 those streets were located on July 1, 2021, and on the west by the
- 17 St. Joseph River; and
- 18 (3) located at an Indiana University South Bend campus.

19 The provisions in sections 11 and 12 of this chapter are not applicable  
 20 to the renewal of the tax areas described in this subsection.

21 SECTION 81. IC 36-7.5-2-3, AS AMENDED BY P.L.165-2021,  
 22 SECTION 209, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The development authority is  
 24 governed by the development board appointed under this section.

25 (b) Except as provided in subsections (d), (e), and (g), the  
 26 development board is composed of the following ten (10) members:

27 (1) Two (2) members appointed by the governor. One (1) of the  
 28 members appointed by the governor under this subdivision shall  
 29 be designated as chair by the governor. One (1) of the members  
 30 appointed by the governor must reside in Porter County. Both  
 31 members appointed by the governor under this subdivision serve  
 32 at the pleasure of the governor.

33 (2) The following members from a county having a population of  
 34 more than four hundred thousand (400,000) but less than seven  
 35 hundred thousand (700,000):

36 (A) One (1) member appointed by the mayor of the largest city  
 37 in the county in which a riverboat is located. The member  
 38 appointed under this clause must be a resident of the largest  
 39 city in the county in which a riverboat is located.

40 (B) One (1) member appointed by the mayor of the second  
 41 largest city in the county in which a riverboat is located. The  
 42 member appointed under this clause must be a resident of the



- 1 second largest city in the county in which a riverboat is  
 2 located.
- 3 (C) One (1) member appointed by the mayor of the third  
 4 largest city in the county in which a riverboat is located. The  
 5 member appointed under this clause must be a resident of the  
 6 third largest city in the county in which a riverboat is located.
- 7 (D) One (1) member appointed jointly by the county executive  
 8 and the county fiscal body. A member appointed under this  
 9 clause may not reside in a city described in clause (A), (B), or  
 10 (C).
- 11 (3) One (1) member appointed jointly by the county executive and  
 12 county fiscal body of a county having a population of more than  
 13 one hundred fifty thousand (150,000) but less than one hundred  
 14 seventy thousand (170,000). The member appointed under this  
 15 subdivision must be a resident of a county having a population of  
 16 more than one hundred fifty thousand (150,000) but less than one  
 17 hundred seventy thousand (170,000).
- 18 (4) The following three (3) members appointed under subsection  
 19 (i):
- 20 (A) One (1) member appointed from Lake County.  
 21 (B) One (1) member appointed from Porter County.  
 22 (C) One (1) member appointed from LaPorte County.
- 23 The members appointed under this subdivision may only vote on  
 24 matters that pertain strictly to a transit development district  
 25 established under IC 36-7.5-4.5-17.
- 26 (c) A member appointed to the development board must have  
 27 knowledge and at least five (5) years professional work experience in  
 28 at least one (1) of the following:
- 29 (1) Rail transportation or air transportation.  
 30 (2) Regional economic development.  
 31 (3) Business or finance.
- 32 (d) A county having a population of more than one hundred eleven  
 33 thousand (111,000) but less than one hundred fifteen thousand  
 34 (115,000) shall be an eligible county participating in the development  
 35 authority if the fiscal body of the county adopts an ordinance providing  
 36 that the county is joining the development authority and the fiscal body  
 37 of a city that is located in the county and that has a population of more  
 38 than thirty-one thousand (31,000) but less than thirty-one thousand five  
 39 hundred (31,500) adopts an ordinance providing that the city is joining  
 40 the development authority. Notwithstanding subsection (b), if  
 41 ordinances are adopted under this subsection and the county becomes  
 42 an eligible county participating in the development authority:



1 (1) the development board shall be composed of twelve (12)  
2 members rather than ten (10) members; and

3 (2) the additional two (2) members shall be appointed in the  
4 following manner:

5 (A) One (1) additional member shall be appointed by the  
6 governor and shall serve at the pleasure of the governor. The  
7 member appointed under this clause must be an individual  
8 nominated under ~~subsection (f)~~: **subsection (e)**.

9 (B) One (1) additional member shall be appointed jointly by  
10 the county executive and county fiscal body. The member  
11 appointed under this clause must be a resident of a county  
12 having a population of more than one hundred eleven thousand  
13 (111,000) but less than one hundred fifteen thousand  
14 (115,000).

15 (e) This subsection applies only if the county described in  
16 subsection (d) is an eligible county participating in the development  
17 authority. The mayor of the largest city in the county described in  
18 subsection (d) shall nominate three (3) residents of the county for  
19 appointment to the development board. The governor's initial  
20 appointment under subsection (d)(2)(A) must be an individual  
21 nominated by the mayor. At the expiration of the member's term, the  
22 mayor of the second largest city in the county described in subsection  
23 (d) shall nominate three (3) residents of the county for appointment to  
24 the development board. The governor's second appointment under  
25 subsection (d)(2)(A) must be an individual nominated by the mayor.  
26 Thereafter, the authority to nominate the three (3) individuals from  
27 among whom the governor shall make an appointment under  
28 subsection (d)(2)(A) shall alternate between the mayors of the largest  
29 and the second largest city in the county at the expiration of a member's  
30 term.

31 (f) An individual or entity required to make an appointment under  
32 subsection (b) must make the initial appointment before September 1,  
33 2005, or the initial nomination before August 15, 2005. If an individual  
34 or entity does not make an initial appointment under subsection (b)  
35 before September 1, 2005, the governor shall instead make the initial  
36 appointment.

37 (g) Subsection (h) applies only to municipalities located in a county  
38 that:

39 (1) has a population of more than one hundred fifty thousand  
40 (150,000) but less than one hundred seventy thousand (170,000);

41 and

42 (2) was a member of the development authority on January 1,



- 1           2009, and subsequently ceases to be a member of the  
2           development authority.
- 3           (h) If the fiscal bodies of at least two (2) municipalities subject to  
4           this subsection adopt ordinances to become members of the  
5           development authority, those municipalities shall become members of  
6           the development authority. If two (2) or more municipalities become  
7           members of the development authority under this subsection, the fiscal  
8           bodies of the municipalities that become members of the development  
9           authority shall jointly appoint one (1) member of the development  
10          board who shall serve in place of the member described in subsection  
11          (b)(3). A municipality that becomes a member of the development  
12          authority under this subsection is considered an eligible municipality  
13          for purposes of this article.
- 14          (i) The governor shall appoint three (3) members to the  
15          development board as follows:
- 16               (1) The initial appointment of one (1) member shall be selected  
17               out of a list of three (3) nominations from the county executive of  
18               Lake County. The nominations shall be transmitted to the  
19               governor before July 1, 2020. If the county executive of Lake  
20               County does not make the initial nominations by July 1, 2020, the  
21               governor shall instead make the initial appointment. After the  
22               expiration of the term of a member appointed under this  
23               subdivision, or if a vacancy occurs before the end of the term of  
24               a member appointed under this subdivision, the county executive  
25               of Lake County shall transmit a list of three (3) nominations to the  
26               governor not later than ninety (90) days after the expiration or the  
27               vacancy occurs. The governor shall appoint one (1) member out  
28               of the list of three (3) nominations, or, if the county executive of  
29               Lake County does not make the nominations within ninety (90)  
30               days after the expiration or the vacancy occurs, the governor shall  
31               instead make the appointment. A member appointed under this  
32               subdivision must be a resident of Lake County.
- 33               (2) The initial appointment of one (1) member shall be selected  
34               out of a list of three (3) nominations from the county executive of  
35               Porter County. The nominations shall be transmitted to the  
36               governor before July 1, 2020. If the county executive of Porter  
37               County does not make the initial nominations by July 1, 2020, the  
38               governor shall instead make the initial appointment. After the  
39               expiration of the term of a member appointed under this  
40               subdivision, or if a vacancy occurs before the end of the term of  
41               a member appointed under this subdivision, the county executive  
42               of Porter County shall transmit a list of three (3) nominations to



1 the governor not later than ninety (90) days after the expiration or  
 2 the vacancy occurs. The governor shall appoint one (1) member  
 3 out of the list of three (3) nominations, or, if the county executive  
 4 of Porter County does not make the nominations within ninety  
 5 (90) days after the expiration or the vacancy occurs, the governor  
 6 shall instead make the appointment. A member appointed under  
 7 this subdivision must be a resident of Porter County.

8 (3) The initial appointment of one (1) member shall be selected  
 9 out of a list of three (3) nominations from the county executive of  
 10 LaPorte County. The nominations shall be transmitted to the  
 11 governor before July 1, 2020. If the county executive of LaPorte  
 12 County does not make the initial nominations by July 1, 2020, the  
 13 governor shall instead make the initial appointment. After the  
 14 expiration of the term of a member appointed under this  
 15 subdivision, or if a vacancy occurs before the end of the term of  
 16 a member appointed under this subdivision, the county executive  
 17 of LaPorte County shall transmit a list of three (3) nominations to  
 18 the governor not later than ninety (90) days after the expiration or  
 19 the vacancy occurs. The governor shall appoint one (1) member  
 20 out of the list of three (3) nominations, or, if the county executive  
 21 of LaPorte County does not make the nominations within ninety  
 22 (90) days after the expiration or the vacancy occurs, the governor  
 23 shall instead make the appointment. A member appointed under  
 24 this subdivision must be a resident of LaPorte County.

25 SECTION 82. [EFFECTIVE UPON PASSAGE] (a) **This act may**  
 26 **be referred to as the "technical corrections bill of the 2022 general**  
 27 **assembly".**

28 (b) **The phrase "technical corrections bill of the 2022 general**  
 29 **assembly" may be used in the lead-in line of an act other than this**  
 30 **act to identify provisions added, amended, or repealed by this act**  
 31 **that are also amended or repealed in the other act.**

32 (c) **This SECTION expires December 31, 2022.**

33 SECTION 83. [EFFECTIVE UPON PASSAGE] (a) **This**  
 34 **SECTION applies if a provision of the Indiana Code is:**

35 (1) **added or amended by this act; and**

36 (2) **repealed by another act without recognizing the existence**  
 37 **of the amendment made by this act by an appropriate**  
 38 **reference in the lead-in line of the SECTION of the other act**  
 39 **repealing the same provision of the Indiana Code.**

40 (b) **As used in this SECTION, "other act" refers to an act**  
 41 **enacted in the 2022 session of the general assembly other than this**  
 42 **act. "Another act" has a corresponding meaning.**



1           (c) Except as provided in subsections (d) and (e), a provision  
2 repealed by another act shall be considered repealed, regardless of  
3 whether there is a difference in the effective date of the provision  
4 added or amended by this act and the provision repealed by the  
5 other act. Except as provided in subsection (d), the lawful  
6 compilers of the Indiana Code, in publishing the affected Indiana  
7 Code provision, shall publish only the version of the Indiana Code  
8 provision that is repealed by the other act. The history line for an  
9 Indiana Code provision that is repealed by the other act must  
10 reference that act.

11           (d) This subsection applies if a provision described in subsection  
12 (a) that is added or amended by this act takes effect before the  
13 corresponding provision repeal in the other act. The lawful  
14 compilers of the Indiana Code, in publishing the provision added  
15 or amended in this act, shall publish that version of the provision  
16 and note that the provision is effective until the effective date of the  
17 corresponding provision repeal in the other act. On and after the  
18 effective date of the corresponding provision repeal in the other  
19 act, the provision repealed by the other act shall be considered  
20 repealed, regardless of whether there is a difference in the effective  
21 date of the provision added or amended by this act and the  
22 provision repealed by the other act. The lawful compilers of the  
23 Indiana Code, in publishing the affected Indiana Code provision,  
24 shall publish the version of the Indiana Code provision that is  
25 repealed by the other act, and shall note that this version of the  
26 provision is effective on the effective date of the repealed provision  
27 of the other act.

28           (e) If, during the same year, two (2) or more other acts repeal  
29 the same Indiana Code provision as the Indiana Code provision  
30 added or amended by this act, the lawful compilers of the Indiana  
31 Code, in publishing the Indiana Code provision, shall follow the  
32 principles set forth in this SECTION.

33           (f) This SECTION expires December 31, 2022.

34           SECTION 84. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 125, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 125 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 11, Nays 0

