



January 19, 2024

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## SENATE BILL No. 137

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DIGEST OF SB 137 (Updated January 17, 2024 3:55 pm - DI 149)

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

**Synopsis:** Administrative rulemaking. Removes references concerning the adoption of an emergency rule. Amends a reference from emergency rules to provisional or interim rules under certain circumstances. Makes conforming changes. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** July 1, 2024.

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### Gaskill, Freeman

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January 8, 2024, read first time and referred to Committee on Judiciary.  
January 18, 2024, reported favorably — Do Pass.

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SB 137—LS 6101/DI 149





January 19, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## SENATE BILL No. 137

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

- 1 SECTION 1. IC 3-6-4.1-14, AS AMENDED BY P.L.169-2015,  
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 14. (a) In addition to other duties prescribed by  
4 law, the commission shall do the following:  
5 (1) Administer Indiana election laws.  
6 (2) Adopt rules under IC 4-22-2 to do the following:  
7 (A) Govern the fair, legal, and orderly conduct of elections,  
8 including the following:  
9 (i) ~~Emergency~~ Rules described in section 16 of this chapter  
10 to implement a court order requiring the commission, the  
11 election division, or an election board or official to  
12 administer an election in a manner not authorized by this  
13 title.  
14 (ii) Rules (including joint rules with other agencies when  
15 necessary) to implement and administer NVRA.  
16 (B) Carry out IC 3-9 (campaign finance).  
17 (C) Govern the establishment of precincts under IC 3-11-1.5.

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- 1 (D) Specify procedures and fees for the processing of an  
 2 application from a vendor for voting systems approval and  
 3 testing.
- 4 (3) Advise and exercise supervision over local election and  
 5 registration officers.
- 6 (b) This section does not divest a county election board of any  
 7 powers and duties imposed on the board in IC 3-6-5, except that if  
 8 there is a deadlock on a county election board, the county election  
 9 board shall submit the question to the commission for final  
 10 determination.
- 11 SECTION 2. IC 3-6-4.1-16 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. The commission,  
 13 by unanimous vote of the entire membership of the commission, may  
 14 adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ IC 4-22-2 to implement  
 15 a court order requiring the commission, the election division, or an  
 16 election board or official to administer an election in a manner not  
 17 authorized by this title.
- 18 SECTION 3. IC 4-4-41-11, AS ADDED BY P.L.89-2021,  
 19 SECTION 11 AND P.L.158-2021, SECTION 2, IS AMENDED TO  
 20 READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. The  
 21 office shall adopt rules under IC 4-22-2 necessary for the  
 22 administration of this chapter. ~~In adopting the rules required by this~~  
 23 ~~section, the office may adopt emergency rules in the manner provided~~  
 24 ~~by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency~~  
 25 ~~rule adopted by the office under this section and in the manner~~  
 26 ~~provided by IC 4-22-2-37.1 expires on the date on which a rule that~~  
 27 ~~supersedes the emergency rule is adopted by the office under~~  
 28 ~~IC 4-22-2-24 through IC 4-22-2-36.~~
- 29 SECTION 4. IC 4-15-10.5-10, AS ADDED BY P.L.205-2019,  
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2024]: Sec. 10. The director shall do the following:
- 32 (1) Hire or contract with administrative law judges and other  
 33 employees as necessary to carry out the purposes of this chapter.
- 34 (2) Assign administrative law judges from the office to preside  
 35 over administrative proceedings.
- 36 (3) Adopt rules under IC 4-22-2 establishing a code of judicial  
 37 conduct for administrative law judges. The code of judicial  
 38 conduct for administrative law judges applies to each person  
 39 acting as an administrative law judge for the office. ~~The director~~  
 40 ~~may adopt emergency rules in the manner provided under~~  
 41 ~~IC 4-22-2-37.1 to implement a code of judicial conduct for~~  
 42 ~~administrative law judges.~~



- 1 (4) Receive complaints alleging violations of the code of judicial
- 2 conduct for administrative law judges, investigate the complaints,
- 3 and take administrative or disciplinary action as deemed
- 4 appropriate and warranted.
- 5 (5) Establish and administer a program to train and educate
- 6 administrative law judges.
- 7 (6) Require all administrative law judges for the office to annually
- 8 complete a number of hours of training and education determined
- 9 by the director.
- 10 (7) Provide and coordinate education for administrative law
- 11 judges on the code of judicial conduct for administrative law
- 12 judges, professionalism, administrative practices, and other
- 13 subjects necessary to carry out the purposes of this chapter.
- 14 (8) Render advisory opinions to administrative law judges
- 15 concerning the code of judicial conduct for administrative law
- 16 judges. Information and advice contained in an advisory opinion
- 17 are considered:
- 18 (A) specific to the person who requests the opinion and to the
- 19 facts presented; and
- 20 (B) confidential records under IC 5-14-3-4(b)(6).
- 21 (9) Consult with agency heads on hiring and performance
- 22 evaluations of administrative law judges for the agencies of the
- 23 agency heads.

24 SECTION 5. IC 4-30-3-9 IS REPEALED [EFFECTIVE JULY 1,  
 25 2024]. ~~Sec. 9: (a) The commission may adopt emergency rules under~~  
 26 ~~IC 4-22-2-37.1.~~

27 ~~(b) An emergency rule adopted by the commission under this~~  
 28 ~~section expires on the earlier of the following dates:~~

- 29 ~~(1) The expiration date stated in the emergency rule;~~
- 30 ~~(2) The date the emergency rule is amended or repealed by a later~~
- 31 ~~rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under~~
- 32 ~~IC 4-22-2-37.1.~~

33 SECTION 6. IC 4-30-3-18 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) The commission  
 35 may enter into agreements with other jurisdictions for the operation and  
 36 promotion of a multiple jurisdictional lottery if these agreements are in  
 37 the best interest of the lottery.

38 (b) Before the commission enters into an agreement with a  
 39 jurisdiction other than a state for a lottery game that originates and is  
 40 operated under foreign law, the commission must adopt rules under  
 41 IC 4-22-2 governing the establishment, implementation, and operation  
 42 of the lottery game. The rules adopted under this subsection must



1 include the information described in section 7 of this chapter. The  
 2 commission may not adopt ~~emergency~~ **provisional or interim** rules to  
 3 meet the requirements of this subsection.

4 SECTION 7. IC 4-31-3-9, AS AMENDED BY P.L.140-2013,  
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2024]: Sec. 9. ~~(a)~~ Subject to section 14 of this chapter, the  
 7 commission may:

8 (1) adopt rules under IC 4-22-2 ~~including emergency rules under~~  
 9 ~~IC 4-22-2-37.1~~, to implement this article, including rules that  
 10 prescribe:

11 (A) the forms of wagering that are permitted;

12 (B) the number of races;

13 (C) the procedures for wagering;

14 (D) the wagering information to be provided to the public;

15 (E) fees for the issuance and renewal of:

16 (i) permits under IC 4-31-5;

17 (ii) satellite facility licenses under IC 4-31-5.5; and

18 (iii) licenses for racetrack personnel and racing participants  
 19 under IC 4-31-6;

20 (F) investigative fees;

21 (G) fines and penalties; and

22 (H) any other regulation that the commission determines is in  
 23 the public interest in the conduct of recognized meetings and  
 24 wagering on horse racing in Indiana;

25 (2) appoint employees and fix their compensation, subject to the  
 26 approval of the budget agency under IC 4-12-1-13;

27 (3) enter into contracts necessary to implement this article; and

28 (4) receive and consider recommendations from a development  
 29 advisory committee established under IC 4-31-11.

30 ~~(b) An emergency rule adopted by the commission under subsection~~  
 31 ~~(a) expires on the earlier of the following dates:~~

32 ~~(1) The expiration date stated in the emergency rule.~~

33 ~~(2) The date the emergency rule is amended or repealed by a later~~  
 34 ~~rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under~~  
 35 ~~IC 4-22-2-37.1.~~

36 SECTION 8. IC 4-31-7.5-11, AS ADDED BY P.L.268-2017,  
 37 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 11. The commission shall adopt rules under  
 39 IC 4-22-2 ~~including emergency rules adopted in the manner provided~~  
 40 ~~in IC 4-22-2-37.1~~, to implement this chapter. Rules adopted under this  
 41 section may include rules that prescribe:

42 (1) procedures for verifying the age of an individual opening an



- 1 advance deposit wagering account or placing a wager with a  
 2 licensed SPMO;  
 3 (2) requirements for opening and administering advance deposit  
 4 wagering accounts;  
 5 (3) a guarantee or acceptable surety that the full value of balances  
 6 in an advance deposit wagering account will be paid;  
 7 (4) record keeping requirements;  
 8 (5) licensure procedures, including investigation of applicants,  
 9 forms for licensure, and procedures for renewal; and  
 10 (6) civil penalties for violations of this chapter or the rules  
 11 adopted by the commission.

12 SECTION 9. IC 4-32.3-3-3, AS ADDED BY P.L.58-2019,  
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2024]: Sec. 3. (a) The commission shall adopt rules under  
 15 IC 4-22-2 for the following purposes:

- 16 (1) Administering this article.  
 17 (2) Establishing the conditions under which charity gaming in  
 18 Indiana may be conducted, including the manner in which a  
 19 qualified organization may supervise a qualified card game  
 20 conducted under IC 4-32.3-5-11(b).  
 21 (3) Providing for the prevention of practices detrimental to the  
 22 public interest and providing for the best interests of charity  
 23 gaming.  
 24 (4) Establishing rules concerning inspection of qualified  
 25 organizations and the review of the licenses necessary to conduct  
 26 charity gaming.  
 27 (5) Imposing penalties for noncriminal violations of this article.  
 28 (6) Establishing standards for independent audits conducted under  
 29 IC 4-32.3-5-5(d).

30 (b) ~~The commission may adopt emergency rules under~~  
 31 ~~IC 4-22-2-37.1 if the commission determines that:~~

- 32 ~~(1) the need for a rule is so immediate and substantial that~~  
 33 ~~rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36~~  
 34 ~~are inadequate to address the need; and~~  
 35 ~~(2) an emergency rule is likely to address the need.~~

36 SECTION 10. IC 4-33-4-3, AS AMENDED BY P.L.142-2009,  
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 3. (a) The commission shall do the following:

- 39 (1) Adopt rules that the commission determines necessary to  
 40 protect or enhance the following:  
 41 (A) The credibility and integrity of gambling operations  
 42 authorized by this article.



- 1 (B) The regulatory process provided in this article.  
 2 (2) Conduct all hearings concerning civil violations of this article.  
 3 (3) Provide for the establishment and collection of license fees  
 4 and taxes imposed under this article.  
 5 (4) Deposit the license fees and taxes in the state gaming fund  
 6 established by IC 4-33-13.  
 7 (5) Levy and collect penalties for noncriminal violations of this  
 8 article.  
 9 (6) Deposit the penalties in the state gaming fund established by  
 10 IC 4-33-13.  
 11 (7) Be present through the commission's gaming agents during the  
 12 time gambling operations are conducted on a riverboat to do the  
 13 following:  
 14 (A) Certify the revenue received by a riverboat.  
 15 (B) Receive complaints from the public.  
 16 (C) Conduct other investigations into the conduct of the  
 17 gambling games and the maintenance of the equipment that  
 18 the commission considers necessary and proper.  
 19 ~~(8) Adopt emergency rules under IC 4-22-2-37.1 if the~~  
 20 ~~commission determines that:~~  
 21 ~~(A) the need for a rule is so immediate and substantial that~~  
 22 ~~rulemaking procedures under IC 4-22-2-13 through~~  
 23 ~~IC 4-22-2-36 are inadequate to address the need; and~~  
 24 ~~(B) an emergency rule is likely to address the need.~~  
 25 ~~(9) (8) Adopt rules to establish and implement a voluntary~~  
 26 ~~exclusion program that meets the requirements of subsection (e).~~  
 27 ~~(b).~~  
 28 ~~(10) (9) Establish the requirements for a power of attorney~~  
 29 ~~submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c),~~  
 30 ~~or IC 4-33-6.5-16.~~  
 31 ~~(b) The commission shall begin rulemaking procedures under~~  
 32 ~~IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted~~  
 33 ~~under subsection (a)(8) not later than thirty (30) days after the adoption~~  
 34 ~~of the emergency rule under subsection (a)(8).~~  
 35 ~~(e) (b) Rules adopted under subsection (a)(9) (a)(8) must provide~~  
 36 ~~the following:~~  
 37 (1) Except as provided by rule of the commission, a person who  
 38 participates in the voluntary exclusion program agrees to refrain  
 39 from entering a riverboat or other facility under the jurisdiction of  
 40 the commission.  
 41 (2) That the name of a person participating in the program will be  
 42 included on a list of persons excluded from all facilities under the





1 jurisdiction of the commission.

2 (3) Except as provided by rule of the commission, a person who  
3 participates in the voluntary exclusion program may not petition  
4 the commission for readmittance to a facility under the  
5 jurisdiction of the commission.

6 (4) That the list of patrons entering the voluntary exclusion  
7 program and the personal information of the participants are  
8 confidential and may only be disseminated by the commission to  
9 the owner or operator of a facility under the jurisdiction of the  
10 commission for purposes of enforcement and to other entities,  
11 upon request by the participant and agreement by the commission.

12 (5) That an owner of a facility under the jurisdiction of the  
13 commission shall make all reasonable attempts as determined by  
14 the commission to cease all direct marketing efforts to a person  
15 participating in the program.

16 (6) That an owner of a facility under the jurisdiction of the  
17 commission may not cash the check of a person participating in  
18 the program or extend credit to the person in any manner.  
19 However, the voluntary exclusion program does not preclude an  
20 owner from seeking the payment of a debt accrued by a person  
21 before entering the program.

22 SECTION 11. IC 4-33-6-2, AS AMENDED BY P.L.142-2009,  
23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2024]: Sec. 2. (a) A person applying for an owner's license  
25 under this chapter must pay a nonrefundable application fee to the  
26 commission. The commission shall determine the amount of the  
27 application fee.

28 (b) An applicant must submit the following on forms provided by  
29 the commission:

30 (1) If the applicant is an individual, two (2) sets of the individual's  
31 fingerprints.

32 (2) If the applicant is not an individual, two (2) sets of fingerprints  
33 for each officer and director of the applicant.

34 (c) This subsection applies to an applicant who applies after June  
35 30, 2009, for an owner's license. An applicant shall submit for the  
36 approval of the commission a written power of attorney identifying the  
37 person who, if approved by the commission, would serve as the  
38 applicant's trustee to operate the riverboat. The power of attorney  
39 submitted under this subsection must:

40 (1) be executed in the manner required by IC 30-5;

41 (2) describe the powers that may be delegated to the proposed  
42 trustee;



1 (3) conform with the requirements established by the commission  
2 under ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and

3 (4) be submitted on the date that the applicant pays the  
4 application fee described in subsection (a).

5 (d) The commission shall review the applications for an owner's  
6 license under this chapter and shall inform each applicant of the  
7 commission's decision concerning the issuance of the owner's license.

8 (e) The costs of investigating an applicant for an owner's license  
9 under this chapter shall be paid from the application fee paid by the  
10 applicant.

11 (f) An applicant for an owner's license under this chapter must pay  
12 all additional costs that are:

13 (1) associated with the investigation of the applicant; and

14 (2) greater than the amount of the application fee paid by the  
15 applicant.

16 SECTION 12. IC 4-33-6-22, AS ADDED BY P.L.142-2009,  
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2024]: Sec. 22. (a) This section applies to any licensed owner  
19 who was not required to submit a proposed power of attorney when  
20 applying for an owner's license.

21 (b) A licensed owner shall submit for the approval of the  
22 commission a written power of attorney identifying the person who, if  
23 approved by the commission, would serve as the licensed owner's  
24 trustee to operate the riverboat. The power of attorney submitted under  
25 this subsection must:

26 (1) be executed in the manner required by IC 30-5;

27 (2) describe the powers that may be delegated to the proposed  
28 trustee;

29 (3) conform with the requirements established by the commission  
30 under ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and

31 (4) be submitted before:

32 (A) November 1, 2009, in the case of a person holding an  
33 owner's license on July 1, 2009; or

34 (B) the deadline imposed by the commission in the case of a  
35 licensed owner who is subject to this section and not described  
36 by clause (A).

37 (c) The commission may not renew an owner's license unless the  
38 commission:

39 (1) receives a proposed power of attorney from the licensed  
40 owner;

41 (2) approves the trustee identified by the power of attorney; and

42 (3) approves the power of attorney.



1 (d) A licensed owner must petition the commission for its approval  
2 of any changes to a power of attorney approved by the commission.

3 SECTION 13. IC 4-33-6.5-2, AS AMENDED BY P.L.1-2010,  
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]: Sec. 2. (a) A person, including a person who holds or  
6 has an interest in an owner's license issued under this article, may file  
7 an application with the commission to serve as an operating agent  
8 under this chapter. An applicant must pay a nonrefundable application  
9 fee to the commission in an amount to be determined by the  
10 commission.

11 (b) An applicant must submit the following on forms provided by  
12 the commission:

13 (1) If the applicant is an individual, two (2) sets of the individual's  
14 fingerprints.

15 (2) If the applicant is not an individual, two (2) sets of fingerprints  
16 for each officer and director of the applicant.

17 (c) This subsection applies to an applicant who applies after May  
18 12, 2009, to serve as an operating agent under this chapter. An  
19 applicant shall submit for the approval of the commission a written  
20 power of attorney identifying the person who, if approved by the  
21 commission, would serve as the applicant's trustee to operate the  
22 riverboat. The power of attorney submitted under this subsection must:

23 (1) be executed in the manner required by IC 30-5;

24 (2) describe the powers that may be delegated to the proposed  
25 trustee;

26 (3) conform with the requirements established by the commission  
27 under ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and

28 (4) be submitted on the date that the applicant pays the  
29 application fee described in subsection (a).

30 (d) The commission shall review the applications filed under this  
31 chapter and shall inform each applicant of the commission's decision.

32 (e) The costs of investigating an applicant to serve as an operating  
33 agent under this chapter shall be paid from the application fee paid by  
34 the applicant.

35 (f) An applicant to serve as an operating agent under this chapter  
36 must pay all additional costs that are:

37 (1) associated with the investigation of the applicant; and

38 (2) greater than the amount of the application fee paid by the  
39 applicant.

40 SECTION 14. IC 4-33-6.5-16, AS ADDED BY P.L.142-2009,  
41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2024]: Sec. 16. (a) The person holding an operating agent



1 contract on July 1, 2009, shall submit for the approval of the  
 2 commission a written power of attorney identifying the person who, if  
 3 approved by the commission, would serve as the operating agent's  
 4 trustee to operate the riverboat. The power of attorney submitted under  
 5 this subsection must:

- 6 (1) be executed in the manner required by IC 30-5;
- 7 (2) describe the powers that may be delegated to the proposed  
 8 trustee;
- 9 (3) conform with the requirements established by the commission  
 10 under ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and
- 11 (4) be submitted before November 1, 2009.

12 (b) The commission may not renew an operating agent contract  
 13 unless the commission:

- 14 (1) receives a proposed power of attorney from the operating  
 15 agent;
- 16 (2) approves the trustee identified by the power of attorney; and
- 17 (3) approves the power of attorney.

18 (c) An operating agent must petition the commission for its approval  
 19 of any changes to a power of attorney approved by the commission.

20 SECTION 15. IC 4-33-22-12, AS ADDED BY P.L.113-2010,  
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2024]: Sec. 12. ~~(a)~~ In accordance with IC 35-45-18-1(b), the  
 23 commission may adopt rules under IC 4-22-2 to regulate the conduct  
 24 of the following:

- 25 (1) Mixed martial arts.
- 26 (2) Martial arts, including the following:  
 27 (A) Jujutsu.  
 28 (B) Karate.  
 29 (C) Kickboxing.  
 30 (D) Kung fu.  
 31 (E) Tae kwon do.  
 32 (F) Judo.  
 33 (G) Sambo.  
 34 (H) Pankration.  
 35 (I) Shootwrestling.
- 36 (3) Professional wrestling.
- 37 (4) Boxing.
- 38 (5) Sparring.

39 ~~(b) The commission may adopt emergency rules under~~  
 40 ~~IC 4-22-2-37.1 if the commission determines that:~~

- 41 ~~(1) the need for a rule is so immediate and substantial that the~~  
 42 ~~ordinary rulemaking procedures under IC 4-22-2 are inadequate~~



1 to address the need; and

2 ~~(2) an emergency rule is likely to address the need.~~

3 SECTION 16. IC 4-33-24-13, AS ADDED BY P.L.212-2016,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]: Sec. 13. (a) The division shall adopt rules under  
6 IC 4-22-2 including emergency rules under IC 4-22-2-37.1; to  
7 implement this chapter, including rules for the following purposes:

8 (1) Administering this chapter.

9 (2) Providing for the prevention of practices detrimental to the  
10 public interest and providing for the best interests of paid fantasy  
11 sports.

12 (3) Establishing rules concerning the review of the permits or  
13 licenses necessary for a game operator, licensed facility, or  
14 licensee.

15 (4) Imposing penalties for noncriminal violations of this chapter.

16 (b) The division and the commission shall allow game operators  
17 who are operating in Indiana on March 31, 2016, to continue operating  
18 until they have received or have been denied a license.

19 SECTION 17. IC 4-35-4-2, AS AMENDED BY P.L.255-2015,  
20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2024]: Sec. 2. (a) The commission shall do the following:

22 (1) Adopt rules under IC 4-22-2 that the commission determines  
23 are necessary to protect or enhance the following:

24 (A) The credibility and integrity of gambling games authorized  
25 under this article.

26 (B) The regulatory process provided in this article.

27 (2) Conduct all hearings concerning civil violations of this article.

28 (3) Provide for the establishment and collection of license fees  
29 imposed under this article, and deposit the license fees in the state  
30 general fund.

31 (4) Levy and collect penalties for noncriminal violations of this  
32 article and deposit the penalties in the state general fund.

33 (5) Approve the design, appearance, aesthetics, and construction  
34 of gambling game facilities authorized under this article.

35 ~~(6) Adopt emergency rules under IC 4-22-2-37.1 if the~~  
36 ~~commission determines that:~~

37 ~~(A) the need for a rule is so immediate and substantial that~~  
38 ~~rulemaking procedures under IC 4-22-2-13 through~~  
39 ~~IC 4-22-2-36 are inadequate to address the need; and~~

40 ~~(B) an emergency rule is likely to address the need.~~

41 ~~(7) (6) Adopt rules to establish and implement a voluntary~~  
42 ~~exclusion program that meets the requirements of subsection (e):~~



1           **(b).**  
2           ~~(8)~~ **(7)** Establish the requirements for a power of attorney  
3           submitted under IC 4-35-5-9.  
4           ~~(b)~~ **The commission shall begin rulemaking procedures under**  
5           ~~IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted~~  
6           ~~under subsection (a)(6) not later than thirty (30) days after the adoption~~  
7           ~~of the emergency rule under subsection (a)(6).~~  
8           ~~(c)~~ **(b)** Rules adopted under subsection ~~(a)(7)~~ **(a)(6)** must provide  
9           the following:  
10           (1) Except as provided by rule of the commission, a person who  
11           participates in the voluntary exclusion program agrees to refrain  
12           from entering a facility at which gambling games are conducted  
13           or another facility under the jurisdiction of the commission.  
14           (2) That the name of a person participating in the program will be  
15           included on a list of persons excluded from all facilities under the  
16           jurisdiction of the commission.  
17           (3) Except as provided by rule of the commission, a person who  
18           participates in the voluntary exclusion program may not petition  
19           the commission for readmittance to a facility under the  
20           jurisdiction of the commission.  
21           (4) That the list of patrons entering the voluntary exclusion  
22           program and the personal information of the participants are  
23           confidential and may only be disseminated by the commission to  
24           the owner or operator of a facility under the jurisdiction of the  
25           commission for purposes of enforcement and to other entities,  
26           upon request by the participant and agreement by the commission.  
27           (5) That an owner of a facility under the jurisdiction of the  
28           commission shall make all reasonable attempts as determined by  
29           the commission to cease all direct marketing efforts to a person  
30           participating in the program.  
31           (6) That an owner of a facility under the jurisdiction of the  
32           commission may not cash the check of a person participating in  
33           the program or extend credit to the person in any manner.  
34           However, the voluntary exclusion program does not preclude an  
35           owner from seeking the payment of a debt accrued by a person  
36           before entering the program.  
37           SECTION 18. IC 4-35-5-9, AS ADDED BY P.L.142-2009,  
38           SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39           JULY 1, 2024]: Sec. 9. (a) A permit holder or an applicant for a  
40           gambling game license shall submit for the approval of the commission  
41           a written power of attorney identifying the person who, if approved by  
42           the commission, would serve as the permit holder's or applicant's



1 trustee to conduct gambling games at a racetrack. The power of  
2 attorney submitted under this subsection must:

- 3 (1) be executed in the manner required by IC 30-5;
- 4 (2) describe the powers that may be delegated to the proposed  
5 trustee; and
- 6 (3) conform with the requirements established by the commission  
7 under ~~IC 4-35-4-2(a)(8)~~. **IC 4-35-4-2(a)(7)**.

8 (b) The proposed power of attorney required by this section must be  
9 submitted as follows:

- 10 (1) Before November 1, 2009, in the case of a permit holder who  
11 holds a gambling game license as of July 1, 2009.
- 12 (2) Before the deadline established by the commission, in the case  
13 of a person who applies for a gambling game license after  
14 December 31, 2008.

15 (c) A permit holder must petition the commission for its approval of  
16 any changes to a power of attorney approved by the commission.

17 SECTION 19. IC 4-36-3-3, AS ADDED BY P.L.95-2008,  
18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2024]: Sec. 3. ~~(a)~~ The commission may adopt rules under  
20 IC 4-22-2 for the establishment, implementation, and operation of type  
21 II gambling games and to ensure that the type II gambling operations  
22 are consistently operated in a fair and honest manner.

23 ~~(b) The commission may adopt emergency rules under~~  
24 ~~IC 4-22-2-37.1 for the administration of this article if the commission~~  
25 ~~determines that:~~

- 26 ~~(1) the need for a rule is so immediate and substantial that~~  
27 ~~rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36~~  
28 ~~are inadequate to address the need; and~~
- 29 ~~(2) an emergency rule is likely to address the need.~~

30 SECTION 20. IC 4-38-3-1, AS ADDED BY P.L.293-2019,  
31 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2024]: Sec. 1. The commission shall adopt rules under  
33 IC 4-22-2 ~~including emergency rules in the manner provided under~~  
34 ~~IC 4-22-2-37.1~~; to implement this article. Rules adopted under this  
35 section must include the following:

- 36 (1) Standards for the conduct of sports wagering under this  
37 article.
- 38 (2) Standards and procedures to govern the conduct of sports  
39 wagering, including the manner in which:
  - 40 (A) wagers are received;
  - 41 (B) payouts are paid; and
  - 42 (C) point spreads, lines, and odds are determined.



- 1 (3) Standards for allowing a certificate holder to offer sports
- 2 wagering as an interactive form of gaming.
- 3 (4) Rules prescribing the manner in which a certificate holder's
- 4 books and financial records relating to sports wagering are
- 5 maintained and audited, including standards for the daily counting
- 6 of a certificate holder's gross receipts from sports wagering and
- 7 standards to ensure that internal controls are followed.
- 8 (5) Rules concerning compulsive gambling.
- 9 (6) Standards for approving procedures and technologies
- 10 necessary to comply with the requirements of IC 4-38-9.
- 11 (7) Standards for approving procedures and technologies
- 12 necessary for a certificate holder or vendor to securely and
- 13 efficiently maintain and store records of all bets and wagers
- 14 placed with the certificate holder or vendor.
- 15 (8) Rules establishing geofence standards concerning where a
- 16 wager may and may not be placed, including:
  - 17 (A) only placing wagers within the boundaries of Indiana; and
  - 18 (B) prohibiting wagers at the location of particular sporting
  - 19 events.
- 20 (9) Standards for allowing a certificate holder to accept wagers
- 21 through a mobile device under IC 4-38-5-12.
- 22 (10) Rules concerning the use of the source of data in sports
- 23 wagering.
- 24 SECTION 21. IC 5-2-23-9, AS ADDED BY P.L.165-2019,
- 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2024]: Sec. 9. (a) The criminal justice institute may adopt
- 27 rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~
- 28 to implement this chapter.
- 29 (b) ~~An emergency rule adopted under this section expires on the~~
- 30 ~~earlier of the following dates:~~
  - 31 (1) ~~The expiration date stated in the emergency rule.~~
  - 32 (2) ~~The date the emergency rule is amended or repealed by a later~~
  - 33 ~~rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under~~
  - 34 ~~IC 4-22-2-37.1.~~
- 35 (c) ~~The criminal justice institute may readopt an emergency rule that~~
- 36 ~~has expired.~~
- 37 SECTION 22. IC 5-10-8-23, AS ADDED BY P.L.115-2020,
- 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2024]: Sec. 23. (a) As used in this section, "covered
- 40 individual" means an individual who is entitled to coverage under a
- 41 state employee health plan.
- 42 (b) As used in this section, "emergency medical services provider





1 organization" means a provider of emergency medical services that is  
 2 certified by the Indiana emergency medical services commission as an  
 3 advanced life support provider organization under rules adopted under  
 4 IC 16-31-3.

5 (c) As used in this section, "state employee health plan" means  
 6 either of the following that provides coverage for emergency medical  
 7 services:

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

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

12 (d) A state employee health plan that provides coverage for  
 13 emergency medical services must at least provide reimbursement,  
 14 subject to applicable deductible and coinsurance, for a covered  
 15 individual for emergency medical services that are:

16 (1) rendered by an emergency medical services provider  
 17 organization;

18 (2) within the emergency medical services provider organization's  
 19 scope of practice;

20 (3) performed or provided as advanced life support services; and

21 (4) performed or provided during a response initiated through the  
 22 911 system, regardless of whether the patient was transported.

23 (e) If multiple emergency medical services provider organizations  
 24 qualify and submit a claim for reimbursement under this section for an  
 25 encounter, the state employee health plan:

26 (1) may only reimburse, subject to applicable deductible and  
 27 coinsurance, under this section for one (1) claim per patient  
 28 encounter; and

29 (2) shall reimburse, subject to applicable deductible and  
 30 coinsurance, the claim submitted by the emergency medical  
 31 services provider organization that performed or provided the  
 32 majority of advanced life support services for the patient.

33 (f) The state personnel department may adopt rules under IC 4-22-2  
 34 ~~including emergency rules under IC 4-22-2-37.1~~, to implement this  
 35 section.

36 (g) This section does not restrict the state employee health plan from  
 37 providing coverage beyond the requirements in this section.

38 SECTION 23. IC 5-20-9-8, AS ADDED BY P.L.103-2017,  
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2024]: Sec. 8. ~~(a)~~ The authority may adopt rules under  
 41 IC 4-22-2 ~~including emergency rules adopted in the manner provided~~  
 42 ~~by IC 4-22-2-37.1~~, to establish the policies and procedures required



1 under section 6 of this chapter and to otherwise implement this chapter.  
 2 Rules or emergency rules adopted by the authority under this section  
 3 must take effect not later than January 1, 2018.

4 (b) Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted  
 5 by the authority in the manner provided by IC 4-22-2-37.1 to establish  
 6 the policies and procedures required under section 6 of this chapter and  
 7 to otherwise implement this chapter expires on the date a rule that  
 8 supersedes the emergency rule is adopted by the authority under  
 9 IC 4-22-2-24 through IC 4-22-2-36.

10 SECTION 24. IC 5-28-5-8, AS AMENDED BY P.L.140-2013,  
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 8. (a) The corporation shall adopt rules under  
 13 IC 4-22-2 to carry out its duties under this article. The board may also  
 14 adopt emergency rules under IC 4-22-2-37.1 to carry out its duties  
 15 under this article:

16 (b) An emergency rule adopted under subsection (a) expires on the  
 17 expiration date stated in the rule:

18 (c) An emergency rule adopted under subsection (a) may be  
 19 extended as provided in IC 4-22-2-37.1(g), but the extension period  
 20 may not exceed the period for which the original rule was in effect.

21 SECTION 25. IC 5-33-5-8, AS ADDED BY P.L.78-2019,  
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2024]: Sec. 8. (a) The corporation shall adopt rules under  
 24 IC 4-22-2 to carry out its duties under this article. The board may also  
 25 adopt emergency rules in the manner provided under IC 4-22-2-37.1 to  
 26 carry out its duties under this article:

27 (b) An emergency rule adopted under subsection (a) expires on the  
 28 expiration date stated in the rule:

29 (c) An emergency rule adopted under subsection (a) may be  
 30 extended as provided in IC 4-22-2-37.1(g), but the extension period  
 31 may not exceed the period for which the original rule was in effect.

32 SECTION 26. IC 6-1.1-4-31.7, AS AMENDED BY P.L.146-2008,  
 33 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2024]: Sec. 31.7. (a) As used in this section, "special master"  
 35 refers to a person designated by the Indiana board under subsection (e).

36 (b) The notice of assessment or reassessment under section 31.5(g)  
 37 of this chapter is subject to appeal by the taxpayer to the Indiana board.  
 38 The procedures and time limitations that apply to an appeal to the  
 39 Indiana board of a determination of the department of local government  
 40 finance do not apply to an appeal under this subsection. The Indiana  
 41 board may establish applicable procedures and time limitations under  
 42 subsection (l).



- 1 (c) In order to appeal under subsection (b), the taxpayer must:
- 2 (1) participate in the informal hearing process under section 31.6
- 3 of this chapter;
- 4 (2) except as provided in section 31.6(i) of this chapter, receive
- 5 a notice under section 31.6(g) of this chapter; and
- 6 (3) file a petition for review with the appropriate county assessor
- 7 not later than thirty (30) days after:
- 8 (A) the date of the notice to the taxpayer under section 31.6(g)
- 9 of this chapter; or
- 10 (B) the date after which the department may not change the
- 11 amount of the assessment or reassessment under the informal
- 12 hearing process described in section 31.6 of this chapter.
- 13 (d) The Indiana board may develop a form for petitions under
- 14 subsection (c) that outlines:
- 15 (1) the appeal process;
- 16 (2) the burden of proof; and
- 17 (3) evidence necessary to warrant a change to an assessment or
- 18 reassessment.
- 19 (e) The Indiana board may contract with, appoint, or otherwise
- 20 designate the following to serve as special masters to conduct
- 21 evidentiary hearings and prepare reports required under subsection (g):
- 22 (1) Independent, licensed appraisers.
- 23 (2) Attorneys.
- 24 (3) Certified level two or level three Indiana assessor-appraisers
- 25 (including administrative law judges employed by the Indiana
- 26 board).
- 27 (4) Other qualified individuals.
- 28 (f) Each contract entered into under subsection (e) must specify the
- 29 appointee's compensation and entitlement to reimbursement for
- 30 expenses. The compensation and reimbursement for expenses are paid
- 31 from the county property reassessment fund.
- 32 (g) With respect to each petition for review filed under subsection
- 33 (c), the special masters shall:
- 34 (1) set a hearing date;
- 35 (2) give notice of the hearing at least thirty (30) days before the
- 36 hearing date, by mail, to:
- 37 (A) the taxpayer;
- 38 (B) the department of local government finance;
- 39 (C) the township assessor (if any); and
- 40 (D) the county assessor;
- 41 (3) conduct a hearing and hear all evidence submitted under this
- 42 section; and



- 1 (4) make evidentiary findings and file a report with the Indiana
- 2 board.
- 3 (h) At the hearing under subsection (g):
- 4 (1) the taxpayer shall present:
- 5 (A) the taxpayer's evidence that the assessment or
- 6 reassessment is incorrect;
- 7 (B) the method by which the taxpayer contends the assessment
- 8 or reassessment should be correctly determined; and
- 9 (C) comparable sales, appraisals, or other pertinent
- 10 information concerning valuation as required by the Indiana
- 11 board; and
- 12 (2) the department of local government finance shall present its
- 13 evidence that the assessment or reassessment is correct.
- 14 (i) The Indiana board may dismiss a petition for review filed under
- 15 subsection (c) if the evidence and other information required under
- 16 subsection (h)(1) is not provided at the hearing under subsection (g).
- 17 (j) The township assessor (if any) and the county assessor may
- 18 attend and participate in the hearing under subsection (g).
- 19 (k) The Indiana board may:
- 20 (1) consider the report of the special masters under subsection
- 21 (g)(4);
- 22 (2) make a final determination based on the findings of the special
- 23 masters without:
- 24 (A) conducting a hearing; or
- 25 (B) any further proceedings; and
- 26 (3) incorporate the findings of the special masters into the board's
- 27 findings in resolution of the appeal.
- 28 (l) The Indiana board may adopt rules under ~~IC 4-22-2-37.1~~
- 29 **IC 4-22-2** to:
- 30 (1) establish procedures to expedite:
- 31 (A) the conduct of hearings under subsection (g); and
- 32 (B) the issuance of determinations of appeals under subsection
- 33 (k); and
- 34 (2) establish deadlines:
- 35 (A) for conducting hearings under subsection (g); and
- 36 (B) for issuing determinations of appeals under subsection (k).
- 37 (m) A determination by the Indiana board of an appeal under
- 38 subsection (k) is subject to appeal to the tax court under IC 6-1.1-15.
- 39 SECTION 27. IC 6-1.1-22.5-8, AS AMENDED BY P.L.197-2016,
- 40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2024]: Sec. 8. (a) Subject to subsection (c), a provisional
- 42 statement must:



- 1 (1) be on a form prescribed by the department of local  
 2 government finance;  
 3 (2) except as provided in ~~emergency~~ rules adopted under section  
 4 20 of this chapter and subsection (b):  
 5 (A) for property taxes first due and payable after 2010 and  
 6 billed using a provisional statement under section 6 of this  
 7 chapter, indicate:  
 8 (i) that the first installment of the taxpayer's tax liability is  
 9 an amount equal to fifty percent (50%) of the tax liability  
 10 that was payable in the same year as the assessment date for  
 11 the property for which the provisional statement is issued,  
 12 subject to any adjustments to the tax liability authorized by  
 13 the department of local government finance under  
 14 subsection (e) and approved by the county treasurer; and  
 15 (ii) that the second installment is either the amount specified  
 16 in a reconciling statement or, if a reconciling statement is  
 17 not sent until after the second installment is due, an amount  
 18 equal to fifty percent (50%) of the tax liability that was  
 19 payable in the same year as the assessment date for the  
 20 property for which the provisional statement is issued,  
 21 subject to any adjustments to the tax liability authorized by  
 22 the department of local government finance under  
 23 subsection (e) and approved by the county treasurer; and  
 24 (B) for property taxes billed using a provisional statement  
 25 under section 6.5 of this chapter, except as provided in  
 26 subsection (d), indicate tax liability in an amount determined  
 27 by the department of local government finance based on:  
 28 (i) subject to subsection (c), for the cross-county entity, the  
 29 property tax rate of the cross-county entity for taxes first due  
 30 and payable in the immediately preceding calendar year; and  
 31 (ii) for all other taxing units that make up the taxing district  
 32 or taxing districts that comprise the cross-county area, the  
 33 property tax rates of the taxing units for taxes first due and  
 34 payable in the current calendar year;  
 35 (3) indicate:  
 36 (A) that the tax liability under the provisional statement is  
 37 determined as described in subdivision (2); and  
 38 (B) that property taxes billed on the provisional statement:  
 39 (i) are due and payable in the same manner as property taxes  
 40 billed on a tax statement under IC 6-1.1-22-8.1; and  
 41 (ii) will be credited against a reconciling statement;  
 42 (4) for property taxes billed using a provisional statement under



1 section 6 of this chapter, include a statement in the following or  
 2 a substantially similar form, as determined by the department of  
 3 local government finance:  
 4 "Under Indiana law, \_\_\_\_\_ County (insert county) has sent  
 5 provisional statements. The statement is due to be paid in  
 6 installments on \_\_\_\_\_ (insert date) and \_\_\_\_\_ (insert  
 7 date). The first installment is equal to fifty percent (50%) of your  
 8 tax liability for taxes payable in \_\_\_\_\_ (insert year), subject to  
 9 adjustment to the tax liability authorized by the department of  
 10 local government finance and approved by the county treasurer.  
 11 The second installment is either the amount specified in a  
 12 reconciling statement that will be sent to you, or (if a reconciling  
 13 statement is not sent until after the second installment is due) an  
 14 amount equal to fifty percent (50%) of your tax liability for taxes  
 15 payable in \_\_\_\_\_ (insert year), subject to adjustment to the tax  
 16 liability authorized by the department of local government finance  
 17 and approved by the county treasurer. After the abstract of  
 18 property is complete, you will receive a reconciling statement in  
 19 the amount of your actual tax liability for taxes payable in \_\_\_\_\_  
 20 (insert year) minus the amount you pay under this provisional  
 21 statement.";  
 22 (5) for property taxes billed using a provisional statement under  
 23 section 6.5 of this chapter, include a statement in the following or  
 24 a substantially similar form, as determined by the department of  
 25 local government finance:  
 26 "Under Indiana law, \_\_\_\_\_ County (insert county) has elected  
 27 to send provisional statements for the territory of  
 28 \_\_\_\_\_ (insert cross-county entity) located in  
 29 \_\_\_\_\_ County (insert county) because the property tax rate for  
 30 \_\_\_\_\_ (insert cross-county entity) was not available  
 31 in time to prepare final tax statements. The statement is due to be  
 32 paid in installments on \_\_\_\_\_ (insert date) and \_\_\_\_\_  
 33 (insert date). The statement is based on the property tax rate of  
 34 \_\_\_\_\_ (insert cross-county entity) for taxes first  
 35 due and payable in \_\_\_\_\_ (insert immediately preceding calendar  
 36 year). After the property tax rate of \_\_\_\_\_ (insert  
 37 cross-county entity) is determined, you will receive a reconciling  
 38 statement in the amount of your actual tax liability for taxes  
 39 payable in \_\_\_\_\_ (insert year) minus the amount you pay under  
 40 this provisional statement.";  
 41 (6) indicate any adjustment to tax liability under subdivision (2)  
 42 authorized by the department of local government finance under



1 subsection (e) and approved by the county treasurer for:

2 (A) delinquent:

3 (i) taxes; and

4 (ii) special assessments;

5 (B) penalties; and

6 (C) interest;

7 (7) in the case of a reconciling statement only, include:

8 (A) a checklist that shows:

9 (i) homestead credits under IC 6-1.1-20.4, IC 6-3.6-5, or  
10 another law and all property tax deductions; and

11 (ii) whether each homestead credit and property tax  
12 deduction were applied in the current provisional statement;

13 (B) an explanation of the procedure and deadline that a  
14 taxpayer must follow and the forms that must be used if a  
15 credit or deduction has been granted for the property and the  
16 taxpayer is no longer eligible for the credit or deduction; and

17 (C) an explanation of the tax consequences and applicable  
18 penalties if a taxpayer unlawfully claims a standard deduction  
19 under IC 6-1.1-12-37 on:

20 (i) more than one (1) parcel of property; or

21 (ii) property that is not the taxpayer's principal place of  
22 residence or is otherwise not eligible for a standard  
23 deduction; and

24 (8) include any other information the county treasurer requires.

25 (b) The county may apply a standard deduction, supplemental  
26 standard deduction, or homestead credit calculated by the county's  
27 property system on a provisional bill for a qualified property. If a  
28 provisional bill has been used for property tax billings for two (2)  
29 consecutive years and a property qualifies for a standard deduction,  
30 supplemental standard deduction, or homestead credit for the second  
31 year a provisional bill is used, the county shall apply the standard  
32 deduction, supplemental standard deduction, or homestead credit  
33 calculated by the county's property system on the provisional bill.

34 (c) For purposes of this section, property taxes that are:

35 (1) first due and payable in the current calendar year on a  
36 provisional statement under section 6 or 6.5 of this chapter; and

37 (2) based on property taxes first due and payable in the  
38 immediately preceding calendar year or on a percentage of those  
39 property taxes;

40 are determined after excluding from the property taxes first due and  
41 payable in the immediately preceding calendar year property taxes  
42 imposed by one (1) or more taxing units in which the tangible property



1 is located that are attributable to a levy that no longer applies for  
2 property taxes first due and payable in the current calendar year.

3 (d) If there was no property tax rate of the cross-county entity for  
4 taxes first due and payable in the immediately preceding calendar year  
5 for use under subsection (a)(2)(B), the department of local government  
6 finance shall provide an estimated tax rate calculated to approximate  
7 the actual tax rate that will apply when the tax rate is finally  
8 determined.

9 (e) The department of local government finance shall:

10 (1) authorize the types of adjustments to tax liability that a county  
11 treasurer may approve under subsection (a)(2)(A) including:

12 (A) adjustments for any new construction on the property or  
13 any damage to the property;

14 (B) any necessary adjustments for credits, deductions, or the  
15 local income tax;

16 (C) adjustments to include current year special assessments or  
17 exclude special assessments payable in the year of the  
18 assessment date but not payable in the current year;

19 (D) adjustments to include delinquent:

20 (i) taxes; and

21 (ii) special assessments;

22 (E) adjustments to include penalties that are due and owing;  
23 and

24 (F) adjustments to include interest that is due and owing; and

25 (2) notify county treasurers in writing of the types of adjustments  
26 authorized under subdivision (1).

27 SECTION 28. IC 6-1.1-22.5-20, AS AMENDED BY P.L.86-2018,  
28 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2024]: Sec. 20. For purposes of a provisional statement under  
30 section 6 of this chapter, the department of local government finance  
31 may adopt emergency rules under ~~IC 4-22-2-37.1~~ IC 4-22-2 to provide  
32 a methodology for a county treasurer to issue provisional statements  
33 with respect to real property, taking into account new construction of  
34 improvements placed on the real property, damage, and other losses  
35 related to the real property:

36 (1) after the assessment date of the year preceding the assessment  
37 date to which the provisional statement applies; and

38 (2) before the assessment date to which the provisional statement  
39 applies.

40 The department of local government finance may extend an emergency  
41 rule adopted under this section for an unlimited number of extension  
42 periods by adopting another emergency rule under IC 4-22-2-37.1.





1 SECTION 29. IC 6-1.1-35.5-4.5, AS AMENDED BY P.L.38-2021,  
 2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 4.5. (a) The department shall:

4 (1) administer a program for level three assessor-appraiser  
 5 certifications;

6 (2) design a curriculum for level three assessor-appraiser  
 7 certification candidates that:

8 (A) specifies educational criteria for acceptable tested courses  
 9 offered by:

10 (i) nationally recognized assessing organizations;

11 (ii) postsecondary educational institutions; or

12 (iii) other education delivery organizations;

13 in each subject matter area of the curriculum; and

14 (B) requires superior knowledge of assessment administration  
 15 and property valuation concepts; and

16 (3) carry out a program to approve courses that meet the  
 17 requirements of the curriculum described in subdivision (2) and  
 18 approve course sponsors that provide these courses.

19 Only an approved sponsor may offer a course that meets the curriculum  
 20 requirements for level three assessor-appraiser certification candidates.  
 21 The department shall establish procedures and requirements for  
 22 courses and course sponsors that permit the department to verify that  
 23 sponsors and courses meet the standards established by the department  
 24 and that candidates comply with these standards. The department shall  
 25 maintain a list of approved sponsors and approved courses that meet  
 26 the criteria for the level three assessor-appraiser certification  
 27 curriculum designed under ~~subsection (a)(2)~~ **subdivision (2)**.

28 (b) The department may adopt rules under IC 4-22-2 to implement  
 29 this section. The department may adopt ~~temporary rules in the manner~~  
 30 ~~provided for the adoption of emergency rules in IC 4-22-2-37.1~~ **under**  
 31 **IC 4-22-2** to carry out a program to approve courses that meet the  
 32 requirements of the curriculum described in ~~subdivision (2)~~ **subsection**  
 33 **(a)(2)** and approve course sponsors that provide these courses. ~~A~~  
 34 ~~temporary rule adopted under this subsection expires on the earliest of~~  
 35 ~~the following:~~

36 ~~(1) The date specified in the temporary rule.~~

37 ~~(2) The date that another temporary rule or rule adopted under~~  
 38 ~~IC 4-22-2 supersedes or repeals the temporary rule.~~

39 ~~(3) January 1, 2014.~~

40 (c) The department of local government finance may establish fair  
 41 and reasonable fees for level three assessor-appraiser examinations and  
 42 certifications under this chapter. However, the fees do not apply to an



1 assessing official, a hearing officer for a county property tax  
 2 assessment board of appeals, or an employee of an assessing official or  
 3 county property tax assessment board of appeals who is taking the level  
 4 three examination for the first time.

5 SECTION 30. IC 6-1.1-50-10, AS ADDED BY P.L.239-2023,  
 6 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2024]: Sec. 10. The department of local government finance  
 8 may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to  
 9 implement this chapter. ~~An emergency rule adopted under this section~~  
 10 ~~expires on the earlier of the following dates:~~

11 ~~(1) The expiration date stated in the emergency rule:~~

12 ~~(2) January 1, 2025:~~

13 SECTION 31. IC 6-1.5-6-2, AS AMENDED BY P.L.121-2019,  
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2024]: Sec. 2. (a) The Indiana board may adopt rules under  
 16 IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1~~, to establish  
 17 procedures for the conduct of proceedings before the Indiana board  
 18 under this article, including procedures for:

19 (1) prehearing conferences;

20 (2) hearings;

21 (3) allowing the Indiana board, upon agreement of all parties to  
 22 the proceeding, to determine that a petition does not require a  
 23 hearing because it presents substantially the same issue that was  
 24 decided in a prior Indiana board determination;

25 (4) voluntary arbitration;

26 (5) voluntary mediation;

27 (6) submission of an agreed record;

28 (7) upon agreement of all parties to the proceedings, joinder of  
 29 petitions concerning the same or similar issues; and

30 (8) small claims.

31 (b) Rules under subsection (a)(8):

32 (1) may include rules that:

33 (A) prohibit discovery;

34 (B) restrict the length of a hearing; and

35 (C) establish when a hearing is not required; and

36 (2) must allow a party to be able to elect out of the small claims  
 37 rules.

38 SECTION 32. IC 6-1.5-6-3, AS ADDED BY P.L.113-2010,  
 39 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2024]: Sec. 3. (a) As used in this section, "county board"  
 41 means a county property tax assessment board of appeals.

42 (b) The Indiana board may adopt rules under IC 4-22-2 ~~including~~



1 ~~emergency rules under IC 4-22-2-37.1~~, to establish procedures for its  
 2 employees to assist taxpayers and local officials in their attempts to  
 3 informally resolve disputes in which:

- 4 (1) a taxpayer has filed written notice to obtain a county board's  
 5 review of an action by a township or county official; and  
 6 (2) the county board has not given written notice of its decision on  
 7 the issues under review.

8 SECTION 33. IC 6-2.5-5-8.2, AS ADDED BY P.L.137-2022,  
 9 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2024]: Sec. 8.2. (a) Except as provided in subsection (f), a  
 11 transaction in which a person acquires an aircraft for rental or leasing  
 12 in the ordinary course of the person's business is not exempt from the  
 13 state gross retail tax unless the person establishes, under guidelines  
 14 adopted by the department in the manner provided in IC 4-22-2,  
 15 ~~(including the adoption of emergency rules under IC 4-22-2-37.1)~~; that  
 16 the annual amount of the gross lease revenue derived from leasing or  
 17 rental of the aircraft, which may include revenue from related party  
 18 transactions, is equal to or greater than seven and five-tenths percent  
 19 (7.5%) of the:

- 20 (1) book value of the aircraft, as published in the VREF Aircraft  
 21 Value Reference guide for the aircraft; or  
 22 (2) net acquisition price for the aircraft, which shall include the  
 23 value of any trade or exchange and excluding any sales  
 24 commissions paid to third parties.

25 (b) If a person acquires an aircraft below the VREF Aircraft Value  
 26 Reference guide book value as set forth in subsection (a)(1), the person  
 27 may appeal to the department for a lower lease or rental threshold equal  
 28 to the actual acquisition price paid if the person demonstrates that the  
 29 transaction was completed in a commercially reasonable manner based  
 30 on the aircraft's age, condition, and equipment.

31 (c) For purposes of this section, the department may request the  
 32 person to submit to the department supporting documents showing that  
 33 the aircraft is available for general public lease or rental, copies of  
 34 business and aircraft insurance policies, and other documents that  
 35 assist the department in determining if an aircraft is exempt from the  
 36 state gross retail tax.

37 (d) A person is required to meet the requirements of subsection (a)  
 38 until the earlier of the date the aircraft has generated sales tax on leases  
 39 or rental income that is equal to the amount of the original sales tax  
 40 exemption, the elapse of thirteen (13) years, or the date the aircraft is  
 41 sold. No additional sales or use tax is due from the seller on the seller's  
 42 original purchase when the aircraft is sold if the person has met the



1 terms of this section for all periods prior to the sale.

2 (e) A person is required to remit the gross retail tax on taxable lease  
3 and rental transactions the entire time the aircraft is used for lease and  
4 rental, even if the aircraft is used for lease and rental beyond a thirteen  
5 (13) year period.

6 (f) A transaction in which a person acquires an aircraft to rent or  
7 lease the aircraft to another person for predominant use in public  
8 transportation (as provided for in section 27 of this chapter) by the  
9 other person or by an affiliate of the other person is exempt from the  
10 state gross retail tax. The department may not require a person to meet  
11 the revenue threshold in subsection (a) with respect to the person's  
12 leasing or rental of the aircraft to receive or maintain the exemption. To  
13 maintain the exemption provided under this subsection, the department  
14 may require the person to submit annual reports showing that the  
15 aircraft is predominantly used to provide public transportation.

16 (g) The exemptions allowed under subsections (a) and (f) apply  
17 regardless of the relationship, if any, between the person or lessor and  
18 the lessee or renter of the aircraft.

19 SECTION 34. IC 6-3-2-2, AS AMENDED BY P.L.156-2020,  
20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2024]: Sec. 2. (a) With regard to corporations and nonresident  
22 persons, "adjusted gross income derived from sources within Indiana",  
23 for the purposes of this article, shall mean and include:

24 (1) income from real or tangible personal property located in this  
25 state;

26 (2) income from doing business in this state;

27 (3) income from a trade or profession conducted in this state;

28 (4) compensation for labor or services rendered within this state;  
29 and

30 (5) income from stocks, bonds, notes, bank deposits, patents,  
31 copyrights, secret processes and formulas, good will, trademarks,  
32 trade brands, franchises, and other intangible personal property to  
33 the extent that the income is apportioned to Indiana under this  
34 section or if the income is allocated to Indiana or considered to be  
35 derived from sources within Indiana under this section.

36 Income from a pass through entity shall be characterized in a manner  
37 consistent with the income's characterization for federal income tax  
38 purposes and shall be considered Indiana source income as if the  
39 person, corporation, or pass through entity that received the income had  
40 directly engaged in the income producing activity. Income that is  
41 derived from one (1) pass through entity and is considered to pass  
42 through to another pass through entity does not change these



1 characteristics or attribution provisions. In the case of nonbusiness  
 2 income described in subsection (g), only so much of such income as is  
 3 allocated to this state under the provisions of subsections (h) through  
 4 (k) shall be deemed to be derived from sources within Indiana. In the  
 5 case of business income, only so much of such income as is  
 6 apportioned to this state under the provision of subsection (b) shall be  
 7 deemed to be derived from sources within the state of Indiana. In the  
 8 case of compensation of a team member (as defined in section 2.7 of  
 9 this chapter), only the portion of income determined to be Indiana  
 10 income under section 2.7 of this chapter is considered derived from  
 11 sources within Indiana. In the case of a corporation that is a life  
 12 insurance company (as defined in Section 816(a) of the Internal  
 13 Revenue Code) or an insurance company that is subject to tax under  
 14 Section 831 of the Internal Revenue Code, only so much of the income  
 15 as is apportioned to Indiana under subsection (s) is considered derived  
 16 from sources within Indiana. Income derived from Indiana shall be  
 17 taxable to the fullest extent permitted by the Constitution of the United  
 18 States and federal law, regardless of whether the taxpayer has a  
 19 physical presence in Indiana.

20 (b) Except as provided in subsection (l), if business income of a  
 21 corporation or a nonresident person is derived from sources within the  
 22 state of Indiana and from sources without the state of Indiana, the  
 23 business income derived from sources within this state shall be  
 24 determined by multiplying the business income derived from sources  
 25 both within and without the state of Indiana by the following:

26 (1) For all taxable years that begin after December 31, 2006, and  
 27 before January 1, 2008, a fraction. The:

28 (A) numerator of the fraction is the sum of the property factor  
 29 plus the payroll factor plus the product of the sales factor  
 30 multiplied by three (3); and

31 (B) denominator of the fraction is five (5).

32 (2) For all taxable years that begin after December 31, 2007, and  
 33 before January 1, 2009, a fraction. The:

34 (A) numerator of the fraction is the property factor plus the  
 35 payroll factor plus the product of the sales factor multiplied by  
 36 four and sixty-seven hundredths (4.67); and

37 (B) denominator of the fraction is six and sixty-seven  
 38 hundredths (6.67).

39 (3) For all taxable years beginning after December 31, 2008, and  
 40 before January 1, 2010, a fraction. The:

41 (A) numerator of the fraction is the property factor plus the  
 42 payroll factor plus the product of the sales factor multiplied by



- 1           eight (8); and
- 2           (B) denominator of the fraction is ten (10).
- 3           (4) For all taxable years beginning after December 31, 2009, and
- 4           before January 1, 2011, a fraction. The:
- 5           (A) numerator of the fraction is the property factor plus the
- 6           payroll factor plus the product of the sales factor multiplied by
- 7           eighteen (18); and
- 8           (B) denominator of the fraction is twenty (20).
- 9           (5) For all taxable years beginning after December 31, 2010, the
- 10          sales factor.
- 11          (c) The property factor is a fraction, the numerator of which is the
- 12          average value of the taxpayer's real and tangible personal property
- 13          owned or rented and used in this state during the taxable year and the
- 14          denominator of which is the average value of all the taxpayer's real and
- 15          tangible personal property owned or rented and used during the taxable
- 16          year. However, with respect to a foreign corporation, the denominator
- 17          does not include the average value of real or tangible personal property
- 18          owned or rented and used in a place that is outside the United States.
- 19          Property owned by the taxpayer is valued at its original cost. Property
- 20          rented by the taxpayer is valued at eight (8) times the net annual rental
- 21          rate. Net annual rental rate is the annual rental rate paid by the taxpayer
- 22          less any annual rental rate received by the taxpayer from subrentals.
- 23          The average of property shall be determined by averaging the values at
- 24          the beginning and ending of the taxable year, but the department may
- 25          require the averaging of monthly values during the taxable year if
- 26          reasonably required to reflect properly the average value of the
- 27          taxpayer's property.
- 28          (d) The payroll factor is a fraction, the numerator of which is the
- 29          total amount paid in this state during the taxable year by the taxpayer
- 30          for compensation, and the denominator of which is the total
- 31          compensation paid everywhere during the taxable year. However, with
- 32          respect to a foreign corporation, the denominator does not include
- 33          compensation paid in a place that is outside the United States.
- 34          Compensation is paid in this state if:
- 35               (1) the individual's service is performed entirely within the state;
- 36               (2) the individual's service is performed both within and without
- 37               this state, but the service performed without this state is incidental
- 38               to the individual's service within this state; or
- 39               (3) some of the service is performed in this state and:
- 40                   (A) the base of operations or, if there is no base of operations,
- 41                   the place from which the service is directed or controlled is in
- 42                   this state; or



- 1 (B) the base of operations or the place from which the service  
 2 is directed or controlled is not in any state in which some part  
 3 of the service is performed, but the individual is a resident of  
 4 this state.
- 5 (e) The sales factor is a fraction, the numerator of which is the total  
 6 sales of the taxpayer in this state during the taxable year, and the  
 7 denominator of which is the total sales of the taxpayer everywhere  
 8 during the taxable year. Sales include receipts from intangible property  
 9 and receipts from the sale or exchange of intangible property. However,  
 10 with respect to a foreign corporation, the denominator does not include  
 11 sales made in a place that is outside the United States. Regardless of  
 12 the f.o.b. point or other conditions of the sale, sales of tangible personal  
 13 property are in this state if:
- 14 (1) the property is delivered or shipped to a purchaser that is
  - 15 within Indiana, other than the United States government; or
  - 16 (2) the property is shipped from an office, a store, a warehouse, a
  - 17 factory, or other place of storage in this state and the purchaser is
  - 18 the United States government.
- 19 Gross receipts derived from commercial printing as described in  
 20 IC 6-2.5-1-10 and from the sale of software shall be treated as sales of  
 21 tangible personal property for purposes of this chapter.
- 22 (f) Sales, other than sales of tangible personal property, are in this  
 23 state as follows:
- 24 (1) The receipts are attributable to Indiana:
  - 25 (A) under subsection (s), (t), or (u); or
  - 26 (B) under section 2.2 of this chapter.
  - 27 (2) The receipts are from the provision of telecommunications
  - 28 services and broadcast services, provided that:
  - 29 (A) all of the costs of performance related to the receipts are
  - 30 attributable to Indiana; or
  - 31 (B) if the costs of performance are incurred both within and
  - 32 outside this state, the greater portion of such costs are incurred
  - 33 in this state than in any other state.
  - 34 (3) Receipts, other than receipts described in subdivisions (1) and
  - 35 (2), are in this state if the taxpayer's market for the sales is in this
  - 36 state. The taxpayer's market for sales is in this state:
  - 37 (A) in the case of sale, rental, lease, or license of real property,
  - 38 if and to the extent the property is located in this state;
  - 39 (B) in the case of rental, lease, or license of tangible personal
  - 40 property, if and to the extent the property is located in this
  - 41 state;
  - 42 (C) in the case of sale of a service, if and to the extent the



- 1 benefit of the service is received in this state;  
 2 (D) in the case of intangible property that is rented, leased, or  
 3 licensed, if and to the extent the property is used in this state,  
 4 provided that intangible property used in marketing a good or  
 5 service to a consumer is "used in this state" if that good or  
 6 service is purchased by a consumer who is in this state; and  
 7 (E) in the case of intangible property that is sold, if and to the  
 8 extent the property is used in this state, provided that:  
 9 (i) a contract right, government license, or similar intangible  
 10 property that authorizes the holder to conduct a business  
 11 activity in a specific geographic area is "used in this state"  
 12 if the geographic area includes all or part of this state;  
 13 (ii) receipts from intangible property sales that are  
 14 contingent on the productivity, use, or disposition of the  
 15 intangible property shall be treated as receipts from the  
 16 rental, lease, or licensing of such intangible property under  
 17 clause (D); and  
 18 (iii) all other receipts from a sale of intangible property shall  
 19 be excluded from the numerator and denominator of the  
 20 receipts factor.  
 21 (4) If the state or states of attribution under subdivision (3) cannot  
 22 be determined, the state or states of attribution shall be  
 23 determined by the state or states in which the delivery of the  
 24 service occurs.  
 25 (5) If the state of attribution cannot be determined under  
 26 subdivision (3) or (4), such receipt shall be excluded from the  
 27 denominator of the receipts factor.  
 28 (g) Rents and royalties from real or tangible personal property,  
 29 capital gains, interest, dividends, or patent or copyright royalties, to the  
 30 extent that they constitute nonbusiness income, shall be allocated as  
 31 provided in subsections (h) through (k).  
 32 (h)(1) Net rents and royalties from real property located in this state  
 33 are allocable to this state.  
 34 (2) Net rents and royalties from tangible personal property are  
 35 allocated to this state:  
 36 (i) if and to the extent that the property is utilized in this state; or  
 37 (ii) in their entirety if the taxpayer's commercial domicile is in this  
 38 state and the taxpayer is not organized under the laws of or  
 39 taxable in the state in which the property is utilized.  
 40 (3) The extent of utilization of tangible personal property in a state  
 41 is determined by multiplying the rents and royalties by a fraction, the  
 42 numerator of which is the number of days of physical location of the





1 property in the state during the rental or royalty period in the taxable  
 2 year, and the denominator of which is the number of days of physical  
 3 location of the property everywhere during all rental or royalty periods  
 4 in the taxable year. If the physical location of the property during the  
 5 rental or royalty period is unknown or unascertainable by the taxpayer,  
 6 tangible personal property is utilized in the state in which the property  
 7 was located at the time the rental or royalty payer obtained possession.

8 (i)(1) Capital gains and losses from sales of real property located in  
 9 this state are allocable to this state.

10 (2) Capital gains and losses from sales of tangible personal property  
 11 are allocable to this state if:

- 12 (i) the property had a situs in this state at the time of the sale; or
- 13 (ii) the taxpayer's commercial domicile is in this state and the  
 14 taxpayer is not taxable in the state in which the property had a  
 15 situs.

16 (3) Capital gains and losses from sales of intangible personal  
 17 property are allocable to this state if the taxpayer's commercial  
 18 domicile is in this state.

19 (j) Interest and dividends are allocable to this state if the taxpayer's  
 20 commercial domicile is in this state.

21 (k)(1) Patent and copyright royalties are allocable to this state:

- 22 (i) if and to the extent that the patent or copyright is utilized by  
 23 the taxpayer in this state; or
- 24 (ii) if and to the extent that the patent or copyright is utilized by  
 25 the taxpayer in a state in which the taxpayer is not taxable and the  
 26 taxpayer's commercial domicile is in this state.

27 (2) A patent is utilized in a state to the extent that it is employed  
 28 in production, fabrication, manufacturing, or other processing in  
 29 the state or to the extent that a patented product is produced in the  
 30 state. If the basis of receipts from patent royalties does not permit  
 31 allocation to states or if the accounting procedures do not reflect  
 32 states of utilization, the patent is utilized in the state in which the  
 33 taxpayer's commercial domicile is located.

34 (3) A copyright is utilized in a state to the extent that printing or  
 35 other publication originates in the state. If the basis of receipts  
 36 from copyright royalties does not permit allocation to states or if  
 37 the accounting procedures do not reflect states of utilization, the  
 38 copyright is utilized in the state in which the taxpayer's  
 39 commercial domicile is located.

40 (l) If the allocation and apportionment provisions of this article do  
 41 not fairly represent the taxpayer's income derived from sources within  
 42 the state of Indiana, the taxpayer may petition for or the department



1 may require, in respect to all or any part of the taxpayer's business  
2 activity, if reasonable:

3 (1) separate accounting;

4 (2) for a taxable year beginning before January 1, 2011, the  
5 exclusion of any one (1) or more of the factors, except the sales  
6 factor;

7 (3) the inclusion of one (1) or more additional factors which will  
8 fairly represent the taxpayer's income derived from sources within  
9 the state of Indiana; or

10 (4) the employment of any other method to effectuate an equitable  
11 allocation and apportionment of the taxpayer's income.

12 Notwithstanding IC 6-8.1-5-1(c), a taxpayer petitioning for, or the  
13 department requiring, the use of an alternative method to effectuate an  
14 equitable allocation and apportionment of the taxpayer's income under  
15 this subsection bears the burden of proof that the allocation and  
16 apportionment provisions of this article do not fairly represent the  
17 taxpayer's income derived from sources within this state and that the  
18 alternative method to the allocation and apportionment provisions of  
19 this article is reasonable.

20 (m) In the case of two (2) or more organizations, trades, or  
21 businesses owned or controlled directly or indirectly by the same  
22 interests, the department shall distribute, apportion, or allocate the  
23 income derived from sources within the state of Indiana between and  
24 among those organizations, trades, or businesses in order to fairly  
25 reflect and report the income derived from sources within the state of  
26 Indiana by various taxpayers.

27 (n) For purposes of allocation and apportionment of income under  
28 this article, a taxpayer is taxable in another state if:

29 (1) in that state the taxpayer is subject to a net income tax, a  
30 franchise tax measured by net income, a franchise tax for the  
31 privilege of doing business, or a corporate stock tax; or

32 (2) that state has jurisdiction to subject the taxpayer to a net  
33 income tax regardless of whether, in fact, the state does or does  
34 not.

35 (o) Notwithstanding subsections (l) and (m), the department may  
36 not, under any circumstances, require that income, deductions, and  
37 credits attributable to a taxpayer and another entity be reported in a  
38 combined income tax return for any taxable year, if the other entity is:

39 (1) a foreign corporation; or

40 (2) a corporation that is classified as a foreign operating  
41 corporation for the taxable year by section 2.4 of this chapter.

42 (p) Notwithstanding subsections (l) and (m), the department may not



1 require that income, deductions, and credits attributable to a taxpayer  
 2 and another entity not described in subsection (o)(1) or (o)(2) be  
 3 reported in a combined income tax return for any taxable year, unless  
 4 the department is unable to fairly reflect the taxpayer's adjusted gross  
 5 income for the taxable year through use of other powers granted to the  
 6 department by subsections (l) and (m).

7 (q) Notwithstanding subsections (o) and (p), one (1) or more  
 8 taxpayers may petition the department under subsection (l) for  
 9 permission to file a combined income tax return for a taxable year. The  
 10 petition to file a combined income tax return must be completed and  
 11 filed with the department not more than thirty (30) days after the end  
 12 of the taxpayer's taxable year.

13 (r) A taxpayer who desires to discontinue filing a combined income  
 14 tax return for any reason must petition the department within thirty (30)  
 15 days after the end of the taxpayer's taxable year for permission to  
 16 discontinue filing a combined income tax return.

17 (s) This subsection applies to a corporation that is a life insurance  
 18 company (as defined in Section 816(a) of the Internal Revenue Code)  
 19 or an insurance company that is subject to tax under Section 831 of the  
 20 Internal Revenue Code. The corporation's adjusted gross income that  
 21 is derived from sources within Indiana is determined by multiplying the  
 22 corporation's adjusted gross income by a fraction:

23 (1) the numerator of which is the direct premiums and annuity  
 24 considerations received during the taxable year for insurance  
 25 upon property or risks in the state; and

26 (2) the denominator of which is the direct premiums and annuity  
 27 considerations received during the taxable year for insurance  
 28 upon property or risks everywhere.

29 The term "direct premiums and annuity considerations" means the  
 30 gross premiums received from direct business as reported in the  
 31 corporation's annual statement filed with the department of insurance.

32 (t) This subsection applies to receipts derived from motorsports  
 33 racing.

34 (1) Any purse, prize money, or other amounts earned for  
 35 placement or participation in a race or portion thereof, including  
 36 qualification, shall be attributed to Indiana if the race is conducted  
 37 in Indiana.

38 (2) Any amounts received from an individual or entity as a result  
 39 of sponsorship or similar promotional consideration for one (1) or  
 40 more races shall be in this state in the amount received, multiplied  
 41 by the following fraction:

42 (A) The numerator of the fraction is the number of racing



- 1 events for which sponsorship or similar promotional  
 2 consideration has been paid in a taxable year and that occur in  
 3 Indiana.  
 4 (B) The denominator of the fraction is the total number of  
 5 racing events for which sponsorship or similar promotional  
 6 consideration has been paid in a taxable year.  
 7 (3) Any amounts earned as an incentive for placement or  
 8 participation in one (1) or more races and that are not covered  
 9 under subdivision (1) or (2) or under ~~IC 6-3-2-3.2~~ **section 3.2 of**  
 10 **this chapter** shall be attributed to Indiana in the proportion of the  
 11 races that occurred in Indiana.

12 This subsection, as enacted in 2013, is intended to be a clarification of  
 13 the law and not a substantive change in the law.

14 (u) For purposes of this section and section 2.2 of this chapter, the  
 15 following apply:

16 (1) For taxable years beginning after December 25, 2016, if a  
 17 taxpayer is required to include amounts in the taxpayer's federal  
 18 adjusted gross income, federal taxable income, or IRC 965  
 19 Transition Tax Statement, line 1 as a result of Section 965 of the  
 20 Internal Revenue Code, the following apply:

21 (A) For an entity that is not eligible to claim a deduction under  
 22 ~~IC 6-3-2-12~~, **section 12 of this chapter**, these amounts shall  
 23 not be receipts in any taxable year for the entity.

24 (B) For an entity that is eligible to claim a deduction under  
 25 ~~IC 6-3-2-12~~, **section 12 of this chapter**, these amounts shall  
 26 be receipts in the year in which the amounts are reported by  
 27 the entity as adjusted gross income under this article, but only  
 28 to the extent of:

29 (i) any amounts includible after application of  
 30 IC 6-3-1-3.5(b)(13), IC 6-3-1-3.5(d)(12), and  
 31 IC 6-3-1-3.5(e)(12); minus

32 (ii) the deduction taken under ~~IC 6-3-2-12~~ **section 12 of this**  
 33 **chapter** with regard to that income.

34 This subdivision applies regardless of the taxable year in which  
 35 the money or property was actually received.

36 (2) If a taxpayer is required to include amounts in the taxpayer's  
 37 federal adjusted gross income or federal taxable income as a  
 38 result of Section 951A of the Internal Revenue Code the  
 39 following apply:

40 (A) For an entity that is not eligible to claim a deduction under  
 41 ~~IC 6-3-2-12~~, **section 12 of this chapter**, the receipts that  
 42 generated the income shall not be included as a receipt in any



- 1 taxable year.
- 2 (B) For an entity that is eligible to claim a deduction under
- 3 ~~IC 6-3-2-12~~, **section 12 of this chapter**, the amounts included
- 4 in federal gross income as a result of Section 951A of the
- 5 Internal Revenue Code, reduced by the deduction allowable
- 6 under ~~IC 6-3-2-12~~ **section 12 of this chapter** with regard to
- 7 that income, shall be considered a receipt in the year in which
- 8 the amounts are includible in federal taxable income.
- 9 (3) Receipts do not include receipts derived from sources outside
- 10 the United States to the extent the taxpayer is allowed a deduction
- 11 or exclusion in determining both the taxpayer's federal taxable
- 12 income as a result of the federal Tax Cuts and Jobs Act of 2017
- 13 and the taxpayer's adjusted gross income under this chapter. If any
- 14 portion of the federal taxable income derived from these receipts
- 15 is deductible under ~~IC 6-3-2-12~~, **section 12 of this chapter**,
- 16 receipts shall be reduced by the proportion of the deduction
- 17 allowable under ~~IC 6-3-2-12~~ **section 12 of this chapter** with
- 18 regard to that federal taxable income.
- 19 Receipts includible in a taxable year under subdivisions (1) and (2)
- 20 shall be considered dividends from investments for apportionment
- 21 purposes.
- 22 (v) The following apply:
- 23 (1) The department may adopt rules under ~~IC 4-22~~, **IC 4-22-2**
- 24 ~~including emergency rules that shall be applied retroactively to~~
- 25 ~~January 1, 2019~~, to specify where sales, receipts, income,
- 26 transactions, or costs are attributable under this section and
- 27 section 2.2 of this chapter.
- 28 (2) Rules adopted under subdivision (1) must be consistent with
- 29 the Multistate Tax Commission model regulations for income tax
- 30 apportionment as in effect on January 1, 2019, including any
- 31 specialized industry provisions, except to the extent expressly
- 32 inconsistent with this chapter. A rule is valid unless the rule is not
- 33 consistent with the Multistate Tax Commission model
- 34 regulations. If a rule is partially valid and partially invalid, the
- 35 rule remains in effect to the extent the rule is valid.
- 36 (3) In the absence of rules, or to the extent a rule adopted under
- 37 subdivision (1) is determined to be invalid, sales shall be sourced
- 38 in the manner consistent with the Multistate Tax Commission
- 39 model regulations for income tax apportionment as in effect on
- 40 January 1, 2019, including any specialized industry provisions,
- 41 except to the extent expressly inconsistent with this chapter.
- 42 SECTION 35. IC 6-3.1-4-8, AS ADDED BY P.L.108-2019,



1 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) If a taxpayer claims a credit  
 3 for Indiana qualified research expenses under this chapter for a taxable  
 4 year, the taxpayer must report to the department whether it has:

5 (1) determined a credit for those Indiana qualified research  
 6 expenses under either Section 41(a)(1) of the Internal Revenue  
 7 Code or Section 41(c)(4) of the Internal Revenue Code for that  
 8 taxable year; and

9 (2) claimed the determined credit for those Indiana qualified  
 10 research expenses under either Section 41(a)(1) of the Internal  
 11 Revenue Code or Section 41(c)(4) of the Internal Revenue Code  
 12 for that taxable year.

13 (b) If a taxpayer claims a credit for those qualified research  
 14 expenses under this chapter for a taxable year and does not claim a  
 15 credit for those qualified research expenses for federal tax purposes  
 16 under Section 41(a)(1) of the Internal Revenue Code or Section  
 17 41(c)(4) of the Internal Revenue Code in that taxable year, the taxpayer  
 18 must disclose to the department any reasons for not claiming the credit  
 19 for those Indiana qualified research expenses for federal purposes for  
 20 the taxable year. The disclosure under this subsection shall be made in  
 21 the manner specified by the department.

22 (c) For purposes of IC 6-3-4-6 and IC 6-8.1-5-2, a change to the  
 23 federal credit under Section 41(a)(1) of the Internal Revenue Code or  
 24 Section 41(c)(4) of the Internal Revenue Code shall be considered a  
 25 modification.

26 (d) The department may adopt rules under IC 4-22-2 ~~including~~  
 27 ~~emergency rules~~, governing this section.

28 SECTION 36. IC 6-7-4-14, AS ADDED BY P.L.165-2021,  
 29 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2024]: Sec. 14. The department may adopt rules  
 31 under IC 4-22-2 necessary to enforce this chapter. ~~including emergency~~  
 32 ~~rules under IC 4-22-2-37.1.~~

33 SECTION 37. IC 6-8.1-3-8, AS AMENDED BY P.L.146-2020,  
 34 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 8. (a) The department may prescribe qualifications  
 36 a person must have to represent a taxpayer before the department.  
 37 However, a person may not represent a taxpayer before the department,  
 38 unless:

39 (1) the taxpayer is present at all times when the representation  
 40 occurs; or

41 (2) the person representing the taxpayer has a properly executed  
 42 power of attorney authorizing the person to represent the



1 taxpayer.

2 (b) Notwithstanding any other law, the department may require a  
3 power of attorney relating to a listed tax to be completed on a form  
4 prescribed by the department.

5 (c) The department may accept a power of attorney that names an  
6 entity as a representative of a taxpayer, subject to rules adopted under  
7 IC 4-22-2. ~~including emergency rules adopted in the manner provided~~  
8 ~~in IC 4-22-2-37.1.~~ Notwithstanding this article or IC 30-5, the  
9 department may adopt rules under IC 4-22-2 ~~including emergency rules~~  
10 ~~adopted in manner provided in IC 4-22-2-37.1;~~ allowing a change of  
11 individuals acting on behalf of the entity without requiring a new or  
12 amended power of attorney to be completed by the taxpayer.

13 SECTION 38. IC 6-8.1-3-17, AS AMENDED BY P.L.146-2020,  
14 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2024]: Sec. 17. (a) Before an original tax appeal is filed with  
16 the tax court under IC 33-26, the commissioner, or the taxpayer rights  
17 advocate office to the extent granted the authority by the commissioner,  
18 may settle any tax liability dispute if a substantial doubt exists as to:

- 19 (1) the constitutionality of the tax under the Constitution of the  
20 State of Indiana;  
21 (2) the right to impose the tax;  
22 (3) the correct amount of tax due;  
23 (4) the collectability of the tax; or  
24 (5) whether the taxpayer is a resident or nonresident of Indiana.

25 (b) After an original tax appeal is filed with the tax court under  
26 IC 33-26, and notwithstanding IC 4-6-2-11, the commissioner may  
27 settle a tax liability dispute with an amount in contention of twenty-five  
28 thousand dollars (\$25,000) or less. Notwithstanding IC 6-8.1-7-1(a),  
29 the terms of a settlement under this subsection are available for public  
30 inspection.

31 (c) The department shall establish an amnesty program for taxpayers  
32 having an unpaid tax liability for a listed tax that was due and payable  
33 for a tax period ending before January 1, 2013. A taxpayer is not  
34 eligible for the amnesty program:

- 35 (1) for any tax liability resulting from the taxpayer's failure to  
36 comply with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by  
37 IC 4-33-13 or IC 4-35-8; or  
38 (2) if the taxpayer participated in any previous amnesty program  
39 under:  
40 (A) this section (as in effect on December 31, 2014); or  
41 (B) IC 6-2.5-14.

42 The time in which a voluntary payment of tax liability may be made (or



1 the taxpayer may enter into a payment program acceptable to the  
 2 department for the payment of the unpaid listed taxes in full in the  
 3 manner and time established in a written payment program agreement  
 4 between the department and the taxpayer) under the amnesty program  
 5 is limited to the period determined by the department, not to exceed  
 6 eight (8) regular business weeks ending before the earlier of the date  
 7 set by the department or January 1, 2017. The amnesty program must  
 8 provide that, upon payment by a taxpayer to the department of all listed  
 9 taxes due from the taxpayer for a tax period (or payment of the unpaid  
 10 listed taxes in full in the manner and time established in a written  
 11 payment program agreement between the department and the taxpayer),  
 12 entry into an agreement that the taxpayer is not eligible for any other  
 13 amnesty program that may be established and waives any part of  
 14 interest and penalties on the same type of listed tax that is being  
 15 granted amnesty in the current amnesty program, and compliance with  
 16 all other amnesty conditions adopted under a rule of the department in  
 17 effect on the date the voluntary payment is made, the department:

- 18 (1) shall abate and not seek to collect any interest, penalties,  
 19 collection fees, or costs that would otherwise be applicable;
- 20 (2) shall release any liens imposed;
- 21 (3) shall not seek civil or criminal prosecution against any  
 22 individual or entity; and
- 23 (4) shall not issue, or, if issued, shall withdraw, an assessment, a  
 24 demand notice, or a warrant for payment under IC 6-8.1-5-1,  
 25 IC 6-8.1-5-3, IC 6-8.1-8-2, or another law against any individual  
 26 or entity;

27 for listed taxes due from the taxpayer for the tax period for which  
 28 amnesty has been granted to the taxpayer. Amnesty granted under this  
 29 subsection is binding on the state and its agents. However, failure to  
 30 pay to the department all listed taxes due for a tax period invalidates  
 31 any amnesty granted under this subsection for that tax period. The  
 32 department shall conduct an assessment of the impact of the tax  
 33 amnesty program on tax collections and an analysis of the costs of  
 34 administering the tax amnesty program. As soon as practicable after the  
 35 end of the tax amnesty period, the department shall submit a copy of  
 36 the assessment and analysis to the legislative council in an electronic  
 37 format under IC 5-14-6. The department shall enforce an agreement  
 38 with a taxpayer that prohibits the taxpayer from receiving amnesty in  
 39 another amnesty program.

40 (d) For purposes of subsection (c), a liability for a listed tax is due  
 41 and payable if:

- 42 (1) the department has issued:

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- 1 (A) an assessment of the listed tax under IC 6-8.1-5-1;
- 2 (B) a demand for payment under IC 6-8.1-5-3; or
- 3 (C) a demand notice for payment of the listed tax under
- 4 IC 6-8.1-8-2;
- 5 (2) the taxpayer has filed a return or an amended return in which
- 6 the taxpayer has reported a liability for the listed tax; or
- 7 (3) the taxpayer has filed a written statement of liability for the
- 8 listed tax in a form that is satisfactory to the department.
- 9 (e) The department may waive interest and penalties if the general
- 10 assembly enacts a change in a listed tax for a tax period that increases
- 11 a taxpayer's tax liability for that listed tax after the due date for that
- 12 listed tax and tax period. However, such a waiver shall apply only to
- 13 the extent of the increase in tax liability and only for a period not
- 14 exceeding sixty (60) days after the change is enacted. The department
- 15 may adopt rules **under IC 4-22-2 including emergency rules**; or issue
- 16 guidelines to carry out this subsection.

17 SECTION 39. IC 6-8.1-16.3-9, AS ADDED BY P.L.147-2018,  
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2024]: Sec. 9. The department may adopt rules under  
 20 IC 4-22-2 **including emergency rules in the manner provided under**  
 21 ~~IC 4-22-2-37.1~~, to implement this chapter. **An emergency rule**  
 22 **implemented under this section expires on the earlier of the following**  
 23 **dates:**

- 24 (1) The expiration date stated in the emergency rule;
- 25 (2) The date the emergency rule is amended or repealed by a later
- 26 rule or emergency rule adopted under IC 4-22-2-24 through
- 27 IC 4-22-2-36 or in the manner provided under IC 4-22-2-37.1.

28 SECTION 40. IC 6-8.1-18-10, AS ADDED BY P.L.97-2021,  
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2024]: Sec. 10. The department may adopt rules under  
 31 IC 4-22-2 **including emergency rules in the manner provided under**  
 32 ~~IC 4-22-2-37.1~~, for the administration and enforcement of this chapter.

33 SECTION 41. IC 7.1-3-17.5-4, AS AMENDED BY P.L.233-2007,  
 34 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 4. The commission may adopt **emergency rules**  
 36 **under ~~IC 4-22-2-37.1~~ IC 4-22-2** concerning the following for a gaming  
 37 site permit:

- 38 (1) Issuance.
- 39 (2) Scope.
- 40 (3) Permit fee.
- 41 (4) Expiration.
- 42 (5) Revocation and suspension.



1 SECTION 42. IC 7.1-3-17.7-5, AS AMENDED BY P.L.291-2013,  
 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 5. The commission may adopt rules under  
 4 IC 4-22-2 ~~including emergency rules adopted in the manner provided~~  
 5 ~~under IC 4-22-2-37.1~~; concerning the following for a horse track permit  
 6 or a satellite facility permit:

- 7 (1) Issuance.
- 8 (2) Scope.
- 9 (3) Permit fee.
- 10 (4) Expiration.
- 11 (5) Revocation and suspension.

12 SECTION 43. IC 8-1-2-42, AS AMENDED BY P.L.61-2022,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2024]: Sec. 42. (a) No change shall be made in any schedule,  
 15 including schedules of joint rates, except upon thirty (30) days notice  
 16 to the commission, and approval by the commission, and all such  
 17 changes shall be plainly indicated upon existing schedules or by filing  
 18 new schedules in lieu thereof thirty (30) days prior to the time the same  
 19 are to take effect. The commission may prescribe a shorter time within  
 20 which a change may be made. A public, municipally owned, or  
 21 cooperatively owned utility may not file a request for a general increase  
 22 in its basic rates and charges within fifteen (15) months after the filing  
 23 date of its most recent request for a general increase in its basic rates  
 24 and charges, except that the commission may order a more timely  
 25 increase if:

- 26 (1) the requested increase relates to a different type of utility  
 27 service;
- 28 (2) the commission finds that the utility's financial integrity or  
 29 service reliability is threatened; or
- 30 (3) the increase is based on:
  - 31 (A) a rate structure previously approved by the commission; or
  - 32 (B) orders of federal courts or federal regulatory agencies  
 33 having jurisdiction over the utility.

34 The phrase "general increase in basic rates and charges" does not  
 35 include changes in rates related solely to the cost of fuel or to the cost  
 36 of purchased gas or purchased electricity or adjustments in accordance  
 37 with tracking provisions approved by the commission. In addition to  
 38 other tracking provisions the commission finds appropriate, the  
 39 commission may approve periodic tracking mechanisms for water  
 40 utilities and wastewater utilities to permit recovery of changes in  
 41 property taxes. The commission may also approve periodic tracking  
 42 mechanisms calculated to recover from customers located within the



1 geographic boundaries of local units of government the incremental  
2 costs of operation and maintenance of water utilities and wastewater  
3 utilities resulting from policies or ordinances that are adopted by those  
4 local units and that the commission determines to be unusual but not  
5 necessarily unreasonable under section 101 of this chapter. The  
6 commission shall adopt rules under IC 4-22-2 ~~including emergency~~  
7 ~~rules in the manner provided by IC 4-22-2-37.1~~, to define what is  
8 unreasonable with respect to road cut permits and other specifications  
9 or policies established by a local unit that imposes costs on water or  
10 wastewater utilities.

11 (b) No schedule of rates, tolls, and charges of a public, municipally  
12 owned, or cooperatively owned utility which includes or authorizes any  
13 changes in charges based upon costs is effective without the approval  
14 of the commission. Before the commission approves any changes in the  
15 schedule of rates, tolls, and charges of an electric utility, which  
16 generates and sells electricity, based upon the cost of fuel to generate  
17 electricity or upon the cost of fuel included in the cost of purchased  
18 electricity, the utility consumer counselor shall examine the books and  
19 records of the public, municipally owned, or cooperatively owned  
20 generating utility to determine the cost of fuel upon which the proposed  
21 charges are based. In addition, before such a fuel cost charge becomes  
22 effective, the commission shall hold a summary hearing on the sole  
23 issue of the fuel charge. The utility consumer counselor shall conduct  
24 the utility consumer counselor's review and make a report to the  
25 commission within twenty (20) days after the utility's request for the  
26 fuel cost charge is filed. The commission shall hold the summary  
27 hearing and issue its order within twenty (20) days after it receives the  
28 utility consumer counselor's report. The provisions of this section and  
29 sections 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning  
30 the filing, printing, and changing of rate schedules and the time  
31 required for giving notice of hearing and requiring publication of notice  
32 do not apply to such a fuel cost charge or such a summary hearing.

33 (c) Regardless of the pendency of any request for a fuel cost charge  
34 by any electric utility, the books and records pertaining to the cost of  
35 fuel of all public, municipally owned, or cooperatively owned utilities  
36 that generate electricity shall be examined by the utility consumer  
37 counselor not less often than quarterly, and the books and records of all  
38 electric nongenerating public, municipally owned, or cooperatively  
39 owned utilities shall be examined by the utility consumer counselor not  
40 less often than annually. The utility consumer counselor shall provide  
41 the commission with a report as to the examination of said books and  
42 records within a reasonable time following said examination. The



1 utility consumer counselor may, if appropriate, request of the  
 2 commission a reduction or elimination of the fuel cost charge. Upon  
 3 such request, the commission shall hold a hearing forthwith in the  
 4 manner provided in sections 58, 59, and 60 of this chapter.

5 (d) An electric generating utility may apply for a change in its fuel  
 6 charge not more often than each three (3) months. When such  
 7 application is filed the petitioning utility shall show to the commission  
 8 its cost of fuel to generate electricity and the cost of fuel included in the  
 9 cost of purchased electricity, for the period between its last order from  
 10 the commission approving fuel costs in its basic rates and the latest  
 11 month for which actual fuel costs are available. The petitioning utility  
 12 shall also estimate its average fuel costs for the three (3) calendar  
 13 months subsequent to the expiration of the twenty (20) day period  
 14 allowed the commission in subsection (b). The commission shall  
 15 conduct a formal hearing solely on the fuel cost charge requested in the  
 16 petition subject to the notice requirements of IC 8-1-1-8 and shall grant  
 17 the electric utility the requested fuel cost charge if it finds that:

18 (1) the electric utility has made every reasonable effort to acquire  
 19 fuel and generate or purchase power or both so as to provide  
 20 electricity to its retail customers at the lowest fuel cost reasonably  
 21 possible;

22 (2) the actual increases in fuel cost through the latest month for  
 23 which actual fuel costs are available since the last order of the  
 24 commission approving basic rates and charges of the electric  
 25 utility have not been offset by actual decreases in other operating  
 26 expenses;

27 (3) the fuel adjustment charge applied for will not result in the  
 28 electric utility earning a return in excess of the return authorized  
 29 by the commission in the last proceeding in which the basic rates  
 30 and charges of the electric utility were approved. However,  
 31 subject to section 42.3 of this chapter, if the fuel charge applied  
 32 for will result in the electric utility earning a return in excess of  
 33 the return authorized by the commission, in the last proceeding in  
 34 which basic rates and charges of the electric utility were  
 35 approved, the fuel charge applied for will be reduced to the point  
 36 where no such excess of return will be earned; and

37 (4) the utility's estimate of its prospective average fuel costs for  
 38 each such three (3) calendar months are reasonable after taking  
 39 into consideration:

40 (A) the actual fuel costs experienced by the utility during the  
 41 latest three (3) calendar months for which actual fuel costs are  
 42 available; and



- 1 (B) the estimated fuel costs for the same latest three (3)  
2 calendar months for which actual fuel costs are available.
- 3 (e) Should the commission at any time determine that an emergency  
4 exists that could result in an abnormal change in fuel costs, it may, in  
5 order to protect the public from the adverse effects of such change  
6 suspend the provisions of subsection (d) as to the utility or utilities  
7 affected by such an emergency and initiate such procedures as may be  
8 necessary to protect both the public and the utility from harm. The  
9 commission shall lift the suspension when it is satisfied the emergency  
10 no longer exists.
- 11 (f) Any change in the fuel cost charge granted by the commission  
12 under the provisions of this section shall be reflected in the rates  
13 charged by the utility in the same manner as any other changes in rates  
14 granted by the commission in a case approving the basic rates and  
15 charges of the utility. However, the utility may file the change as a  
16 separate amendment to its rate schedules with a reasonable reference  
17 in the amendment that such charge is applicable to all of its filed rate  
18 schedules.
- 19 (g) No schedule of rates, tolls, and charges of a public, municipally  
20 owned, or cooperatively owned gas utility that includes or authorizes  
21 any changes in charges based upon gas costs is effective without the  
22 approval of the commission except those rates, tolls, and charges  
23 contained in schedules that contain specific provisions for changes in  
24 gas costs or the cost of gas that have previously been approved by the  
25 commission. Gas costs or cost of gas may include the gas utility's costs  
26 for gas purchased by it from pipeline suppliers, costs incurred for  
27 leased gas storage and related transportation, costs for supplemental  
28 and substitute gas supplies, costs incurred for exploration and  
29 development of its own sources of gas supplies and other expenses  
30 relating to gas costs as shall be approved by the commission. Changes  
31 in a gas utility's rates, tolls, and charges based upon changes in its gas  
32 costs shall be made in accordance with the following:
- 33 (1) Before the commission approves any changes in the schedule  
34 of rates, tolls, and charges of a gas utility based upon the cost of  
35 the gas, the utility consumer counselor may examine the books  
36 and records of the public, municipally owned, or cooperatively  
37 owned gas utility to determine the cost of gas upon which the  
38 proposed changes are based. In addition, before such an  
39 adjustment to the gas cost charge becomes effective, the  
40 commission shall hold a summary hearing on the sole issue of the  
41 gas cost adjustment. The utility consumer counselor shall conduct  
42 the utility consumer counselor's review and make a report to the



1 commission within thirty (30) days after the utility's request for  
2 the gas cost adjustment is filed. The commission shall hold the  
3 summary hearing and issue its order within thirty (30) days after  
4 it receives the utility consumer counselor's report. The provisions  
5 of this section and sections 39, 43, 54, 55, 56, 59, 60, and 61 of  
6 this chapter concerning the filing, printing, and changing of rate  
7 schedules and the time required for giving notice of hearing and  
8 requiring publication of notice do not apply to such a gas cost  
9 adjustment or such a summary hearing.

10 (2) Regardless of the pendency of any request for a gas cost  
11 adjustment by any gas utility, the books and records pertaining to  
12 cost of gas of all public, municipally owned, or cooperatively  
13 owned gas utilities shall be examined by the utility consumer  
14 counselor not less often than annually. The utility consumer  
15 counselor shall provide the commission with a report as to the  
16 examination of said books and records within a reasonable time  
17 following said examination. The utility consumer counselor may,  
18 if appropriate, request of the commission a reduction or  
19 elimination of the gas cost adjustment. Upon such request, the  
20 commission shall hold a hearing forthwith in the manner provided  
21 in sections 58, 59, and 60 of this chapter.

22 (3) A gas utility may apply for a change in its gas cost charge not  
23 more often than each three (3) months. When such application is  
24 filed, the petitioning utility shall show to the commission its cost  
25 of gas for the period between its last order from the commission  
26 approving gas costs in its basic rates and the latest month for  
27 which actual gas costs are available. The petitioning utility shall  
28 also estimate its average gas costs for a recovery period of not less  
29 than the three (3) calendar months subsequent to the expiration of  
30 the thirty (30) day period allowed the commission in subdivision  
31 (1). The commission shall conduct a summary hearing solely on  
32 the gas cost adjustment requested in the petition subject to the  
33 notice requirements of IC 8-1-1-8 and may grant the gas utility the  
34 requested gas cost charge if it finds that:

35 (A) the gas utility has made every reasonable effort to acquire  
36 long term gas supplies so as to provide gas to its retail  
37 customers at the lowest gas cost reasonably possible;

38 (B) the pipeline supplier or suppliers of the gas utility has  
39 requested or has filed for a change in the costs of gas pursuant  
40 to the jurisdiction and procedures of a duly constituted  
41 regulatory authority;

42 (C) the gas cost adjustment applied for will not result, in the



- 1 case of a public utility, in its earning a return in excess of the  
 2 return authorized by the commission in the last proceeding in  
 3 which the basic rates and charges of the public utility were  
 4 approved; however, subject to section 42.3 of this chapter, if  
 5 the gas cost adjustment applied for will result in the public  
 6 utility earning a return in excess of the return authorized by the  
 7 commission in the last proceeding in which basic rates and  
 8 charges of the gas utility were approved, the gas cost  
 9 adjustment applied for will be reduced to the point where no  
 10 such excess of return will be earned; and  
 11 (D) the utility's estimate of its prospective average gas costs  
 12 for each such future recovery period is reasonable and gives  
 13 effect to:
- 14 (i) the actual gas costs experienced by the utility during the  
 15 latest recovery period for which actual gas costs are  
 16 available; and
  - 17 (ii) the actual gas costs recovered by the adjustment of the  
 18 same recovery period.
- 19 (4) Should the commission at any time determine that an  
 20 emergency exists that could result in an abnormal change in gas  
 21 costs, it may, in order to protect the public or the utility from the  
 22 adverse effects of such change suspend the provisions of  
 23 subdivision (3) as to the utility or utilities affected by such an  
 24 emergency and initiate such procedures as may be necessary to  
 25 protect both the public and the utility from harm. The commission  
 26 shall lift the suspension when it is satisfied the emergency no  
 27 longer exists.
- 28 (5) Any change in the gas cost charge granted by the commission  
 29 under the provisions of this section shall be reflected in the rates  
 30 charged by the utility in the same manner as any other changes in  
 31 rates granted by the commission in a case approving the basic  
 32 rates and charges of the utility. However, the utility may file the  
 33 change as a separate amendment to its rate schedules with a  
 34 reasonable reference in the amendment that such charge is  
 35 applicable to all of its filed rate schedules.
- 36 SECTION 44. IC 8-1-2-101.5, AS ADDED BY P.L.160-2020,  
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 101.5. (a) This section applies to:
- 39 (1) a water main extension;
  - 40 (2) a wastewater main extension; or
  - 41 (3) an agreement that:
- 42 (A) is for a water main extension or a wastewater main



- 1 extension; and  
 2 (B) is entered into after June 30, 2020, by a utility and the  
 3 person requesting the extension.
- 4 (b) As used in this section, "utility" means a municipally owned  
 5 utility (as defined in IC 8-1-2-1(h)) that provides water service or  
 6 wastewater service, or both, to the public.
- 7 (c) With respect to any water main extension or wastewater main  
 8 extension, a utility shall comply with the commission's rules governing  
 9 water main extensions or wastewater main extensions, as applicable,  
 10 including:
- 11 (1) 170 IAC 6-1.5, in the case of a water main extension; or  
 12 (2) 170 IAC 8.5-4, in the case of a wastewater main extension;  
 13 as may be amended by the commission, regardless of whether the  
 14 utility is subject to the jurisdiction of the commission for the approval  
 15 of rates and charges. However, a utility is not required to comply with  
 16 any provisions in the commission's main extension rules that require  
 17 reporting to the commission.
- 18 (d) Disputes arising under this section may be submitted as informal  
 19 complaints to the commission's consumer affairs division, in  
 20 accordance with IC 8-1-2-34.5(b) and the commission's rules under 170  
 21 IAC 16, including provisions for referrals and appeals to the full  
 22 commission, regardless of whether the person requesting the extension  
 23 is a customer of the utility.
- 24 (e) The commission shall adopt by:
- 25 (1) order; or  
 26 (2) rule under IC 4-22-2;  
 27 other procedures not inconsistent with this section that the commission  
 28 determines to be reasonable or necessary to administer this section. ~~In~~  
 29 ~~adopting the rules under this section, the commission may adopt~~  
 30 ~~emergency rules in the manner provided by IC 4-22-2-37.1.~~  
 31 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~  
 32 ~~commission under this subsection and in the manner provided by~~  
 33 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~  
 34 ~~emergency rule is adopted by the commission under IC 4-22-2-24~~  
 35 ~~through IC 4-22-2-36.~~
- 36 (f) If the commission determines that it requires additional staff to  
 37 handle the volume of informal complaints submitted under this section,  
 38 the commission may impose a fee under this section. Any fee charged  
 39 by the commission under this section may:
- 40 (1) not exceed:
- 41 (A) the commission's actual costs in administering this section;  
 42 or





- 1 (B) seven hundred fifty dollars (\$750);  
 2 whichever is less; and  
 3 (2) be assessed against the party against whom a decision is  
 4 rendered under this section.
- 5 SECTION 45. IC 8-1-2-113 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 113. (a) The  
 7 commission may, when it considers necessary to prevent injury to the  
 8 business or interests of the people or any public utility of this state in  
 9 case of any emergency to be judged by the commission, temporarily  
 10 alter, amend, or with the consent of the public utility concerned,  
 11 suspend any existing rates, service, practices, schedules, and order  
 12 relating to or affecting any public utility or part of any public utility in  
 13 this state. The alterations, amendments, or suspensions of the rates,  
 14 service, schedules, or practices made by the commission shall apply to  
 15 one (1) or more of the public utilities in this state or to any portion  
 16 thereof, as directed by the commission, and shall take effect at the time  
 17 and remain in force for the length of time prescribed by the  
 18 commission.
- 19 (b) The commission may adopt ~~emergency~~ rules under  
 20 ~~IC 4-22-2-37.1~~ IC 4-22-2 to carry out this section.
- 21 SECTION 46. IC 8-1-2.7-15.5, AS ADDED BY P.L.233-2017,  
 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2024]: Sec. 15.5. (a) This section applies to a utility that is  
 24 described in section 1.3(a)(1)(B) of this chapter that has properly  
 25 withdrawn from commission jurisdiction under this chapter.
- 26 (b) As used in this section, "committee" refers to a policy review  
 27 committee established under this section.
- 28 (c) A policy review committee may be established for a utility if the  
 29 lesser of:  
 30 (1) one hundred (100); or  
 31 (2) more than fifty percent (50%);  
 32 of the utility's customers file, individually or collectively, with the  
 33 utility's board of directors, a verified petition under subsection (d) to  
 34 establish the committee.
- 35 (d) A petition under this section must provide for the following:  
 36 (1) A procedure for establishing districts within the utility's  
 37 service territory and for electing members, who must be  
 38 customers of the utility residing within the established districts,  
 39 to serve as members of the committee.  
 40 (2) The terms of the members of the committee.  
 41 (3) Procedures by which the committee is authorized to do the  
 42 following:



- 1 (A) Receive complaints from customers of the utility
- 2 concerning:
- 3 (i) rules and policies established by the utility's board of
- 4 directors;
- 5 (ii) the utility's rates and charges;
- 6 (iii) utility service quality; or
- 7 (iv) other matters concerning the utility's operations,
- 8 management, or service, as specifically set forth in the
- 9 petition.
- 10 (B) Attempt to negotiate a resolution with the utility's board of
- 11 directors with respect to a complaint received under clause
- 12 (A).
- 13 (C) Seek mediation to be overseen by the office of the attorney
- 14 general with respect to complaints that are not resolved
- 15 through negotiations described in clause (B).
- 16 (4) Other matters that the petitioners consider appropriate with
- 17 respect to the utility's operations, management, or service.
- 18 (e) The attorney general may adopt rules under IC 4-22-2 ~~including~~
- 19 ~~emergency rules in the manner provided under IC 4-22-2-37.1,~~ to
- 20 implement this section.

21 SECTION 47. IC 8-1-8.5-12.1, AS AMENDED BY P.L.33-2023,  
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2024]: Sec. 12.1. (a) As used in this section, "small modular  
 24 nuclear reactor" means a nuclear reactor that:

- 25 (1) has a rated electric generating capacity of not more than four
- 26 hundred seventy (470) megawatts;
- 27 (2) is capable of being constructed and operated, either:
- 28 (A) alone; or
- 29 (B) in combination with one (1) or more similar reactors if
- 30 additional reactors are, or become, necessary;
- 31 at a single site; and
- 32 (3) is required to be licensed by the United States Nuclear
- 33 Regulatory Commission.

34 The term includes a nuclear reactor that is described in this subsection  
 35 and that uses a process to produce hydrogen that can be used for energy  
 36 storage, as a fuel, or for other uses.

37 (b) Not later than July 1, 2023, the commission, in consultation with  
 38 the department of environmental management, shall adopt rules under  
 39 IC 4-22-2 concerning the granting of certificates under this chapter for  
 40 the construction, purchase, or lease of small modular nuclear reactors:

- 41 (1) in Indiana for the generation of electricity to be directly or
- 42 indirectly used to furnish public utility service to Indiana



- 1 customers; or  
 2 (2) at the site of a nuclear energy production or generating facility  
 3 that supplies electricity to Indiana retail customers on July 1,  
 4 2011.
- 5 (c) Rules adopted by the commission under this section must  
 6 provide for the following:
- 7 (1) That in acting on a public utility's petition for the construction,  
 8 purchase, or lease of one (1) or more small modular nuclear  
 9 reactors, as described in subsection (b), the commission shall  
 10 consider the following:
- 11 (A) Whether, and to what extent, the one (1) or more small  
 12 modular nuclear reactors proposed by the public utility will  
 13 replace a loss of generating capacity in the public utility's  
 14 portfolio resulting from the retirement or planned retirement  
 15 of one (1) or more of the public utility's existing electric  
 16 generating facilities that:
- 17 (i) are located in Indiana; and  
 18 (ii) use coal or natural gas as a fuel source.
- 19 (B) Whether one (1) or more of the small modular nuclear  
 20 reactors that will replace an existing facility will be located on  
 21 the same site as or near the existing facility and, if so, potential  
 22 opportunities for the public utility to:
- 23 (i) make use of any land and existing infrastructure or  
 24 facilities already owned or under the control of the public  
 25 utility; or  
 26 (ii) create new employment opportunities for workers who  
 27 have been, or would be, displaced as a result of the  
 28 retirement of the existing facility.
- 29 (2) That the commission may grant a certificate under this chapter  
 30 under circumstances and for locations other than those described  
 31 in subdivision (1).
- 32 (3) That the commission may not grant a certificate under this  
 33 chapter unless the owner or operator of a proposed small modular  
 34 nuclear reactor provides evidence of a plan to apply for all  
 35 licenses or permits to construct or operate the proposed small  
 36 modular nuclear reactor as may be required by:
- 37 (A) the United States Nuclear Regulatory Commission;  
 38 (B) the department of environmental management; or  
 39 (C) any other relevant state or federal regulatory agency with  
 40 jurisdiction over the construction or operation of nuclear  
 41 generating facilities.
- 42 (4) That any:



- 1 (A) reports;  
 2 (B) notices of violations; or  
 3 (C) other notifications;  
 4 sent to or from the United States Nuclear Regulatory Commission  
 5 by or to the owner or operator of a proposed small nuclear reactor  
 6 must be submitted by the owner or operator to the commission  
 7 within such times as prescribed by the commission, subject to the  
 8 commission's duty to treat as confidential and protect from public  
 9 access and disclosure any information that is contained in a report  
 10 or notice and that is considered confidential or exempt from  
 11 public access and disclosure under state or federal law.  
 12 (5) That any person that owns or operates a small modular nuclear  
 13 reactor in Indiana may not store:  
 14 (A) spent nuclear fuel (as defined in IC 13-11-2-216); or  
 15 (B) high level radioactive waste (as defined in  
 16 IC 13-11-2-102);  
 17 from the small modular nuclear reactor on the site of the small  
 18 modular nuclear reactor without first meeting all applicable  
 19 requirements of the United States Nuclear Regulatory  
 20 Commission.  
 21 (d) In adopting the rules required by this section, the commission  
 22 may adopt emergency rules in the manner provided by IC 4-22-2-37.1.  
 23 **under IC 4-22-2.** Notwithstanding IC 4-22-2-37.1(g), an emergency  
 24 rule adopted by the commission under this subsection and in the  
 25 manner provided by IC 4-22-2-37.1 expires on the date on which a rule  
 26 that supersedes the emergency rule is adopted by the commission under  
 27 IC 4-22-2-24 through IC 4-22-2-36.  
 28 (e) This section shall not be construed to affect the authority of the  
 29 United States Nuclear Regulatory Commission.  
 30 SECTION 48. IC 8-1-8.5-13, AS AMENDED BY P.L.55-2023,  
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2024]: Sec. 13. (a) The general assembly finds that it is in the  
 33 public interest to support the reliability, availability, and diversity of  
 34 electric generating capacity in Indiana for the purpose of providing  
 35 reliable and stable electric service to customers of public utilities.  
 36 (b) As used in this section, "appropriate regional transmission  
 37 organization", with respect to a public utility, refers to the regional  
 38 transmission organization approved by the Federal Energy Regulatory  
 39 Commission for the control area that includes the public utility's  
 40 assigned service area (as defined in IC 8-1-2.3-2).  
 41 (c) As used in this section, "capacity market" means an auction  
 42 conducted by an appropriate regional transmission organization to



1 determine a market clearing price for capacity based on the planning  
 2 reserve margin requirements established by the appropriate regional  
 3 transmission organization for a planning year with respect to which an  
 4 auction has not yet been conducted.

5 (d) As used in this section, "fall unforced capacity", or "fall UCAP",  
 6 with respect to an electric generating facility, means:

7 (1) the capacity value of the electric generating facility's installed  
 8 capacity rate adjusted for the electric generating facility's average  
 9 forced outage rate for the fall period, calculated as required by the  
 10 appropriate regional transmission organization or by the Federal  
 11 Energy Regulatory Commission;

12 (2) a metric that is similar to the metric described in subdivision  
 13 (1) and that is required by the appropriate regional transmission  
 14 organization; or

15 (3) if the appropriate regional transmission organization does not  
 16 require a metric described in subdivision (1) or (2), a metric that:

17 (A) can be used to demonstrate that a public utility has  
 18 sufficient capacity to:

19 (i) provide reliable electric service to Indiana customers for  
 20 the fall period; and

21 (ii) meet its planning reserve margin requirement and other  
 22 federal reliability requirements described in subsection  
 23 (1)(4); and

24 (B) is acceptable to the commission.

25 (e) As used in this section, "MISO" refers to the regional  
 26 transmission organization known as the Midcontinent Independent  
 27 System Operator that operates the bulk power transmission system  
 28 serving most of the geographic territory in Indiana.

29 (f) As used in this section, "planning reserve margin requirement",  
 30 with respect to a public utility for a particular resource planning year,  
 31 means the planning reserve margin requirement for that planning year  
 32 that the public utility is obligated to meet in accordance with the public  
 33 utility's membership in the appropriate regional transmission  
 34 organization.

35 (g) As used in this section, "reliability adequacy metrics", with  
 36 respect to a public utility, means calculations used to demonstrate all  
 37 of the following:

38 (1) Subject to subsection (q)(2)(B), that the public utility:

39 (A) has in place sufficient summer UCAP; or

40 (B) can reasonably acquire not more than:

41 (i) thirty percent (30%) of its total summer UCAP from  
 42 capacity markets, with respect to a report filed with the



- 1 commission under subsection (l) before July 1, 2023; or  
 2 (ii) fifteen percent (15%) of its total summer UCAP from  
 3 capacity markets, with respect to a report filed with the  
 4 commission under subsection (l) after June 30, 2023;  
 5 such that it will have sufficient summer UCAP;  
 6 to provide reliable electric service to Indiana customers, and to  
 7 meet its planning reserve margin requirement and other federal  
 8 reliability requirements described in subsection (l)(4).
- 9 (2) Subject to subsection (q)(2)(B), that the public utility:  
 10 (A) has in place sufficient winter UCAP; or  
 11 (B) can reasonably acquire not more than:  
 12 (i) thirty percent (30%) of its total winter UCAP from  
 13 capacity markets, with respect to a report filed with the  
 14 commission under subsection (l) before July 1, 2023; or  
 15 (ii) fifteen percent (15%) of its total winter UCAP from  
 16 capacity markets, with respect to a report filed with the  
 17 commission under subsection (l) after June 30, 2023;  
 18 such that it will have sufficient winter UCAP;  
 19 to provide reliable electric service to Indiana customers, and to  
 20 meet its planning reserve margin requirement and other federal  
 21 reliability requirements described in subsection (l)(4).
- 22 (3) Subject to subsection (q)(2)(B), with respect to a report filed  
 23 with the commission under subsection (l) after June 30, 2026, that  
 24 the public utility:  
 25 (A) has in place sufficient spring UCAP; or  
 26 (B) can reasonably acquire not more than fifteen percent  
 27 (15%) of its total spring UCAP from capacity markets, such  
 28 that it will have sufficient spring UCAP;  
 29 to provide reliable electric service to Indiana customers, and to  
 30 meet its planning reserve margin requirement and other federal  
 31 reliability requirements described in subsection (l)(4).
- 32 (4) Subject to subsection (q)(2)(B), with respect to a report filed  
 33 with the commission under subsection (l) after June 30, 2026, that  
 34 the public utility:  
 35 (A) has in place sufficient fall UCAP; or  
 36 (B) can reasonably acquire not more than fifteen percent  
 37 (15%) of its total fall UCAP from capacity markets, such that  
 38 it will have sufficient fall UCAP;  
 39 to provide reliable electric service to Indiana customers, and to  
 40 meet its planning reserve margin requirement and other federal  
 41 reliability requirements described in subsection (l)(4).
- 42 (h) As used in this section, "spring unforced capacity", or "spring



- 1 UCAP", with respect to an electric generating facility, means:
- 2 (1) the capacity value of the electric generating facility's installed
- 3 capacity rate adjusted for the electric generating facility's average
- 4 forced outage rate for the spring period, calculated as required by
- 5 the appropriate regional transmission organization or by the
- 6 Federal Energy Regulatory Commission;
- 7 (2) a metric that is similar to the metric described in subdivision
- 8 (1) and that is required by the appropriate regional transmission
- 9 organization; or
- 10 (3) if the appropriate regional transmission organization does not
- 11 require a metric described in subdivision (1) or (2), a metric that:
- 12 (A) can be used to demonstrate that a public utility has
- 13 sufficient capacity to:
- 14 (i) provide reliable electric service to Indiana customers for
- 15 the spring period; and
- 16 (ii) meet its planning reserve margin requirement and other
- 17 federal reliability requirements described in subsection
- 18 (1)(4); and
- 19 (B) is acceptable to the commission.
- 20 (i) As used in this section, "summer unforced capacity", or "summer
- 21 UCAP", with respect to an electric generating facility, means:
- 22 (1) the capacity value of the electric generating facility's installed
- 23 capacity rate adjusted for the electric generating facility's average
- 24 forced outage rate for the summer period, calculated as required
- 25 by the appropriate regional transmission organization or by the
- 26 Federal Energy Regulatory Commission; or
- 27 (2) a metric that is similar to the metric described in subdivision
- 28 (1) and that is required by the appropriate regional transmission
- 29 organization.
- 30 (j) As used in this section, "winter unforced capacity", or "winter
- 31 UCAP", with respect to an electric generating facility, means:
- 32 (1) the capacity value of the electric generating facility's installed
- 33 capacity rate adjusted for the electric generating facility's average
- 34 forced outage rate for the winter period, calculated as required by
- 35 the appropriate regional transmission organization or by the
- 36 Federal Energy Regulatory Commission;
- 37 (2) a metric that is similar to the metric described in subdivision
- 38 (1) and that is required by the appropriate regional transmission
- 39 organization; or
- 40 (3) if the appropriate regional transmission organization does not
- 41 require a metric described in subdivision (1) or (2), a metric that:
- 42 (A) can be used to demonstrate that a public utility has



- 1 sufficient capacity to:
- 2 (i) provide reliable electric service to Indiana customers for
- 3 the winter period; and
- 4 (ii) meet its planning reserve margin requirement and other
- 5 federal reliability requirements described in subsection
- 6 (l)(4); and
- 7 (B) is acceptable to the commission.
- 8 (k) A public utility that owns and operates an electric generating
- 9 facility serving customers in Indiana shall operate and maintain the
- 10 facility using good utility practices and in a manner:
- 11 (1) reasonably intended to support the provision of reliable and
- 12 economic electric service to customers of the public utility; and
- 13 (2) reasonably consistent with the resource reliability
- 14 requirements of MISO or any other appropriate regional
- 15 transmission organization.
- 16 (l) Not later than thirty (30) days after the deadline for submitting
- 17 an annual planning reserve margin report to MISO, each public utility
- 18 providing electric service to Indiana customers shall, regardless of
- 19 whether the public utility is required to submit an annual planning
- 20 reserve margin report to MISO, file with the commission a report, in a
- 21 form specified by the commission, that provides the following
- 22 information for each of the next three (3) resource planning years,
- 23 beginning with the planning year covered by the planning reserve
- 24 margin report to MISO described in this subsection:
- 25 (1) The:
- 26 (A) capacity;
- 27 (B) location; and
- 28 (C) fuel source;
- 29 for each electric generating facility that is owned and operated by
- 30 the electric utility and that will be used to provide electric service
- 31 to Indiana customers.
- 32 (2) The amount of generating resource capacity or energy, or
- 33 both, that the public utility has procured under contract and that
- 34 will be used to provide electric service to Indiana customers,
- 35 including the:
- 36 (A) capacity;
- 37 (B) location; and
- 38 (C) fuel source;
- 39 for each electric generating facility that will supply capacity or
- 40 energy under the contract, to the extent known by the public
- 41 utility.
- 42 (3) The amount of demand response resources available to the





1 public utility under contracts and tariffs.

2 (4) The following:

3 (A) The planning reserve margin requirements established by  
4 MISO for the planning years covered by the report, to the  
5 extent known by the public utility with respect to any  
6 particular planning year covered by the report.

7 (B) If applicable, any other planning reserve margin  
8 requirement that:

- 9 (i) applies to the planning years covered by the report; and  
10 (ii) the public utility is obligated to meet in accordance with  
11 the public utility's membership in an appropriate regional  
12 transmission organization;

13 to the extent known by the public utility with respect to any  
14 particular planning year covered by the report.

15 (C) Other federal reliability requirements that the public utility  
16 is obligated to meet in accordance with its membership in an  
17 appropriate regional transmission organization with respect to  
18 the planning years covered by the report, to the extent known  
19 by the public utility with respect to any particular planning  
20 year covered by the report.

21 For each planning reserve margin requirement reported under  
22 clause (A) or (B), the public utility shall include a comparison of  
23 that planning reserve margin requirement to the planning reserve  
24 margin requirement established by the same regional transmission  
25 organization for the 2021-2022 planning year.

26 (5) The reliability adequacy metrics of the public utility, as  
27 forecasted for the three (3) planning years covered by the report.

28 (m) Upon request by a public utility, the commission shall  
29 determine whether information provided in a report filed by the public  
30 utility under subsection (l):

31 (1) is confidential under IC 5-14-3-4 or is a trade secret under  
32 IC 24-2-3;

33 (2) is exempt from public access and disclosure by Indiana law;  
34 and

35 (3) shall be treated as confidential and protected from public  
36 access and disclosure by the commission.

37 (n) A joint agency created under IC 8-1-2.2 may file the report  
38 required under subsection (l) as a consolidated report on behalf of any  
39 or all of the municipally owned utilities that make up its membership.

40 (o) A:

41 (1) corporation organized under IC 23-17 that is an electric  
42 cooperative and that has at least one (1) member that is a



- 1 corporation organized under IC 8-1-13; or  
 2 (2) general district corporation within the meaning of  
 3 IC 8-1-13-23;  
 4 may file the report required under subsection (l) as a consolidated  
 5 report on behalf of any or all of the cooperatively owned electric  
 6 utilities that it serves.
- 7 (p) In reviewing a report filed by a public utility under subsection  
 8 (l), the commission may request technical assistance from MISO or any  
 9 other appropriate regional transmission organization in determining:  
 10 (1) the planning reserve margin requirements or other federal  
 11 reliability requirements that the public utility is obligated to meet,  
 12 as described in subsection (l)(4); and  
 13 (2) whether the resources available to the public utility under  
 14 subsections (l)(1) through (l)(3) will be adequate to support the  
 15 provision of reliable electric service to the public utility's Indiana  
 16 customers.
- 17 (q) If, after reviewing a report filed by a public utility under  
 18 subsection (l), the commission is not satisfied that the public utility  
 19 can:  
 20 (1) provide reliable electric service to the public utility's Indiana  
 21 customers; or  
 22 (2) either:  
 23 (A) satisfy both:  
 24 (i) its planning reserve margin requirement or other federal  
 25 reliability requirements that the public utility is obligated to  
 26 meet, as described in subsection (l)(4); and  
 27 (ii) the reliability adequacy metrics set forth in subsection  
 28 (g); or  
 29 (B) provide sufficient reason as to why the public utility is  
 30 unable to satisfy both:  
 31 (i) its planning reserve margin requirement or other federal  
 32 reliability requirements that the public utility is obligated to  
 33 meet, as described in subsection (l)(4); and  
 34 (ii) the reliability adequacy metrics set forth in subsection  
 35 (g);  
 36 during one (1) more of the planning years covered by the report, the  
 37 commission may conduct an investigation under IC 8-1-2-58 through  
 38 IC 8-1-2-60 as to the reasons for the public utility's potential inability  
 39 to meet the requirements described in subdivision (1) or (2), or both.
- 40 (r) If, upon investigation under IC 8-1-2-58 through IC 8-1-2-60,  
 41 and after notice and hearing, as required by IC 8-1-2-59, the  
 42 commission determines that the capacity resources available to the



1 public utility under subsections (l)(1) through (l)(3) will not be  
 2 adequate to support the provision of reliable electric service to the  
 3 public utility's Indiana customers, or to allow the public utility to satisfy  
 4 both its planning reserve margin requirements or other federal  
 5 reliability requirements that the public utility is obligated to meet (as  
 6 described in subsection (l)(4)) and the reliability adequacy metrics set  
 7 forth in subsection (g), the commission shall issue an order directing  
 8 the public utility to acquire or construct such capacity resources that  
 9 are reasonable and necessary to enable the public utility to provide  
 10 reliable electric service to its Indiana customers, and to satisfy both its  
 11 planning reserve margin requirements or other federal reliability  
 12 requirements described in subsection (l)(4) and the reliability adequacy  
 13 metrics set forth in subsection (g). Not later than ninety (90) days after  
 14 the date of the commission's order under this subsection, the public  
 15 utility shall file for approval with the commission a plan to comply with  
 16 the commission's order. The public utility's plan may include:

- 17 (1) a request for a certificate of public convenience and necessity
- 18 under this chapter; or
- 19 (2) an application under IC 8-1-8.8;

20 or both.

21 (s) Beginning in 2022, the commission shall include in its annual  
 22 report under IC 8-1-1-14 the following information:

- 23 (1) The commission's analysis regarding the ability of public
- 24 utilities to:
  - 25 (A) provide reliable electric service to Indiana customers; and
  - 26 (B) satisfy both:
    - 27 (i) their planning reserve margin requirements or other
    - 28 federal reliability requirements; and
    - 29 (ii) the reliability adequacy metrics set forth in subsection
    - 30 (g);

31 for the next three (3) utility resource planning years, based on the  
 32 most recent reports filed by public utilities under subsection (l).

33 (2) A summary of:

- 34 (A) the projected demand for retail electricity in Indiana over
- 35 the next calendar year; and
- 36 (B) the amount and type of capacity resources committed to
- 37 meeting the projected demand.

38 In preparing the summary required under this subdivision, the  
 39 commission may consult with the forecasting group established  
 40 under section 3.5 of this chapter.

41 (3) Beginning with the commission's annual report filed under  
 42 IC 8-1-1-14 in 2025, the commission's analysis regarding the



1 appropriate percentage or portion of:

2 (A) total spring UCAP that public utilities should be  
3 authorized to acquire from capacity markets under subsection  
4 (g)(3)(B); and

5 (B) total fall UCAP that public utilities should be authorized  
6 to acquire from capacity markets under subsection (g)(4)(B).

7 (t) The commission may adopt rules under IC 4-22-2 to implement  
8 this section. ~~In adopting rules to implement this section, the~~  
9 ~~commission may adopt emergency rules in the manner provided by~~  
10 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~  
11 ~~adopted by the commission under this subsection and in the manner~~  
12 ~~provided by IC 4-22-2-37.1 expires on the date on which a rule that~~  
13 ~~supersedes the emergency rule is adopted by the commission under~~  
14 ~~IC 4-22-2-24 through IC 4-22-2-36.~~

15 SECTION 49. IC 8-1-26-18.5, AS ADDED BY P.L.46-2020,  
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2024]: Sec. 18.5. (a) This section applies to any new or  
18 replacement underground facility that an operator installs or causes to  
19 be installed after June 30, 2020, in any public right-of-way or on any  
20 private property.

21 (b) Subject to any other applicable federal or state laws or  
22 regulations, for any new or replacement underground facility that an  
23 operator installs or causes to be installed, the operator shall ensure that:

24 (1) the materials from which the facility is constructed are capable  
25 of being detected from above ground level using standard  
26 equipment and technologies used by the utility locating industry,  
27 such as electromagnetic locating equipment and electromagnetic  
28 induction surveys; or

29 (2) if the materials from which the facility is constructed are not  
30 capable of being detected from above ground level using standard  
31 locating techniques, as described in subdivision (1), the facility is:

32 (A) encased by conductive material; or

33 (B) equipped with an electrically conducting wire or other  
34 means of locating the facility while it is underground.

35 (c) The commission may adopt rules under IC 4-22-2 to implement  
36 this section. ~~including emergency rules in the manner provided under~~  
37 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~  
38 ~~adopted by the commission under this subsection and in the manner~~  
39 ~~provided under IC 4-22-2-37.1 expires on the date on which a rule that~~  
40 ~~supersedes the emergency rule is adopted by the commission under~~  
41 ~~IC 4-22-2-24 through IC 4-22-2-36.~~

42 SECTION 50. IC 8-1-34-24.5, AS AMENDED BY P.L.71-2022,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]: Sec. 24.5. (a) This section applies to any unit that  
3 receives franchise fees paid to the unit under:

- 4 (1) a certificate issued by the commission under this chapter; or  
5 (2) an unexpired local franchise issued by the unit before July 1,  
6 2006;

7 with respect to a particular calendar year.

8 (b) For each calendar year, beginning with the calendar year ending  
9 December 31, 2012, each unit to which this section applies shall  
10 submit to the commission, on a form or in the manner prescribed by the  
11 commission, a report that includes the following information for each  
12 certificate or local franchise in effect in the unit during the calendar  
13 year for which the report is submitted:

- 14 (1) The amount of franchise fees paid to the unit under the  
15 certificate or local franchise.  
16 (2) The account of the unit into which the franchise fees identified  
17 under subdivision (1) were deposited.  
18 (3) The purposes for which any franchise fees received by the unit  
19 during:

20 (A) the calendar year for which the report is submitted; or

21 (B) a previous calendar year;

22 were used or spent by the unit during the calendar year for which  
23 the report is submitted.

24 (4) Any other information or data concerning the receipt and use  
25 of franchise fees that the commission considers appropriate.

26 (c) The commission shall prescribe the form of the report and the  
27 process, deadlines, and other requirements for submitting the report  
28 required under this section.

29 (d) Upon receiving the annual reports required under this section,  
30 the commission shall compile and organize the data and information  
31 contained in the reports. The commission shall include a summary of  
32 the data and information contained in the reports in the commission's  
33 annual report under IC 8-1-1-14(c)(4). However, this subsection does  
34 not empower the commission to disclose confidential and proprietary  
35 business plans and other confidential information without adequate  
36 protection of the information. The commission shall exercise all  
37 necessary caution to avoid disclosure of confidential information  
38 supplied under this section.

39 (e) The commission may adopt rules under IC 4-22-2 ~~including~~  
40 ~~emergency rules under IC 4-22-2-37.1~~, to implement this section. ~~An~~  
41 ~~emergency rule adopted by the commission under IC 4-22-2-37.1~~  
42 ~~expires on the date a rule that supersedes the emergency rule is adopted~~



1 by the commission under IC 4-22-2-24 through IC 4-22-2-36 and not  
 2 ninety (90) days after the rule is accepted for filing as provided in  
 3 IC 4-22-2-37.1(g). However, any emergency rules adopted by the  
 4 commission under this subsection must take effect by a date that  
 5 enables a unit subject to this section to comply with this section with  
 6 respect to the calendar year ending December 31, 2012.

7 SECTION 51. IC 8-1-37-10, AS AMENDED BY P.L.71-2022,  
 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2024]: Sec. 10. (a) Subject to subsection (d), the commission  
 10 shall adopt rules under IC 4-22-2 to establish the Indiana voluntary  
 11 clean energy portfolio standard program. The program established  
 12 under this section must be a voluntary program that provides incentives  
 13 to participating electricity suppliers that undertake to supply specified  
 14 percentages of the total electricity supplied to their Indiana retail  
 15 electric customers from clean energy.

16 (b) The rules adopted by the commission under this section to  
 17 establish the program must:

18 (1) incorporate:

19 (A) the CPS goals set forth in section 12(a) of this chapter;

20 (B) methods for measuring and evaluating a participating  
 21 electricity supplier's compliance with the CPS goals set forth  
 22 in section 12(a) of this chapter; and

23 (C) the financial incentives and periodic rate adjustment  
 24 mechanisms set forth in section 13 of this chapter;

25 (2) require the commission to determine, before approving an  
 26 application under section 11 of this chapter, that the approval of  
 27 the application will not result in an increase to the retail rates and  
 28 charges of the electricity supplier above what could reasonably be  
 29 expected if the application were not approved;

30 (3) take effect not later than January 1, 2012; and

31 (4) be consistent with this chapter.

32 (c) Upon the effective date of the rules adopted by the commission  
 33 under this section, an electricity supplier may apply to the commission  
 34 under section 11 of this chapter for approval to participate in the  
 35 program.

36 (d) The commission may adopt ~~emergency~~ rules under  
 37 ~~IC 4-22-2-37.1~~ IC 4-22-2 to adopt the rules required by this section.  
 38 ~~An emergency rule adopted by the commission under IC 4-22-2-37.1~~  
 39 ~~expires on the date a rule that supersedes the emergency rule is adopted~~  
 40 ~~by the commission under IC 4-22-2-24 through IC 4-22-2-36.~~

41 SECTION 52. IC 8-1-40-12, AS ADDED BY P.L.264-2017,  
 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 12. (a) Before January 1, 2018, the commission  
 2 shall amend 170 IAC 4-4.2-4, and an electricity supplier shall amend  
 3 the electricity supplier's net metering tariff, to do the following:

4 (1) Increase the allowed limit on the aggregate amount of net  
 5 metering facility nameplate capacity under the net metering tariff  
 6 to one and one-half percent (1.5%) of the most recent summer  
 7 peak load of the electricity supplier.

8 (2) Modify the required reservation of capacity under the limit  
 9 described in subdivision (1) to require the reservation of:

10 (A) forty percent (40%) of the capacity for participation by  
 11 residential customers; and

12 (B) fifteen percent (15%) of the capacity for participation by  
 13 customers that install a net metering facility that uses a  
 14 renewable energy resource described in IC 8-1-37-4(a)(5).

15 (b) ~~In amending 170 IAC 4-4.2-4, as required by subsection (a), the~~  
 16 ~~commission may adopt emergency rules in the manner provided by~~  
 17 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~  
 18 ~~adopted by the commission under this section and in the manner~~  
 19 ~~provided by IC 4-22-2-37.1 expires on the date on which a rule that~~  
 20 ~~supersedes the emergency rule is adopted by the commission under~~  
 21 ~~IC 4-22-2-24 through IC 4-22-2-36.~~

22 SECTION 53. IC 8-1-40-21, AS ADDED BY P.L.264-2017,  
 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2024]: Sec. 21. (a) Subject to subsection (b) and sections 10  
 25 and 11 of this chapter, after June 30, 2017, the commission's rules and  
 26 standards set forth in:

27 (1) 170 IAC 4-4.2 (concerning net metering); and

28 (2) 170 IAC 4-4.3 (concerning interconnection);

29 remain in effect and apply to net metering under an electricity  
 30 supplier's net metering tariff and to distributed generation under this  
 31 chapter.

32 (b) After June 30, 2017, the commission may adopt changes under  
 33 IC 4-22-2 including emergency rules in the manner provided by  
 34 ~~IC 4-22-2-37.1~~, to the rules and standards described in subsection (a)  
 35 only as necessary to:

36 (1) update fees or charges;

37 (2) adopt revisions necessitated by new technologies; or

38 (3) reflect changes in safety, performance, or reliability standards.

39 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~  
 40 ~~commission under this subsection and in the manner provided by~~  
 41 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~  
 42 ~~emergency rule is adopted by the commission under IC 4-22-2-24~~



1 through IC 4-22-2-36.

2 SECTION 54. IC 8-1-40-23, AS ADDED BY P.L.264-2017,  
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2024]: Sec. 23. (a) A customer that produces distributed  
5 generation has the following rights regarding the installation and  
6 ownership of distributed generation equipment:

7 (1) The right to know that the attorney general is authorized to  
8 enforce this section, including by receiving complaints  
9 concerning the installation and ownership of distributed  
10 generation equipment.

11 (2) The right to know the expected amount of electricity that will  
12 be produced by the distributed generation equipment that the  
13 customer is purchasing.

14 (3) The right to know all costs associated with installing  
15 distributed generation equipment, including any taxes for which  
16 the customer is liable.

17 (4) The right to know the value of all federal, state, or local tax  
18 credits or other incentives or rebates that the customer may  
19 receive.

20 (5) The right to know the rate at which the customer will be  
21 credited for electricity produced by the customer's distributed  
22 generation equipment and delivered to a public utility (as defined  
23 in IC 8-1-2-1).

24 (6) The right to know if a provider of distributed generation  
25 equipment insures the distributed generation equipment against  
26 damage or loss and, if applicable, any circumstances under which  
27 the provider does not insure against or otherwise cover damage to  
28 or loss of the distributed generation equipment.

29 (7) The right to know the responsibilities of a provider of  
30 distributed generation equipment with respect to installing or  
31 removing distributed generation equipment.

32 (b) The attorney general, in consultation with the commission, shall  
33 adopt rules under IC 4-22-2 that the attorney general considers  
34 necessary to implement and enforce this section, including a rule  
35 requiring written disclosure of the rights set forth in subsection (a) by  
36 a provider of distributed generation equipment to a customer. ~~In~~  
37 ~~adopting the rules required by this subsection, the attorney general may~~  
38 ~~adopt emergency rules in the manner provided by IC 4-22-2-37.1.~~  
39 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~  
40 ~~attorney general under this subsection and in the manner provided by~~  
41 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~  
42 ~~emergency rule is adopted by the attorney general under IC 4-22-2-24~~





1 through IC 4-22-2-36.

2 SECTION 55. IC 8-1-40.1-6, AS ADDED BY P.L.71-2022,  
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2024]: Sec. 6. In adopting rules under this chapter, the  
5 commission may adopt emergency rules in the manner provided by  
6 IC 4-22-2-37.1. **under IC 4-22-2.** Notwithstanding IC 4-22-2-37.1(g),  
7 an emergency rule adopted by the commission under this chapter and  
8 in the manner provided by IC 4-22-2-37.1 expires on the date on which  
9 a rule that supersedes the emergency rule is adopted by the commission  
10 under IC 4-22-2-24 through IC 4-22-2-36.

11 SECTION 56. IC 8-1-40.5-19, AS ADDED BY P.L.80-2021,  
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2024]: Sec. 19. The commission shall adopt rules under  
14 IC 4-22-2 to implement this chapter. In adopting the rules required by  
15 this section, the commission may adopt emergency rules in the manner  
16 provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an  
17 emergency rule adopted by the commission under this section and in  
18 the manner provided by IC 4-22-2-37.1 expires on the date on which  
19 a rule that supersedes the emergency rule is adopted by the commission  
20 under IC 4-22-2-24 through IC 4-22-2-36.

21 SECTION 57. IC 8-1-43-9, AS ADDED BY P.L.94-2022,  
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2024]: Sec. 9. The commission shall adopt rules under  
24 IC 4-22-2 to implement this chapter. In adopting rules under this  
25 section, the commission may adopt emergency rules in the manner  
26 provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an  
27 emergency rule adopted by the commission under this section and in  
28 the manner provided by IC 4-22-2-37.1 expires on the date on which  
29 a rule that supersedes the emergency rule is adopted by the commission  
30 under IC 4-22-2-24 through IC 4-22-2-36.

31 SECTION 58. IC 8-2.1-28-5, AS ADDED BY P.L.218-2017,  
32 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2024]: Sec. 5. (a) The department may adopt emergency rules  
34 in the manner provided under IC 4-22-2-37.1 **IC 4-22-2** to carry out  
35 this chapter.

36 (b) An emergency rule adopted under subsection (a) expires on the  
37 date a rule that supersedes the emergency rule is adopted by the  
38 department under IC 4-22-2-22.5 through IC 4-22-2-36.

39 SECTION 59. IC 8-3-2-15 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. If a carrier fails to  
41 provide the equipment, motive power, and other facilities necessary to  
42 properly receive and care for the business on their lines, as required by



1 this chapter, or fails to perform the duties enjoined upon it by this  
 2 chapter, and because of the failure considerable traffic on its line is  
 3 refused or not promptly moved as required by this chapter, resulting in  
 4 material injury to the citizens of a community in Indiana, or the  
 5 industries or commerce of Indiana, then the Indiana department of  
 6 transportation, after five (5) days notice to the carrier interested and a  
 7 hearing, shall adopt temporary emergency rates, establish temporary  
 8 emergency routes of shipment, and adopt ~~temporary emergency~~ rules  
 9 **under IC 4-22-2** concerning the movement of traffic as are necessary  
 10 to correct the existing conditions and may issue orders suspending  
 11 certain traffic in favor of other traffics for the purpose of preventing  
 12 existing or threatened public calamity or distress. The carrier shall  
 13 promptly comply with all orders of the department, and, upon its failure  
 14 so to do, the department shall apply to a court of competent jurisdiction  
 15 for the appointment of an operating receiver to enforce the orders and  
 16 rules adopted by the department and may also apply to a court for the  
 17 appointment of a receiver for a carrier to enforce a provision or  
 18 requirement of this chapter which the offending carrier has failed to  
 19 observe. In the proceeding, the court may operate a carrier through its  
 20 receiver, enforce orders made by the department concerning the carrier  
 21 as approved by the court, and continue so to do so long as is necessary.  
 22 The court may order its receiver to purchase the equipment and motive  
 23 power, and supply other appliances and facilities as may be necessary  
 24 to properly transact the carrier's present and prospective business in  
 25 Indiana as required by this chapter. The court may authorize its  
 26 receiver to issue and sell receiver's certificates for the purpose of  
 27 obtaining funds for the uses specified in this chapter or to issue  
 28 certificates of indebtedness to pay for expenditures authorized by this  
 29 chapter. The court may declare certificates authorized under this  
 30 chapter to be the first and prior lien upon the property and income of  
 31 the carrier in the manner and upon the terms as the court shall decree.

32 SECTION 60. IC 8-15-2-5, AS AMENDED BY P.L.140-2013,  
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2024]: Sec. 5. The authority may do the following:

- 35 (1) Construct, maintain, repair, police, and operate toll road  
 36 projects (as defined in this chapter), public improvements, and  
 37 arterial streets and roads under section 1 of this chapter and  
 38 establish rules for the use of any such toll road project, public  
 39 improvement, or arterial street or road.
- 40 (2) Issue toll road revenue bonds of the state, payable solely from  
 41 an allocation of money from the rural transportation road fund  
 42 under IC 8-9.5-8-16 or from revenues or from the proceeds of



- 1 bonds issued under this chapter and earnings thereon, or from all  
 2 three (3), for the purpose of paying all or any part of the cost of  
 3 any one (1) or more toll road projects or for the purpose of  
 4 refunding any other toll road revenue bonds.
- 5 (3) Establish reserves from the proceeds of the sale of bonds or  
 6 from other funds, or both, to secure the payment of the bonds.
- 7 (4) Fix and revise from time to time and charge and collect tolls  
 8 for transit over each toll road project constructed by it.
- 9 (5) Acquire in the name of the state by purchase or otherwise, on  
 10 such terms and conditions and in such manner as it may deem  
 11 proper, or by the exercise of the right of condemnation in the  
 12 manner as provided by this chapter, such public or private lands,  
 13 including public parks, playgrounds or reservations, or parts  
 14 thereof or rights therein, rights-of-way, property, rights,  
 15 easements, and interests, as it may deem necessary for carrying  
 16 out the provisions of this chapter. The authority may also:
- 17 (A) sell, transfer, and convey any such land or any interest  
 18 therein so acquired, or any portion thereof, whether by  
 19 purchase, condemnation, or otherwise, and whether such land  
 20 or interest therein had been public or private, when the same  
 21 shall no longer be needed for such purposes; and
- 22 (B) transfer and convey any such lands or interest therein as  
 23 may be necessary or convenient for the construction and  
 24 operation of any toll road project, or as otherwise required  
 25 under the provisions of this chapter to a state agency or  
 26 political subdivision.
- 27 (6) Designate the locations and establish, limit, and control such  
 28 points of ingress to and egress from each toll road project as may  
 29 be necessary or desirable in the judgment of the authority to  
 30 ensure the proper operation and maintenance of such projects, and  
 31 to prohibit entrance to such project from any point not so  
 32 designated. The authority shall not grant, for the operation of  
 33 transient lodging facilities, either ingress to or egress from any  
 34 project, including the service areas thereof on which are located  
 35 service stations and restaurants, and including toll plazas and  
 36 paved portions of the right-of-way. The authority shall cause to be  
 37 erected, at its cost, at all points of ingress and egress, large and  
 38 suitable signs facing traffic from each direction on the toll road.  
 39 Such signs shall designate the number and other designations, if  
 40 any, of all United States or state highways of ingress or egress, the  
 41 names of all Indiana municipalities with a population of five  
 42 thousand (5,000) or more within a distance of seventy-five (75)



1 miles on such roads of ingress or egress, and the distance in miles  
2 to such designated municipalities.

3 (7) Make and enter into all contracts and agreements necessary or  
4 incidental to the performance of its duties and the execution of its  
5 powers under this chapter, IC 8-9.5-8, or IC 8-15.5. When the cost  
6 under any such contract or agreement, other than:

7 (A) a contract for compensation for personal services;

8 (B) a contract with the department under IC 8-9.5-8-7;

9 (C) a lease with the department under IC 8-9.5-8-8; or

10 (D) a contract, a lease, or another agreement under IC 8-15.5;

11 involves an expenditure of more than ten thousand dollars  
12 (\$10,000), the authority shall make a written contract with the

13 lowest and best bidder after advertisement for not less than two

14 (2) consecutive weeks in a newspaper of general circulation in

15 Marion County, Indiana, and in such other publications as the

16 authority shall determine. Such notice shall state the general

17 character of the work and the general character of the materials to

18 be furnished, the place where plans and specifications therefor

19 may be examined, and the time and place of receiving bids. Each

20 bid shall contain the full name of every person or company

21 interested in it and shall be accompanied by a sufficient bond or

22 certified check on a solvent bank that if the bid is accepted a

23 contract will be entered into and the performance of its proposal

24 secured. The authority may reject any and all bids. A bond with

25 good and sufficient surety shall be required by the authority of all

26 contractors in an amount equal to at least fifty percent (50%) of

27 the contract price, conditioned upon the faithful performance of

28 the contract. The authority shall require a bid, performance, and

29 payment bond from a contractor for a project if the estimated cost

30 of the project is more than two hundred thousand dollars

31 (\$200,000). The authority may require a bid, performance, or

32 payment bond from a contractor for a project if the estimated cost

33 of the project is not more than two hundred thousand dollars

34 (\$200,000).

35 (8) Employ consulting engineers, superintendents, managers, and

36 such other engineers, construction and accounting experts, bond

37 counsel, other attorneys with the approval of the attorney general,

38 and other employees and agents as may be necessary in its

39 judgment to carry out the provisions of this chapter, and to fix

40 their compensation. However, all such expenses shall be payable

41 solely from the proceeds of toll road revenue bonds issued under

42 the provisions of this chapter or from revenues.



1 (9) Receive and accept from any federal agency, subject to  
 2 IC 8-23-3, grants for or in aid of the construction of any toll road  
 3 project, and receive and accept aid or contributions from any  
 4 source of either money, property, labor, or other things of value,  
 5 to be held, used, and applied only for the purposes for which such  
 6 grants and contributions may be made, and repay any grant to the  
 7 authority or to the department from a federal agency if such  
 8 repayment is necessary to free the authority from restrictions  
 9 which the authority determines to be in the public interest to  
 10 remove.

11 (10) Establish fees, charges, terms, or conditions for any  
 12 expenditures, loans, or other form of financial participation in  
 13 projects authorized as public improvements on arterial streets and  
 14 roads under section 1 of this chapter.

15 (11) Accept gifts, devises, bequests, grants, loans, appropriations,  
 16 revenue sharing, other financing and assistance, and any other aid  
 17 from any source and agree to and comply with conditions attached  
 18 to the aid.

19 (12) Accept transfer of a state highway to the authority under  
 20 IC 8-23-7-23 and pay the cost of conversion of the state highway  
 21 to a toll road project.

22 (13) Enter into contracts or leases with the department under  
 23 IC 8-9.5-8-7 or IC 8-9.5-8-8 and in connection with the contracts  
 24 or leases agree with the department for coordination of the  
 25 operation and the repair and maintenance of toll road projects and  
 26 tollways which are contiguous parts of the same public road,  
 27 including joint toll collection facilities and equitable division of  
 28 tolls.

29 (14) Enter into public-private agreements under IC 8-15.5 and do  
 30 all acts and things necessary or proper to carry out the purposes  
 31 set forth in IC 8-15.5.

32 (15) Adopt rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to make changes  
 33 to rules related to a toll road project to accommodate the  
 34 provisions of a public-private agreement under IC 8-15.5. ~~A rule~~  
 35 ~~adopted under this subdivision expires on the expiration date~~  
 36 ~~stated in the rule.~~

37 (16) Do all acts and things necessary or proper to carry out this  
 38 chapter.

39 SECTION 61. IC 8-15-2-14, AS AMENDED BY P.L.140-2013,  
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2024]: Sec. 14. (a) The authority may do the following:

42 (1) Fix, revise, charge, and collect tolls for the use of each toll



1 road project by any person, partnership, association, limited  
 2 liability company, or corporation desiring the use of any part  
 3 thereof, including the right-of-way adjoining the paved portion  
 4 and for placing thereon telephone, telegraph, electric light, or  
 5 power lines.

6 (2) Fix the terms, conditions, and rates of charge for such use,  
 7 including assessments for the failure to pay required tolls, subject,  
 8 however, to the state's police power.

9 (3) Collect tolls, user fees, or other charges through manual or  
 10 nonmanual methods, including, but not limited to, automatic  
 11 vehicle identification systems, electronic toll collection systems,  
 12 and, to the extent permitted by law, including rules adopted by the  
 13 authority under ~~IC 8-15-2-17.2(a)(10)~~, **section 17.2(a)(10) of this**  
 14 **chapter**, global positioning systems and photo or video based toll  
 15 collection or toll collection enforcement systems.

16 (4) Adopt rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** authorizing the  
 17 use of and establishing procedures for the implementation of the  
 18 collection of user fees by electronic or other nonmanual means  
 19 under subdivision (3). ~~A rule adopted under this subdivision~~  
 20 ~~expires on the expiration date stated by the authority in the rule.~~

21 (b) Notwithstanding subsection (a), no toll or charge shall be made  
 22 by the authority under this section or under a public-private agreement  
 23 entered into under IC 8-15.5 for:

24 (1) the operation of temporary lodging facilities located upon or  
 25 adjacent to any project, nor may the authority itself operate or  
 26 gratuitously permit the operation of such temporary lodging  
 27 facilities by other persons without any toll or charge; or

28 (2) placing in, on, along, over, or under such project, such  
 29 telephone, telegraph, electric light or power lines, equipment, or  
 30 facilities as may be necessary to serve establishments located on  
 31 the project or as may be necessary to interconnect any public  
 32 utility facilities on one (1) side of the toll road project with those  
 33 on the other side.

34 (c) All contracts executed by the authority shall be preserved in the  
 35 principal office of the authority.

36 (d) In the case of a toll road project that is not leased to the  
 37 department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for  
 38 each toll road project so that the aggregate of the tolls from the project,  
 39 together with other revenues that are available to the authority without  
 40 prior restriction or encumbrance, will at least be adequate to pay:

41 (1) the cost of operating, maintaining, and repairing the toll road  
 42 project, including major repairs, replacements, and



- 1 improvements;
- 2 (2) the principal of and the interest on bonds issued in connection
- 3 with the toll road project, as the principal and interest becomes
- 4 due and payable, including any reserve or sinking fund required
- 5 for the project; and
- 6 (3) the payment of principal of and interest on toll road bonds
- 7 issued by the authority in connection with any other toll road
- 8 project, including any reserve or sinking fund required for the
- 9 project, but only to the extent that the authority provides by
- 10 resolution and subject to the provisions of any trust agreement
- 11 relating to the project.
- 12 (e) Not less than one (1) year before the date that final payment of
- 13 all such bonds, interest, and reimbursement is expected by the
- 14 chairman of the authority to be completed, the chairman shall notify the
- 15 state budget committee in writing of the expected date of final
- 16 payment.
- 17 (f) Such tolls shall not be subject to supervision or regulation by any
- 18 other commission, board, bureau, or agency of the state.
- 19 (g) The tolls, rents, and all other revenues derived by the authority
- 20 from the toll road project, except those received in accordance with a
- 21 public-private agreement under IC 8-15.5, shall be used as follows:
- 22 (1) To pay the cost of operating, maintaining, and repairing the
- 23 toll road project, including major repairs, replacements, and
- 24 improvements, to the extent that those costs are not paid out of
- 25 other funds.
- 26 (2) To the extent provided for in the resolution authorizing the
- 27 issuance of bonds under this chapter or in the trust agreement
- 28 securing the bonds, to pay:
- 29 (A) the principal of and interest on any bonds as the principal
- 30 and interest become due; or
- 31 (B) the redemption price or purchase price of the bonds retired
- 32 by call or purchase.
- 33 (3) Except as prohibited by the resolution authorizing the issuance
- 34 of bonds under this chapter or the trust agreement securing them,
- 35 for any purpose relating to any toll road project, including the
- 36 subject toll road project, as the authority provides by resolution.
- 37 (h) Neither the resolution nor any trust agreement by which a pledge
- 38 is created needs to be filed or recorded except in the records of the
- 39 authority.
- 40 (i) The use and disposition of moneys to the credit of any sinking
- 41 fund shall be subject to the provisions of any resolution or resolutions
- 42 authorizing the issuance of any bonds or of any trust agreement. Except



1 as may otherwise be provided in this chapter or in any resolution or any  
 2 trust agreement, any sinking fund shall be a fund for all bonds without  
 3 distinction or priority of one over another, subject, however, to such  
 4 priorities as may arise from prior pledges.

5 (j) In the case of a toll road project that is leased to the department  
 6 under IC 8-9.5-8-8, the lease must require that the department fix tolls  
 7 for the toll road project that comply with IC 8-9.5-8-8(c)(6).

8 (k) User fees (as defined in IC 8-15.5-2-10) for a toll road project  
 9 that is subject to a public-private agreement under IC 8-15.5 shall be  
 10 set in accordance with IC 8-15.5-7.

11 SECTION 62. IC 8-15-2-17.2, AS AMENDED BY P.L.140-2013,  
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2024]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may  
 14 adopt rules:

15 (1) Establishing weight and size limitations for vehicles using a  
 16 toll road project, subject to the following:

17 (A) The operator of any vehicle exceeding any of the  
 18 maximum allowable dimensions or weights as set out by the  
 19 authority in rules and regulations shall apply to the authority  
 20 in writing, for an application for a special hauling permit,  
 21 which application must be in compliance with all the terms  
 22 thereof, and which application must be received at least seven  
 23 (7) days prior to the time of permitted entry should such permit  
 24 be granted. Such permit, if granted, will be returned to the  
 25 applicant in duplicate, properly completed and numbered, and  
 26 the driver of the vehicle shall have a copy to present to the toll  
 27 attendant on duty at the point of entry.

28 (B) The authority shall assess a fee for issuing a special  
 29 hauling permit. In assessing the fee, the authority shall take  
 30 into consideration the following factors:

31 (i) The administrative cost of issuing the permit.

32 (ii) The potential damage the vehicle represents to the  
 33 project.

34 (iii) The potential safety hazard the vehicle represents.

35 (2) Establishing the minimum speed that a motor vehicle may be  
 36 driven on the interstate defense network of dual highways.

37 (3) Designating one-way traffic lanes on a toll road project.

38 (4) Determining the manner of operation of motor vehicles  
 39 entering and leaving traffic lanes on a toll road project.

40 (5) Determining the regulation of U-turns, of crossing or entering  
 41 medians, of stopping, parking, or standing, and of passing motor  
 42 vehicles on a toll road project.





- 1 (6) Determining the establishment and enforcement of traffic  
 2 control signs and signals for motor vehicles in traffic lanes,  
 3 acceleration and deceleration lanes, toll plazas, and interchanges  
 4 on a toll road project.
- 5 (7) Determining the limitation of entry to and exit from a toll road  
 6 project to designated entrances and exits.
- 7 (8) Determining the limitation on use of a toll road project by  
 8 pedestrians and aircraft and by vehicles of a type specified in such  
 9 rules and regulations.
- 10 (9) Regulating commercial activity on a toll road project,  
 11 including but not limited to:
- 12 (A) the offering or display of goods or services for sale;  
 13 (B) the posting, distributing, or displaying of signs,  
 14 advertisements, or other printed or written material; and  
 15 (C) the operation of a mobile or stationary public address  
 16 system.
- 17 (10) Establishing enforcement procedures and making  
 18 assessments for the failure to pay required tolls. The authority  
 19 may adopt rules under this subdivision under ~~IC 4-22-2-37.1.~~  
 20 **IC 4-22-2.** ~~A rule under this subdivision adopted under~~  
 21 ~~IC 4-22-2-37.1 expires on the expiration date stated in the rule.~~
- 22 (b) A person who violates a rule adopted under this section commits  
 23 a Class C infraction. However, a violation of a weight limitation  
 24 established by the authority under this section is:
- 25 (1) a Class B infraction if the total of all excesses of weight under  
 26 those limitations is more than five thousand (5,000) pounds but  
 27 not more than ten thousand (10,000) pounds; and  
 28 (2) a Class A infraction if the total of all excesses of weight under  
 29 those limitations is more than ten thousand (10,000) pounds.
- 30 (c) It is a defense to the charge of violating a weight limitation  
 31 established by the authority under this section that the total of all  
 32 excesses of weight under those limitations is less than one thousand  
 33 (1,000) pounds.
- 34 (d) The court may suspend the registration of a vehicle that violated:  
 35 (1) a size or weight limitation established by the authority under  
 36 this section; or  
 37 (2) a rule adopted under subsection (a)(10);  
 38 for a period of not more than ninety (90) days.
- 39 (e) Upon the conviction of a person for a violation of a weight or  
 40 size limitation established by the authority under this section, the court  
 41 may recommend suspension of the person's current chauffeur's license  
 42 only if the violation was committed knowingly.



1 SECTION 63. IC 8-15.5-7-8, AS AMENDED BY P.L.140-2013,  
 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 8. (a) The authority may fix user fees under this  
 4 chapter by rule under ~~IC 4-22-2-37.1. IC 4-22-2. A rule adopted under~~  
 5 ~~this subsection expires on the expiration date stated in the rule.~~

6 (b) Any action to contest the validity of user fees fixed under this  
 7 chapter may not be brought after the fifteenth day following the  
 8 effective date of a rule fixing the user fees adopted under subsection  
 9 (a).

10 SECTION 64. IC 8-21-12-11 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. The authority may  
 12 do all acts necessary or reasonably incident to carrying out the purposes  
 13 of this chapter, including the following:

14 (1) To protect a district and all property owned or managed by the  
 15 authority and, to carry out this subdivision, to employ special  
 16 police or hire guards.

17 (2) To incur indebtedness in the name of the authority in  
 18 accordance with this chapter.

19 (3) To adopt administrative procedures, rules, and regulations,  
 20 including ~~emergency~~ rules under ~~IC 4-22-2-37.1. IC 4-22-2.~~

21 (4) To:

22 (A) acquire real, personal, or mixed property by deed,  
 23 purchase, lease, condemnation, or otherwise and dispose of it  
 24 for use, in connection with, or for administrative purposes of  
 25 the airport;

26 (B) receive gifts, donations, bequests, and public trusts and to  
 27 agree to conditions and terms accompanying them and to bind  
 28 the authority to carry them out;

29 (C) receive and administer federal or state aid; and

30 (D) erect buildings or structures that may be needed to  
 31 administer and carry out this chapter.

32 (5) To determine matters of policy regarding internal organization  
 33 and operating procedures not specifically provided for otherwise.

34 (6) To adopt a schedule of reasonable charges and to collect them  
 35 from all users of facilities and services within the district.

36 (7) To purchase supplies, materials, equipment, and services to  
 37 carry out the duties and functions of the authority, in accordance  
 38 with procedures adopted by the authority.

39 (8) To employ personnel that are necessary to carry out the duties,  
 40 functions, and powers of the authority.

41 (9) To:

42 (A) acquire, establish, construct, improve, equip, maintain,



1 control, lease, and regulate airports, landing fields, and other  
 2 air navigation facilities;  
 3 (B) acquire by lease (with or without the option to purchase)  
 4 airports, landing fields, or navigation facilities, and any  
 5 structures, equipment, or related improvements; and  
 6 (C) erect, install, construct, and maintain at the airport or  
 7 airport's facilities for the servicing of aircraft and for the  
 8 comfort and accommodation of air travelers and the public.  
 9 The Indiana department of transportation must grant approval  
 10 before land may be purchased or leased for the establishment of  
 11 an airport or landing field and before an airport or landing field  
 12 may be established and shall establish the boundaries of a district  
 13 or districts from time to time.  
 14 (10) To fix and determine exclusively the uses to which the  
 15 airport lands may be put. All uses must be necessary or desirable  
 16 to the airport or the aviation industry and must be compatible with  
 17 the uses of the surrounding lands as far as practicable.  
 18 (11) To employ or contract with an airport director,  
 19 superintendents, managers, financial advisers, engineers,  
 20 surveyors, bond counsel, disclosure counsel, and other attorneys,  
 21 clerks, mechanics, laborers, and all employees the authority  
 22 considers expedient, and to prescribe and assign the respective  
 23 duties and authorities and to fix and regulate the compensation to  
 24 be paid to the persons employed by the authority. Employees shall  
 25 be selected irrespective of their political affiliations.  
 26 (12) To make all rules and regulations, consistent with laws  
 27 regarding air commerce, for the management and control of  
 28 airports, landing fields, air navigation facilities, and other  
 29 property within a district or otherwise under the authority's  
 30 control.  
 31 (13) To acquire by lease the use of an airport or landing field for  
 32 aircraft pending the acquisition and improvement of an airport or  
 33 landing field.  
 34 (14) To manage and operate airports, landing fields, and other air  
 35 navigation facilities acquired or maintained by the authority; to  
 36 lease all or part of an airport, landing field, or any buildings or  
 37 other structures, and to fix, charge, and collect rentals, tolls, fees,  
 38 and charges to be paid for the use of the whole or a part of the  
 39 airports, landing fields, or other air navigation facilities by aircraft  
 40 landing there and for the maintenance or servicing of the aircraft;  
 41 to construct public recreational facilities that will not interfere  
 42 with air operational facilities; to fix, charge, and collect fees for



1 public admissions and privileges; and to make contracts for the  
2 operation and management of the airports, landing fields, and  
3 other air navigation facilities; and to provide for the use,  
4 management, and operation of the air navigation facilities through  
5 lessees, its own employees, or otherwise. Contracts or leases for  
6 the maintenance, operation, or use of the airport or any part of it  
7 may be made for a term not exceeding forty (40) years, and may  
8 be extended for similar terms of years. If a person whose  
9 character, experience, and financial responsibility has been  
10 determined satisfactory by the authority, offers to erect a  
11 permanent structure that facilitates and is consistent with the  
12 operation, use, and purpose of the airport on land owned or  
13 otherwise controlled by the authority, a lease may be entered into  
14 for a period not to exceed ninety-nine (99) years. The authority  
15 may not grant an exclusive right for the use of a landing area  
16 under the authority's jurisdiction. However, this does not prevent  
17 the making of leases in accordance with other provisions of this  
18 chapter. All contracts and leases are subject to restrictions and  
19 conditions that the authority prescribes. The authority may lease  
20 property and facilities for any commercial or industrial use the  
21 authority considers necessary and proper, including the use of  
22 providing airport motel facilities.

23 (15) To sell machinery, equipment, or material that is not required  
24 for aviation purposes. The proceeds shall be deposited with the  
25 authority or in accordance with an applicable trust agreement.

26 (16) To negotiate and execute contracts for sale or purchase,  
27 lease, personal services, materials, supplies, equipment, or any  
28 other transaction or business relative to an airport under the  
29 authority's control and operation in accordance with the terms and  
30 conditions the authority may determine.

31 (17) To vacate all or parts of roads, highways, streets, or alleys  
32 within a district.

33 (18) To approve any state, county, city, or other highway, road,  
34 street, or other public way, railroad, power line, or other  
35 right-of-way to be laid out or opened across an airport or in such  
36 proximity as to affect the safe operation of the airport.

37 (19) To construct drainage and sanitary sewers with connections  
38 and outlets as are necessary for the proper drainage and  
39 maintenance of an airport or landing field acquired or maintained  
40 under this chapter, including the necessary buildings and  
41 improvements and for the public use of them in the same manner  
42 that the authority may construct sewers and drains. However, with



1 respect to the construction of drains and sanitary sewers beyond  
 2 the boundaries of the airport or landing field, the authority may  
 3 negotiate with the departments, bodies, and officers of a local  
 4 entity to secure the proper orders and approvals; and to order a  
 5 public utility or public service corporation or other person to  
 6 remove or to install in underground conduits wires, cables, and  
 7 power lines passing through or over the airport or landing field or  
 8 along the borders or within a reasonable distance that may be  
 9 determined to be necessary for the safety of operations, upon  
 10 payment to the utility or other person of due compensation for the  
 11 expense of the removal or reinstallation. The authority must  
 12 consent before any franchise may be granted by state authorities  
 13 or local entities for the construction of or maintenance of railway,  
 14 telephone, telegraph, electric power, pipe, or conduit line upon,  
 15 over, or through a district or within a reasonable distance of the  
 16 district that is necessary for the safety of operation. The authority  
 17 must also consent before overhead electric power lines carrying  
 18 a voltage of more than four thousand four hundred (4,400) volts  
 19 and having poles, standards, or supports over thirty (30) feet in  
 20 height within one-half (1/2) mile of a landing area acquired or  
 21 maintained under this chapter may be installed.

22 (20) To contract with any other state agency or instrumentality or  
 23 any political subdivision for the rendition of services, the rental  
 24 or use of equipment or facilities, or the joint purchase and use of  
 25 equipment or facilities that are necessary for the operation,  
 26 maintenance, or construction of an airport operated under this  
 27 chapter.

28 (21) To provide air transportation in furtherance of the duties and  
 29 responsibilities of the authority.

30 (22) To promote or encourage aviation related trade or commerce  
 31 at the airports that it operates.

32 SECTION 65. IC 8-23-2-6, AS AMENDED BY P.L.121-2021,  
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2024]: Sec. 6. (a) The department, through the commissioner  
 35 or the commissioner's designee, may do the following:

36 (1) Subject to section 6.5 of this chapter, acquire by purchase,  
 37 gift, or condemnation, sell, abandon, own in fee or a lesser  
 38 interest, hold, or lease property in the name of the state, or  
 39 otherwise dispose of or encumber property to carry out its  
 40 responsibilities.

41 (2) Contract with persons outside the department to do those  
 42 things that in the commissioner's opinion cannot be adequately or



- 1 efficiently performed by the department.
- 2 (3) Enter into:
- 3 (A) a contract with the Indiana finance authority under
- 4 IC 8-9.5-8-7; or
- 5 (B) a lease with the Indiana finance authority under
- 6 IC 8-9.5-8-8;
- 7 for the construction, reconstruction, improvement, maintenance,
- 8 repair, or operation of toll road projects under IC 8-15-2 and toll
- 9 bridges under IC 8-16-1.
- 10 (4) Enter into a contract with a contractor, operator, or design
- 11 builder or construction manager as constructor for, or with any
- 12 adviser, consultant, attorney, accountant, engineer, architect, or
- 13 other person or entity in connection with, the construction,
- 14 reconstruction, improvement, maintenance, repair, or operation of
- 15 a railroad project, as defined in IC 8-5-15-1, in accordance with
- 16 an authorization provided to the department by the board of
- 17 trustees of a commuter transportation district under
- 18 IC 8-5-15-5(a)(21).
- 19 (5) Sue and be sued, including, with the approval of the attorney
- 20 general, the compromise of any claims of the department.
- 21 (6) Hire attorneys.
- 22 (7) Perform all functions pertaining to the acquisition of property
- 23 for transportation purposes, including the compromise of any
- 24 claims for compensation.
- 25 (8) Hold investigations and hearings concerning matters covered
- 26 by orders and rules of the department.
- 27 (9) Execute all documents and instruments necessary to carry out
- 28 its responsibilities.
- 29 (10) Make contracts and expenditures, perform acts, enter into
- 30 agreements, and make rules, orders, and findings that are
- 31 necessary to comply with all laws, rules, orders, findings,
- 32 interpretations, and regulations promulgated by the federal
- 33 government in order to:
- 34 (A) qualify the department for; and
- 35 (B) receive;
- 36 federal government funding on a full or participating basis.
- 37 (11) Adopt rules under IC 4-22-2 to carry out its responsibilities.
- 38 including emergency rules in the manner provided under
- 39 ~~IC 4-22-2-37.1.~~
- 40 (12) Establish regional offices.
- 41 (13) Adopt a seal.
- 42 (14) Perform all actions necessary to carry out the department's



- 1 responsibilities.
- 2 (15) Order a utility to relocate the utility's facilities and coordinate
- 3 the relocation of customer service facilities if:
- 4 (A) the facilities are located in a highway, street, or road; and
- 5 (B) the department determines that the facilities will interfere
- 6 with a planned highway or bridge construction or
- 7 improvement project funded by the department.
- 8 (16) Reimburse a utility:
- 9 (A) in whole or in part for extraordinary costs of relocation of
- 10 facilities;
- 11 (B) in whole for unnecessary relocations;
- 12 (C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;
- 13 (D) in whole for relocations covered by IC 8-1-9; and
- 14 (E) to the extent that a relocation is a taking of property
- 15 without just compensation.
- 16 (17) Provide state matching funds and undertake any surface
- 17 transportation project eligible for funding under federal law.
- 18 However, money from the state highway fund and the state
- 19 highway road construction and improvement fund may not be
- 20 used to provide operating subsidies to support a public
- 21 transportation system or a commuter transportation system.
- 22 (18) Upon request, evaluate, negotiate, and enter into:
- 23 (A) a supplemental funding agreement with a regional
- 24 development authority under IC 36-9-43; or
- 25 (B) an interlocal agreement with a regional development
- 26 authority for purposes of IC 36-9-43.
- 27 (b) In the performance of contracts and leases with the Indiana
- 28 finance authority, the department has authority under IC 8-15-2, in the
- 29 case of toll road projects and IC 8-16-1, in the case of toll bridges
- 30 necessary to carry out the terms and conditions of those contracts and
- 31 leases.
- 32 (c) The department shall:
- 33 (1) classify as confidential any estimate of cost prepared in
- 34 conjunction with analyzing competitive bids for projects until a
- 35 bid below the estimate of cost is read at the bid opening;
- 36 (2) classify as confidential that part of the parcel files that contain
- 37 appraisal and relocation documents prepared by the department's
- 38 land acquisition division; and
- 39 (3) classify as confidential records that are the product of systems
- 40 designed to detect collusion in state procurement and contracting
- 41 that, if made public, could impede detection of collusive behavior
- 42 in securing state contracts.



1 This subsection does not apply to parcel files of public agencies or  
2 affect IC 8-23-7-10.

3 (d) In the case of a regional development authority that undertakes  
4 a regional transportation infrastructure project under IC 36-9-43, the  
5 department shall cooperate with the regional development authority.

6 SECTION 66. IC 8-23-5-10, AS AMENDED BY P.L.156-2021,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2024]: Sec. 10. (a) The following definitions apply only  
9 throughout this section:

10 (1) "Communications infrastructure" includes all facilities and  
11 equipment used to provide communications service (as defined in  
12 IC 8-1-32.5-3), including fiber conduit. The term does not include  
13 a vertical structure.

14 (2) "Dig once program" refers to the dig once broadband corridor  
15 program required under subsection (b).

16 (3) "Fiber conduit" means protective conduit of a size and  
17 material that is suitable for underground installation of broadband  
18 fiber infrastructure.

19 (4) "Limited access highway" means any roadway that is under  
20 the jurisdiction and control of the department and that is one (1)  
21 of the following:

22 (A) An interstate.

23 (B) A toll road, tollway, or toll bridge.

24 (C) U.S. 30.

25 (D) U.S. 31.

26 (5) "Vertical structure" means a privately owned structure that is  
27 more than one hundred (100) feet above ground and that is used  
28 primarily for providing wireless communications service. The  
29 term includes related equipment associated with the structure,  
30 including air conditioned equipment shelters and rooms,  
31 electronic equipment, and supporting equipment.

32 (b) Not later than January 1, 2022, the department shall:

33 (1) implement a dig once broadband corridor program to manage  
34 the location, installation, and maintenance of communications  
35 infrastructure that is used for the provision of broadband services  
36 and is located within highway rights-of-way of limited access  
37 highways; and

38 (2) adopt policies, procedures, and standards under the dig once  
39 program for required installation of fiber conduit by a public or  
40 private entity that performs an excavation within a limited access  
41 highway right-of-way.

42 (c) The dig once program shall apply only to locations along or





1 within a limited access highway right-of-way. The dig once program  
 2 shall not apply to the placement of communications infrastructure that  
 3 laterally crosses a roadway under the control of the department.

4 (d) Except as provided in subsection (e), the department shall  
 5 impose a fee for the use of communications infrastructure installed and  
 6 maintained under subsection (b). The amount of the fee may not be  
 7 more than the reasonable fair market value of the use of the highway  
 8 right-of-way within the broadband corridor.

9 (e) Except for portions of a U.S. route that is a limited access  
 10 highway under subsection (a)(4), with respect to state routes or U.S.  
 11 routes, the department may impose only:

12 (1) a one (1) time permit application fee for the location or  
 13 installation of communications infrastructure that is used for the  
 14 provision of broadband services and is placed along or within a  
 15 highway right-of-way; and

16 (2) routine right-of-way permit fees to enter the department's  
 17 rights-of-way for the maintenance of existing facilities.

18 (f) The department shall not unreasonably discriminate with respect  
 19 to the following among entities requesting access to broadband  
 20 corridors or other department controlled rights-of-way:

21 (1) Approving applications, issuing permits, or otherwise  
 22 establishing terms and conditions for the location, installation,  
 23 and maintenance of communications infrastructure used for the  
 24 provision of broadband services.

25 (2) Providing access to rights-of-way, infrastructure, utility poles,  
 26 river and bridge crossings, and other physical assets owned,  
 27 controlled, or managed by the department.

28 (3) The type of technology deployed for the provision of  
 29 broadband services.

30 However, nothing in this subsection abrogates or limits the  
 31 department's authority under IC 8-23 to safely and efficiently manage  
 32 and operate the state highway system and associated highway  
 33 rights-of-way for the benefit of the traveling public.

34 (g) The department shall adopt rules under IC 4-22-2 ~~including~~  
 35 ~~emergency rules adopted in the manner provided by IC 4-22-2-37.1,~~ to  
 36 establish the policies, procedures, and standards required under  
 37 subsection (b) and to otherwise implement this section. ~~Rules or~~  
 38 ~~emergency rules adopted by the department under this subsection must~~  
 39 ~~take effect not later than January 1, 2022. Notwithstanding~~  
 40 ~~IC 4-22-2-37.1(g), an emergency rule adopted by the department under~~  
 41 ~~this subsection in the manner provided by IC 4-22-2-37.1 expires on~~  
 42 ~~the date a rule that supersedes the emergency rule is adopted by the~~



1 department under IC 4-22-2-24 through IC 4-22-2-36.

2 SECTION 67. IC 8-23-9.5-1, AS ADDED BY P.L.60-2023,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2024]: Sec. 1. (a) This chapter authorizes the department to  
5 enter into a contract for delivery of certain projects by a construction  
6 manager general contractor or a progressive design-builder.

7 (b) The department may adopt rules under IC 4-22-2 ~~including~~  
8 ~~emergency rules adopted in the manner provided under IC 4-22-2-37.1,~~  
9 to implement this chapter.

10 (c) This chapter does not limit or eliminate the responsibility or  
11 liability imposed by Indiana law on a person providing services to the  
12 department under this chapter.

13 SECTION 68. IC 8-23-10-3, AS AMENDED BY P.L.14-2019,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2024]: Sec. 3. (a) A bidder may not be given a certificate of  
16 qualification unless the bidder's financial statement and the  
17 investigation made by the department show that the bidder possesses  
18 net current assets sufficient in the judgment of the department to render  
19 it probable that the bidder can satisfactorily execute contracts and meet  
20 obligations incurred. All applications for qualification must expressly  
21 authorize the department to obtain all information considered pertinent  
22 with respect to the financial worth and assets and liabilities of the  
23 applicant from banks or other financial institutions, surety companies,  
24 dealers in material, equipment, or supplies, or other persons having  
25 business transactions with an applicant and must expressly authorize  
26 all financial institutions or other persons to furnish information  
27 requested by the department.

28 (b) The department shall adopt rules under IC 4-22-2 ~~including~~  
29 ~~emergency rules adopted in the manner provided under IC 4-22-2-37.1,~~  
30 that establish the requirements for financial statements furnished to the  
31 department by potential applicants for the purpose of determining an  
32 applicant's eligibility and financial capacity under this chapter.

33 (c) This chapter shall be administered without reference to the  
34 residence of applicants, and its provisions and the rules of the  
35 department adopted under this chapter apply equally to residents and  
36 nonresidents of Indiana. This chapter does not apply to the purchase of  
37 material, equipment, and supplies or to the construction and  
38 maintenance of buildings.

39 (d) Notwithstanding IC 5-14-3-4(a)(5), a financial statement  
40 submitted to the department under this chapter is considered  
41 confidential financial information for the purposes of IC 5-14-3.

42 SECTION 69. IC 8-23-20-25.7, AS ADDED BY P.L.97-2022,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]: Sec. 25.7. The department may adopt ~~emergency~~ rules  
3 under IC 4-22-2 to implement this chapter. ~~A rule adopted under this~~  
4 ~~section expires only with the adoption of a new superseding rule.~~

5 SECTION 70. IC 8-23-20.5-6, AS ADDED BY P.L.97-2022,  
6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2024]: Sec. 6. The department may adopt ~~emergency~~ rules  
8 under IC 4-22-2 to implement this chapter. ~~A rule adopted under this~~  
9 ~~section expires only with the adoption of a new superseding rule.~~

10 SECTION 71. IC 9-14-8-3.5, AS ADDED BY P.L.211-2023,  
11 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2024]: Sec. 3.5. The bureau of motor vehicles shall adopt  
13 rules under IC 4-22-2 ~~including emergency rules in the manner~~  
14 ~~provided under IC 4-22-2-37.1~~; necessary to implement the issuance  
15 and administration of the following:

16 (1) Driver's licenses, permits, or identification cards for  
17 individuals granted parole.

18 (2) Registrations and certificates of title for motor vehicles of  
19 individuals granted parole.

20 SECTION 72. IC 9-17-5-6, AS AMENDED BY P.L.118-2022,  
21 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2024]: Sec. 6. (a) As used in this section, "qualified service  
23 provider" means a person able to provide electronic lien or electronic  
24 title services in coordination with vehicle lienholders and state  
25 departments of motor vehicles.

26 (b) As used in this section, "qualified vendor" refers to a person with  
27 whom the bureau contracts to:

28 (1) develop;

29 (2) implement; and

30 (3) provide ongoing support with respect to;

31 a statewide electronic lien and title system under this section.

32 (c) As used in this section, "statewide electronic lien and title  
33 system" or "system" means a statewide electronic lien and title system  
34 implemented by the bureau under this section to process:

35 (1) vehicle titles;

36 (2) certificate of title data in which a lien is notated; and

37 (3) the notification, maintenance, and release of security interests  
38 in vehicles;

39 through electronic means instead of paper documents.

40 (d) Not later than the dates set forth in subsection (h), the bureau  
41 shall implement a statewide electronic lien and title system for the  
42 following purposes:

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- 1 (1) To facilitate and promote commerce and governmental  
 2 transactions by validating and authorizing the use of electronic  
 3 records.
- 4 (2) To modernize the law and eliminate barriers to electronic  
 5 commerce and governmental transactions resulting from  
 6 uncertainties related to handwritten and other written materials.
- 7 (3) To promote uniformity of the law among the states relating to  
 8 the use of electronic and similar technological means of effecting  
 9 and performing commercial and governmental transactions.
- 10 (4) To promote public confidence in the validity, integrity, and  
 11 reliability of electronic commerce and governmental transactions.
- 12 (5) To promote the development of the legal and business  
 13 infrastructure necessary to implement electronic commerce and  
 14 governmental transactions.
- 15 (e) The bureau may:
- 16 (1) contract with one (1) or more qualified vendors to develop and  
 17 implement a statewide electronic lien and title system; or
- 18 (2) develop and make available to qualified service providers a  
 19 well defined set of information services that will enable secure  
 20 access to the data and internal application components necessary  
 21 to facilitate the creation of a statewide electronic lien and title  
 22 system.
- 23 (f) If the bureau elects under subsection (e)(1) to contract with one  
 24 (1) or more qualified vendors to develop and implement a statewide  
 25 electronic lien and title system, the following apply:
- 26 (1) The bureau shall issue a competitive request for proposals to  
 27 assess the qualifications of any vendor seeking to develop,  
 28 implement, and provide ongoing support for the system. The  
 29 bureau may reserve the right to receive input concerning  
 30 specifications for the establishment and operation of the system  
 31 from parties that do not respond to the bureau's request for  
 32 proposals.
- 33 (2) A contract entered into between the bureau and a qualified  
 34 vendor may not provide for any costs or charges payable by the  
 35 bureau to the qualified vendor. The qualified vendor shall  
 36 reimburse the bureau for any reasonable and documented costs  
 37 incurred by the bureau and directly associated with the  
 38 development, implementation, or ongoing support of the system.
- 39 (3) Upon implementing a statewide electronic lien and title  
 40 system under this section, the qualified vendor may charge  
 41 participating lienholders or their agents a fee for each lien  
 42 notification transaction provided through the system, in order to



1 recover the qualified vendor's costs associated with the  
 2 development, implementation, and ongoing administration of the  
 3 system. A lien notification fee under this subdivision must be  
 4 consistent with market pricing and may not exceed three dollars  
 5 and fifty cents (\$3.50). The qualified vendor may not charge  
 6 lienholders or their agents any additional fee for lien releases,  
 7 assignments, or transfers. The qualified vendor may not charge a  
 8 fee under this subdivision to a state agency or its agents for lien  
 9 notification, lien release, lien assignment, or lien transfer. To  
 10 recover their costs associated with the lien, participating  
 11 lienholders or their agents may charge:

12 (A) the borrower in a vehicle loan; or

13 (B) the lessee in a vehicle lease;

14 an amount equal to any lien notification fee imposed by the  
 15 qualified vendor under this subdivision, plus a fee in an amount  
 16 not to exceed three dollars (\$3) for each electronic transaction in  
 17 which a lien is notated.

18 (4) A qualified vendor may also serve as a qualified service  
 19 provider to motor vehicle lienholders if the following conditions  
 20 are met:

21 (A) The contract between the bureau and the qualified vendor  
 22 must include provisions specifically prohibiting the qualified  
 23 vendor from using information concerning vehicle titles for  
 24 any commercial, marketing, business, or other purpose not  
 25 specifically contemplated by this chapter.

26 (B) The contract between the bureau and the qualified vendor  
 27 must include an acknowledgment by the qualified vendor that  
 28 the qualified vendor is required to enter into agreements to  
 29 exchange electronic lien data with any:

30 (i) qualified service providers that offer electronic lien or  
 31 title services in Indiana and that have been approved by the  
 32 bureau for participation in the system; and

33 (ii) qualified service providers that are not qualified vendors.

34 (C) The bureau must periodically monitor the fees charged by  
 35 a qualified vendor that also:

36 (i) serves as a qualified service provider to lienholders; or

37 (ii) provides services as a qualified vendor to other qualified  
 38 service providers;

39 to ensure that the qualified vendor is not engaging in predatory  
 40 pricing.

41 (g) If the bureau elects under subsection (e)(2) to develop an  
 42 interface to provide qualified service providers secure access to data to



1 facilitate the creation of a statewide electronic lien and title system, the  
 2 following apply:

3 (1) The bureau shall establish:

4 (A) the total cost to develop the statewide electronic lien and  
 5 title system by July 1, 2022;

6 (B) qualifications for third party service providers offering  
 7 electronic lien services; and

8 (C) a qualification process to:

9 (i) evaluate electronic lien and title system technologies  
 10 developed by third party service providers; and

11 (ii) determine whether such technologies comply with  
 12 defined security and platform standards.

13 (2) Not later than July 1, 2022, the bureau shall publish on the  
 14 bureau's ~~Internet web site~~ **website** the qualifications established  
 15 by the bureau under subdivision (1). A third party service  
 16 provider that seeks to become qualified by the bureau under this  
 17 subsection must demonstrate the service provider's qualifications,  
 18 in the form and manner specified by the bureau, not later than  
 19 thirty (30) days after the date of the bureau's publication under  
 20 this subdivision. After the elapse of the thirty (30) day period  
 21 during which third party service providers may respond to the  
 22 bureau's publication under this subdivision, the bureau shall  
 23 notify each responding third party service provider as to:

24 (A) the total cost to develop the system, as determined by the  
 25 bureau under subdivision (1); and

26 (B) whether the third party service provider has met the  
 27 qualifications established by the bureau under subdivision (1)  
 28 and is approved to participate in the statewide electronic lien  
 29 and title system.

30 (3) Not later than thirty (30) days after receiving a notice of  
 31 approval from the bureau under subdivision (2), each qualified  
 32 service provider shall notify the bureau of the qualified service  
 33 provider's intention to participate in the statewide electronic lien  
 34 and title system.

35 (4) Upon implementing a statewide electronic lien and title  
 36 system under this section, the bureau may charge participating  
 37 service providers or their agents a fee for each lien transaction  
 38 provided through the system in order to recover the bureau's costs  
 39 associated with the development, implementation, and ongoing  
 40 administration of the system. A fee under this subdivision must be  
 41 consistent with market pricing and may not exceed three dollars  
 42 and twenty-five cents (\$3.25). A fee collected under this



1 subdivision shall be deposited in the commission fund. Fees  
 2 collected by the bureau for the implementation of a statewide  
 3 electronic lien and title system are limited to those contained in  
 4 this subdivision. This subdivision expires July 1, 2025.

5 (5) A contract entered into between the bureau and a qualified  
 6 service provider may not provide for any costs or charges payable  
 7 by the bureau to the qualified service provider.

8 (6) Upon the implementation of a statewide electronic lien and  
 9 title system under this section, a qualified service provider may  
 10 charge participating lienholders or their agents transaction fees  
 11 consistent with market pricing in addition to the fees described in  
 12 subdivision (4). A fee under this subdivision may not be charged  
 13 to a state agency or its agents for lien notification, lien release,  
 14 lien assignment, or lien transfer. To recover their costs associated  
 15 with a lien, participating lienholders or their agents may charge:

16 (A) the borrower in a vehicle loan; or

17 (B) the lessee in a vehicle lease;

18 an amount equal to any fee imposed by a qualified service  
 19 provider under this subdivision, plus a fee in an amount not to  
 20 exceed three dollars (\$3) for each electronic transaction in which  
 21 a lien is notated. This subdivision expires July 1, 2025.

22 (7) The contract between the bureau and a qualified service  
 23 provider must include provisions specifically prohibiting the  
 24 qualified service provider from using information concerning  
 25 vehicle titles for any commercial, marketing, business, or other  
 26 purpose not specifically contemplated by this chapter.

27 (h) Subject to subsection (i), the bureau shall implement, and allow  
 28 or require the use of, a statewide electronic lien and title system under  
 29 this section as follows:

30 (1) A statewide electronic lien system that is capable of  
 31 processing:

32 (A) certificate of title data in which a lien is notated; and

33 (B) the notification, maintenance, and release of security  
 34 interests in vehicles;

35 through electronic means must be made available for voluntary  
 36 use by vehicle lienholders not later than July 1, 2022.

37 (2) Subject to subsection (j)(5), the bureau shall require that the  
 38 statewide electronic lien system made available under subdivision

39 (1) be used for processing:

40 (A) certificate of title data in which a lien is notated; and

41 (B) the notification, maintenance, and release of security  
 42 interests in vehicles;



- 1 after June 30, 2023.
- 2 (3) A statewide electronic title system capable of processing  
3 vehicle titles through electronic means must be made available for  
4 voluntary use by vehicle dealers, lienholders, and owners not later  
5 than July 1, 2025.
- 6 (4) The bureau shall require that the statewide electronic title  
7 system made available under subdivision (3) be used for  
8 processing vehicle titles after June 30, 2026.
- 9 (i) Subsection (h) does not prohibit the bureau or any:  
10 (1) qualified vendor with whom the bureau contracts under  
11 subsection (f); or  
12 (2) qualified service provider with whom the bureau contracts  
13 under subsection (g);  
14 from implementing, making available, or requiring the use of a  
15 statewide electronic lien system described in subsection (h)(1) at the  
16 same time as, or in conjunction with, a statewide electronic title system  
17 described in subsection (h)(3), or from implementing, making  
18 available, or requiring the use of a statewide electronic lien system  
19 described in subsection (h)(1) or a statewide electronic title system  
20 described in subsection (h)(3) before the applicable dates otherwise set  
21 forth in subsection (h).
- 22 (j) The following apply to the use of a statewide electronic lien  
23 system described in subsection (h)(1):  
24 (1) Notwithstanding section 5(b) of this chapter, if there are one  
25 (1) or more liens or encumbrances on a motor vehicle, the bureau  
26 may electronically transmit the lien to the first lienholder and  
27 notify the first lienholder of any additional liens. Subsequent lien  
28 satisfactions may be electronically transmitted to the bureau and  
29 must include the name and address of the person satisfying the  
30 lien.  
31 (2) Whenever the electronic transmission of lien notifications and  
32 lien satisfactions is used, a certificate of title need not be issued  
33 until the last lien is satisfied and a clear certificate of title can be  
34 issued to the owner of the motor vehicle. The bureau may print or  
35 issue electronically the clear certificate of title to the owner or  
36 subsequent assignee of the motor vehicle.  
37 (3) If a motor vehicle is subject to an electronic lien, the  
38 certificate of title for the motor vehicle is considered to be  
39 physically held by the lienholder for purposes of compliance with  
40 state or federal odometer disclosure requirements.  
41 (4) A certified copy of the bureau's electronic record of a lien is  
42 admissible in any civil, criminal, or administrative proceeding in





1 Indiana as evidence of the existence of the lien. If a certificate of  
 2 title is maintained electronically in a statewide electronic title  
 3 system described in subsection (h)(3), a certified copy of the  
 4 bureau's electronic record of the certificate of title is admissible  
 5 in any civil, criminal, or administrative proceeding in Indiana as  
 6 evidence of the existence and contents of the certificate of title.

7 (5) All individuals and lienholders who conduct at least twelve  
 8 (12) lien transactions annually must use the statewide electronic  
 9 lien and title system implemented under this section to record  
 10 information concerning the perfection and release of a security  
 11 interest in a vehicle.

12 (6) An electronic notice or release of a lien made through the  
 13 statewide electronic lien and title system implemented under this  
 14 section has the same force and effect as a notice or release of a  
 15 lien made on a paper document.

16 (7) The bureau may convert an existing paper lien to an electronic  
 17 lien upon request of the primary lienholder. The bureau, or a third  
 18 party contracting with the bureau under this section, is authorized  
 19 to collect a fee not to exceed three dollars (\$3) for each  
 20 conversion performed under this subdivision. A fee under this  
 21 subdivision may not be charged to a state agency or its agents.

22 (8) Notwithstanding section 5 of this chapter, any requirement  
 23 that a security interest or other information appear on a certificate  
 24 of title is satisfied by the inclusion of that information in an  
 25 electronic file maintained in an electronic title system.

26 (k) Nothing in this section precludes the bureau from collecting a  
 27 title fee for the preparation and issuance of a title.

28 (l) The bureau may adopt rules under IC 4-22-2 to implement this  
 29 section. ~~including emergency rules in the manner provided by~~  
 30 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~  
 31 ~~adopted by the bureau under this subsection and in the manner~~  
 32 ~~provided by IC 4-22-2-37.1 expires on the date on which a rule that~~  
 33 ~~supersedes the emergency rule is adopted by the bureau under~~  
 34 ~~IC 4-22-2-24 through IC 4-22-2-36.~~

35 SECTION 73. IC 9-20-1-3, AS AMENDED BY P.L.140-2013,  
 36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2024]: Sec. 3. (a) This subsection does not apply to any  
 38 highway or street in the state highway system. Except as provided in  
 39 subsection (e), local authorities, with respect to highways under their  
 40 jurisdiction, may by ordinance:

- 41 (1) prohibit the operation of vehicles upon any highway; or  
 42 (2) impose restrictions as to the weight of vehicles to be operated



1 upon any highway;  
 2 for a total period not to exceed ninety (90) days in any one (1) year,  
 3 whenever any highway by reason of deterioration, rain, snow, or other  
 4 climatic conditions will be seriously damaged or destroyed without the  
 5 regulation of vehicles.

6 (b) A local authority adopting an ordinance under subsection (a)  
 7 shall erect or cause to be erected and maintained signs specifying the  
 8 terms of the ordinance at each end of that part of any highway affected  
 9 by the ordinance and at intersecting highways. The ordinance may not  
 10 be enforced until the signs are erected and maintained.

11 (c) Except as provided in subsection (e), local authorities with  
 12 respect to highways under their jurisdiction, except highways in the  
 13 state highway system and state maintained routes through cities and  
 14 towns, may by ordinance do the following:

- 15 (1) Prohibit the operation of trucks or other commercial vehicles.  
 16 (2) Impose limitations as to the weight, size, or use of those  
 17 vehicles on designated highways.

18 The prohibitions and limitations must be designated by appropriate  
 19 signs placed on the highways.

20 (d) The Indiana department of transportation has the same authority  
 21 granted to local authorities in subsections (a) and (c) to determine by  
 22 executive order and to impose restrictions as to weight, size, and use of  
 23 vehicles operated upon a highway in the state highway system,  
 24 including state maintained routes through cities and towns. These  
 25 restrictions may not be enforced until signs giving notice of the  
 26 restrictions are erected upon the highway or part of the highway  
 27 affected by the order.

28 (e) The commissioner of the Indiana department of transportation  
 29 may designate an order adopted under subsection (d) as ~~an emergency~~  
 30 ~~a rule~~ and adopt the order ~~in the same manner as emergency rules are~~  
 31 ~~adopted under IC 4-22-2-37.1. as a rule under IC 4-22-2.~~

32 (f) A local authority may not, in an ordinance passed under  
 33 subsection (a) or (c), prohibit the operation of buses that are not more  
 34 than forty-five (45) feet in length on any segment of the primary system  
 35 (as defined in IC 8-23-1-33) that was in existence on June 1, 1991.

36 SECTION 74. IC 9-20-1-5, AS ADDED BY P.L.198-2016,  
 37 SECTION 338, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2024]: Sec. 5. The Indiana department of  
 39 transportation shall adopt ~~emergency rules in the manner provided~~  
 40 ~~under IC 4-22-2-37.1 under IC 4-22-2~~ for the:

- 41 (1) issuance, fee structure, and enforcement of permits for  
 42 overweight divisible loads;



1 (2) fee structure of permits for loads on extra heavy duty  
2 highways; and

3 (3) fee structure of permits for overweight loads.

4 ~~A rule adopted under this section expires only with the adoption of a~~  
5 ~~new superseding rule:~~

6 SECTION 75. IC 9-20-6-2.2, AS ADDED BY P.L.179-2021,  
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2024]: Sec. 2.2. (a) This section applies to overweight  
9 divisible loads (as defined in IC 9-13-2-120.7).

10 (b) As used in this section, "equivalent single axle load" means the  
11 known quantifiable and standardized amount of damage to highway  
12 pavement structures equivalent to one (1) pass of a single eighteen  
13 thousand (18,000) pound dual tire axle, with all four (4) tires on the  
14 axle inflated to one hundred ten (110) pounds per square inch.

15 (c) A permit issued under this section does not apply to a highway  
16 under a local authority's jurisdiction.

17 (d) Subject to subsection (e), the Indiana department of  
18 transportation may, upon proper application in writing, grant a permit  
19 for transporting overweight vehicles and overweight divisible loads  
20 carrying resources on a highway in the state highway system, including  
21 state maintained routes through cities and towns.

22 (e) A permit granted under this section may be used only on  
23 designated highways within the state highway system, avoiding  
24 highways under a local authority's jurisdiction.

25 (f) A permit issued under this section may designate the route to be  
26 traversed and may contain any other restrictions or conditions required  
27 for the safe movement of the vehicle. If the department designates a  
28 route, a deviation from that route constitutes a violation subject to a  
29 civil penalty under IC 9-20-18-14.5.

30 (g) A permit issued under this section is limited to a gross vehicle  
31 weight of more than eighty thousand (80,000) pounds, but not more  
32 than one hundred twenty thousand (120,000) pounds.

33 (h) Not later than October 1, 2021, the Indiana department of  
34 transportation shall recalculate and apply permit fees for annual and  
35 trip permits granted under this section based on the Joint  
36 Transportation Research Program publication No.  
37 FHWA/IN/JTRP-2014/14. The Indiana department of transportation  
38 shall consider the impact of overweight divisible loads on roads and  
39 highways in recalculating permit fees under this subsection.

40 (i) Except as provided in subsection (k), the Indiana department of  
41 transportation may not issue more than eight thousand five hundred  
42 (8,500) single trip permits annually for applicants with a total



1 equivalent single axle load calculation of more than 2.40 equivalent  
2 single axle load credit.

3 (j) A trip permit limit set under subsection (i) and a permit weight  
4 limit set under subsection (g) do not include overweight divisible load  
5 permits obtained by shippers and carriers that obtained permits before  
6 January 1, 2021.

7 (k) The Indiana department of transportation may temporarily  
8 increase the number of permits issued under subsection (i) by order of  
9 the commissioner in response to an emergency or changes in market  
10 conditions as defined by rules adopted under subsection (m).

11 (l) The Indiana department of transportation may limit the number  
12 of permits issued under subsection (i) to an individual applicant.

13 (m) The Indiana department of transportation shall adopt rules  
14 under IC 4-22-2 ~~including emergency rules in the manner provided~~  
15 ~~under IC 4-22-2-37.1~~, for the issuance, administration, fee structure,  
16 calculation of equivalent single axle load values, and enforcement of  
17 a permit under this section due to lack of transportation options for  
18 certain resources, supply chain interruptions, or supply dock backlogs.

19 (n) The Indiana department of transportation may suspend  
20 overweight divisible load permitting if the department observes an  
21 unusual increase in:

- 22 (1) infrastructure damage on a permitted route; or
- 23 (2) the number of accidents associated with overweight divisible  
24 loads.

25 (o) Not later than July 1, 2023, the Indiana department of  
26 transportation shall submit a report to the legislative council and to the  
27 interim study committee on roads and transportation established by  
28 IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding:

- 29 (1) the fee structure and recommended changes to the fee  
30 structure for permits issued under this section; and
- 31 (2) the impact of overweight divisible loads on roads and  
32 highways.

33 (p) Beginning July 1, 2022, the Indiana department of transportation  
34 shall, before July 1 of each year, submit a report to the legislative  
35 council and to the interim study committee on roads and transportation  
36 established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6  
37 regarding the market fluctuation in the number of overweight divisible  
38 load permits issued during the previous year.

39 (q) Beginning July 1, 2022, the Indiana state police department  
40 shall, before July 1 of each year, submit a report to the legislative  
41 council and to the interim study committee on roads and transportation  
42 established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6



1 regarding the number of accidents involving applicants permitted for  
 2 overweight divisible loads. The report must include at least the  
 3 following:

4 (1) The number of accidents that resulted in property damage.

5 (2) The number of accidents that resulted in personal injury.

6 SECTION 76. IC 9-21-3-2, AS AMENDED BY P.L.196-2017,  
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2024]: Sec. 2. (a) Each traffic signal installation on a street or  
 9 highway within Indiana must comply with the installation guidelines  
 10 set forth in the Indiana Manual on Uniform Traffic Control Devices for  
 11 Streets and Highways.

12 (b) The Indiana department of transportation shall adopt rules under  
 13 IC 4-22-2 ~~including emergency rules adopted in the manner provided~~  
 14 ~~under IC 4-22-2-37.1~~, to establish a procedure for approving the  
 15 installation of traffic control signals under this chapter. The rules must  
 16 include the following:

17 (1) A procedure that requires a traffic engineering study that  
 18 verifies that the installation of a traffic control signal at a  
 19 particular location is necessary.

20 (2) A procedure that does not require a traffic engineering study  
 21 that verifies that the installation of a traffic control signal at a  
 22 particular location is necessary.

23 (c) If:

24 (1) the proposed installation is in the immediate vicinity of a  
 25 school; and

26 (2) the installation does not meet the requirements of this section;  
 27 the governmental unit responsible for the control of traffic at the  
 28 location shall grant a special hearing on the question to a person who  
 29 has properly petitioned for the installation of a traffic signal.

30 SECTION 77. IC 9-21-4-7, AS AMENDED BY P.L.140-2013,  
 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2024]: Sec. 7. (a) Whenever, under this article, the Indiana  
 33 department of transportation designates or determines the location of,  
 34 necessity for, and extent of:

35 (1) traffic control devices;

36 (2) state speed limits, other than maximum limits;

37 (3) speed limits on elevated structures;

38 (4) no passing zones;

39 (5) one-way roadways;

40 (6) certain lanes for slow moving traffic;

41 (7) course of turning movements at intersections;

42 (8) dangerous railroad crossings requiring stops;



1 (9) through highways and stop intersections;

2 (10) angle parking; or

3 (11) restrictions on the use of highways for certain periods or for  
4 certain vehicles, including low speed vehicles;

5 the designation or determination shall be by order of the commissioner  
6 of the Indiana department of transportation and shall, except for  
7 subdivision (1), be evidenced by official signs or markings under this  
8 article. The commissioner of the Indiana department of transportation  
9 may designate an order adopted under this subsection as ~~an emergency~~  
10 ~~a rule and adopt the order in the same manner as emergency rules are~~  
11 ~~adopted under IC 4-22-2-37.1. as a rule under IC 4-22-2.~~

12 (b) At a trial of a person charged with a violation of the restrictions  
13 imposed by subsection (a) and in all civil actions, oral evidence of the  
14 location and content of the signs or markings is prima facie evidence  
15 of the adoption and application of the restriction by the Indiana  
16 department of transportation and the validity of the adoption and  
17 application of the restriction. The Indiana department of transportation  
18 shall, upon request by a party in an action at law, furnish, under the seal  
19 of the Indiana department of transportation, a certification of the order  
20 establishing the restriction in question. A certification under this  
21 subsection shall be accepted by any court as conclusive proof of the  
22 designation or determination by the commissioner of the Indiana  
23 department of transportation. Certified copies shall be furnished  
24 without cost to the parties to a court action involving the restriction  
25 upon request.

26 (c) Whenever, under this article, a permit or permission of the  
27 Indiana department of transportation is required, the permit must be in  
28 writing and under the seal of the Indiana department of transportation.

29 SECTION 78. IC 9-21-4-10 IS REPEALED [EFFECTIVE JULY 1,  
30 2024]. ~~Sec. 10. If the Indiana department of transportation designates~~  
31 ~~a rule under section 8 or 9 of this chapter as an emergency rule, the~~  
32 ~~department may adopt the rule under IC 4-22-2-37.1.~~

33 SECTION 79. IC 9-24-6.1-2, AS AMENDED BY P.L.256-2017,  
34 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The bureau shall develop and  
36 implement a commercial driver's license program to:

37 (1) issue commercial driver's licenses, commercial learner's  
38 permits, and related endorsements and restrictions; and

39 (2) regulate persons required to hold a commercial driver's  
40 license.

41 (b) Subject to IC 8-2.1-24-18, the program under subsection (a)  
42 must include procedures required to comply with 49 CFR 383 through



1 49 CFR 399.

2 (c) The bureau may adopt emergency rules in the manner provided  
3 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this chapter.

4 SECTION 80. IC 9-30-6-5.5 IS REPEALED [EFFECTIVE JULY  
5 1, 2024]. Sec. 5.5: (a) Notwithstanding ~~IC 4-22-2~~, to implement  
6 P.L.1-2000, the director of the department of toxicology of the Indiana  
7 University School of Medicine may adopt a rule required under section  
8 5 of this chapter, section 6 of this chapter, or both in the manner  
9 provided for emergency rules under ~~IC 4-22-2-37.1~~.

10 (b) A rule adopted under this section is effective when it is filed  
11 with the secretary of state and expires on the latest of the following:

12 (1) The date that the director adopts another emergency rule  
13 under this section to amend, repeal, or otherwise supersede the  
14 previously adopted emergency rule.

15 (2) The date that the director adopts a permanent rule under  
16 ~~IC 4-22-2~~ to amend, repeal, or otherwise supersede the previously  
17 adopted emergency rule.

18 (3) July 1, 2001.

19 (c) For the purposes of ~~IC 9-30-7-4~~, ~~IC 14-15-8-14~~ (before its  
20 repeal), ~~IC 35-46-9~~, and other statutes, the provisions of a rule adopted  
21 under this section shall be treated as a requirement under section 5 of  
22 this chapter, section 6 of this chapter, or both as appropriate.

23 SECTION 81. IC 10-14-4-11, AS AMENDED BY P.L.71-2013,  
24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2024]: Sec. 11. (a) The director shall adopt rules under  
26 IC 4-22-2 to carry out this chapter.

27 (b) ~~The director may adopt emergency rules in the manner provided~~  
28 ~~under IC 4-22-2-37.1 to carry out the provisions of this chapter.~~

29 SECTION 82. IC 10-17-2-4, AS AMENDED BY P.L.42-2020,  
30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2024]: Sec. 4. (a) As used in this section, "photographic  
32 identification" means an identification document that:

33 (1) shows the name of the individual to whom the document was  
34 issued;

35 (2) shows a photograph of the individual to whom the document  
36 was issued;

37 (3) includes an expiration date indicating that the document has  
38 not expired; and

39 (4) was issued by the United States or a state or territory of the  
40 United States.

41 (b) A discharge record is not a public record under IC 5-14-3. A  
42 county recorder shall provide a certified copy of a discharge record at



- 1 the request of the following persons:
- 2 (1) The veteran who is the subject of the discharge record if the
- 3 veteran provides photographic identification.
- 4 (2) A person who provides photographic identification that
- 5 identifies the person as a state, county, or city service officer.
- 6 (3) A person who provides photographic identification that
- 7 identifies the person as an employee of the Indiana department of
- 8 veterans' affairs.
- 9 (4) A person who:
- 10 (A) is a funeral director licensed under IC 25-15; and
- 11 (B) assists with the burial of the veteran who is the subject of
- 12 the discharge record;
- 13 if the person provides photographic identification and the person's
- 14 funeral director license.
- 15 (5) If the veteran who is the subject of the discharge record is
- 16 deceased, the spouse or next of kin of the deceased, if the spouse
- 17 or next of kin provides photographic identification and a copy of
- 18 the veteran's death certificate.
- 19 (6) The following persons, if the person provides photographic
- 20 identification:
- 21 (A) The attorney in fact of the person who is the subject of the
- 22 discharge record, if the attorney in fact provides a copy of the
- 23 power of attorney.
- 24 (B) The guardian of the person who is the subject of the
- 25 discharge record, if the guardian of the person provides a copy
- 26 of the court order appointing the guardian of the person.
- 27 (C) The personal representative of the estate of the deceased,
- 28 if the person who is the subject of the discharge record is
- 29 deceased and the personal representative of the estate provides
- 30 a copy of the court order appointing the personal
- 31 representative of the estate.
- 32 (c) To the extent technologically feasible, a county recorder shall
- 33 take precautions to prevent the disclosure of a discharge record filed
- 34 with the county recorder before May 15, 2007. After May 14, 2007, a
- 35 county recorder shall ensure that a discharge record filed with the
- 36 county recorder is maintained in a separate, confidential, and secure
- 37 file.
- 38 (d) Disclosure of a discharge record by the county recorder under
- 39 this section is subject to IC 5-14-3-10.
- 40 (e) A person who:
- 41 (1) is described in subsection (b)(1) through (b)(6); and
- 42 (2) uses or discloses:





1 (A) a discharge record; or  
 2 (B) the information contained in a discharge record;  
 3 for a purpose that is outside the scope of the person's authorized or  
 4 official capacity commits a Class A infraction.

5 (f) The department shall develop a process concerning the release  
 6 of discharge records by county recorders to eligible persons. The  
 7 process described under this subsection shall be implemented not later  
 8 than December 30, 2020.

9 (g) The department may adopt rules under IC 4-22-2 ~~including~~  
 10 ~~emergency rules under IC 4-22-2-37.1~~, to implement subsection (f).

11 SECTION 83. IC 10-19-11-4, AS AMENDED BY P.L.187-2021,  
 12 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2024]: Sec. 4. (a) Byproduct material shall be licensed and  
 14 regulated in Indiana by the Nuclear Regulatory Commission until the  
 15 governor, on behalf of the state, enters into an agreement with the  
 16 Nuclear Regulatory Commission for the state to assume regulation of  
 17 the use of byproduct material under subsection (d).

18 (b) Source material shall be licensed and regulated in Indiana by the  
 19 Nuclear Regulatory Commission until the governor, on behalf of the  
 20 state, enters into an agreement with the Nuclear Regulatory  
 21 Commission for the state to assume regulation of the use of source  
 22 materials under subsection (d).

23 (c) Special nuclear material shall be licensed and regulated in  
 24 Indiana by the Nuclear Regulatory Commission until the governor, on  
 25 behalf of the state, enters into an agreement with the Nuclear  
 26 Regulatory Commission to assume regulation of the use of special  
 27 nuclear material under subsection (d).

28 (d) The governor, or the governor's appointee on behalf of the state,  
 29 may enter into an agreement with the Nuclear Regulatory Commission  
 30 to assume regulation, as authorized under the federal Atomic Energy  
 31 Act of 1954, of the use of the following:

- 32 (1) Byproduct material.  
 33 (2) Source material.  
 34 (3) Special nuclear material.

35 (e) An agreement entered into under subsection (d) may provide for  
 36 the federal government to relinquish certain of its responsibilities with  
 37 respect to sources of ionizing radiation and for the state to assume  
 38 those responsibilities.

39 (f) After the governor, on behalf of the state, enters into an  
 40 agreement with the Nuclear Regulatory Commission under subsection  
 41 (d), the department may adopt rules under IC 4-22-2 to implement the  
 42 agreement. ~~including emergency rules in the manner provided under~~



1 ~~IC 4-22-2-37.1.~~  
2 SECTION 84. IC 10-19-12-14, AS ADDED BY P.L.28-2022,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2024]: Sec. 14. (a) Rules shall be promulgated under this  
5 chapter in accordance with IC 4-22-2.  
6 (b) Orders shall be issued under this chapter in accordance with  
7 IC 4-21.5.  
8 (c) In any proceeding for licensing ores processed primarily for their  
9 source material content and disposal of byproduct material or for  
10 licensing disposal of low-level radioactive waste, the department shall  
11 provide:  
12 (1) an opportunity, after public notice, for written comments and  
13 a public hearing, with a transcript;  
14 (2) an opportunity for cross-examination; and  
15 (3) a written determination of the action to be taken, which is  
16 based upon findings included in the determination and upon  
17 evidence presented during the public comment period.  
18 (d) In any proceeding for licensing ores processed primarily for their  
19 source material content and disposal of byproduct material or for  
20 licensing disposal of low-level radioactive waste, the department shall  
21 prepare, for each licensed activity that has a significant impact on the  
22 human environment, a written analysis of the impact of such licensed  
23 activity on the environment. The analysis shall be available to the  
24 public before the commencement of hearings held pursuant to  
25 subsection (c) and shall include the following:  
26 (1) An assessment of the radiological and nonradiological impacts  
27 to the public health.  
28 (2) An assessment of any impact on any waterway and  
29 groundwater.  
30 (3) Consideration of alternatives, including alternative sites and  
31 engineering methods, to the activities to be conducted.  
32 (4) Consideration of the long-term impacts, including  
33 decommissioning, decontamination, and reclamation of facilities  
34 and sites associated with the licensed activities and management  
35 of any radioactive materials that will remain on the site after such  
36 decommissioning, decontamination, and reclamation.  
37 (e) The department shall prohibit any major construction with  
38 respect to any activity for which an environmental impact analysis is  
39 required by subsection (d) prior to completion of such analysis.  
40 (f) Whenever the department finds that an emergency exists  
41 requiring immediate action to protect the public health and safety, the  
42 department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~



1 **IC 4-22-2** or issue emergency orders under IC 4-21.5-4 to address the  
2 emergency.

3 SECTION 85. IC 10-21-3-3, AS ADDED BY P.L.218-2023,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]: Sec. 3. (a) A charter school, accredited nonpublic  
6 school, or school corporation shall apply for a grant from the  
7 department in the form and manner prescribed by the department.

8 (b) The department may adopt rules under IC 4-22-2 ~~including~~  
9 ~~emergency rules in the manner provided under IC 4-22-2-37.1,~~ to  
10 implement this section.

11 SECTION 86. IC 12-8-1.5-11, AS ADDED BY P.L.160-2012,  
12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2024]: Sec. 11. (a) If:

- 14 (1) the sums appropriated by the general assembly in the biennial  
15 budget to the family and social services administration for the  
16 Medicaid assistance, Medicaid administration, public assistance  
17 (TANF), and the IMPACT (JOBS) work program are insufficient  
18 to enable the office of the secretary to meet its obligations; and  
19 (2) the failure to appropriate additional funds would:

- 20 (A) violate a provision of federal law; or  
21 (B) jeopardize the state's share of federal financial  
22 participation applicable to the state appropriations contained  
23 in the biennial budget for Medicaid assistance, Medicaid  
24 administration, public assistance (TANF), or the IMPACT  
25 (JOBS) work program;

26 then there are appropriated further sums as may be necessary to remedy  
27 a situation described in this subsection, subject to the approval of the  
28 budget director and the unanimous recommendation of the members of  
29 the budget committee. However, before approving a further  
30 appropriation under this subsection, the budget director shall explain  
31 to the budget committee the factors indicating that a condition  
32 described in subdivision (2) would be met.

33 (b) If:

- 34 (1) the sums appropriated by the general assembly in the biennial  
35 budget to the family and social services administration for  
36 Medicaid assistance, Medicaid administration, public assistance  
37 (TANF), and the IMPACT (JOBS) work program are insufficient  
38 to enable the family and social services administration to meet its  
39 obligations; and

- 40 (2) neither of the conditions in subsection (a)(2) would result  
41 from a failure to appropriate additional funds;

42 then there are appropriated further sums as may be necessary to remedy



1 a situation described in this subsection, subject to the approval of the  
 2 budget director and the unanimous recommendation of the members of  
 3 the budget committee. However, before approving a further  
 4 appropriation under this subsection, the budget director shall explain  
 5 to the budget committee the factors indicating that a condition  
 6 described in subdivision (2) would be met.

7 (c) Notwithstanding IC 12-14 and IC 12-15 (except for a clinical  
 8 advisory panel established under IC 12-15), and except as provided in  
 9 subsection (d), the office of the secretary may by rule adjust programs,  
 10 eligibility standards, and benefit levels to limit expenditures from  
 11 Medicaid assistance, Medicaid administration, public assistance  
 12 (TANF), and the IMPACT (JOBS) work program. The office of the  
 13 secretary may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2**  
 14 to make an adjustment authorized by this subsection. However,  
 15 adjustments under this subsection may not:

- 16 (1) violate a provision of federal law; or
- 17 (2) jeopardize the state's share of federal financial participation  
 18 applicable to the state appropriations contained in the biennial  
 19 budget for Medicaid assistance, Medicaid administration, public  
 20 assistance (TANF), and the IMPACT (JOBS) work program.

21 (d) Subject to IC 12-15-21-3, any adjustments made under  
 22 subsection (c) must:

- 23 (1) allow for a licensed provider under IC 12-15 to deliver  
 24 services within the scope of the provider's license if the benefit is  
 25 covered under IC 12-15; and
- 26 (2) provide access to services under IC 12-15 from a provider  
 27 under IC 12-15-12.

28 ~~SECTION 87. IC 12-8-6.5-11 IS REPEALED [EFFECTIVE JULY~~  
 29 ~~1, 2024]. Sec. 11. The office shall adopt emergency rules under~~  
 30 ~~IC 4-22-2-37.1 to achieve the reductions needed to avoid expenditures~~  
 31 ~~exceeding the Medicaid appropriation made by P.L.224-2003 in the~~  
 32 ~~line item appropriation to the FAMILY AND SOCIAL SERVICES~~  
 33 ~~ADMINISTRATION, MEDICAID - CURRENT OBLIGATIONS. To~~  
 34 ~~the extent that reductions are made to optional Medicaid services as set~~  
 35 ~~forth in 42 U.S.C. 1396 et seq., the reductions may be accomplished on~~  
 36 ~~a pro rata basis with each optional service being reduced by a~~  
 37 ~~proportionate amount. However, the reductions may not be made in a~~  
 38 ~~manner that results in the elimination of any optional Medicaid service.~~

39 SECTION 88. IC 12-10-16-5 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The office may  
 41 adopt rules under IC 4-22-2 to implement the program.

42 (b) The office may adopt emergency rules under ~~IC 4-22-2-37.1~~ to



- 1 implement the program on an emergency basis.  
 2 SECTION 89. IC 12-11-14-11, AS ADDED BY P.L.12-2016,  
 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2024]: Sec. 11. (a) The board may:  
 5 (1) employ a manager, who is not a member of the board; and  
 6 (2) delegate necessary and appropriate functions and authority to  
 7 the manager.  
 8 (b) The board has the powers necessary and appropriate to carry out  
 9 and effectuate the purposes of this chapter, including the following:  
 10 (1) To develop and implement a qualified ABLE program for  
 11 Indiana through:  
 12 (A) rules adopted under IC 4-22-2; ~~or emergency rules~~  
 13 ~~adopted in the manner provided under IC 4-22-2-37.1;~~ or  
 14 (B) rules, guidelines, procedures, or policies established by the  
 15 board.  
 16 (2) To conform the qualified ABLE program to meet the  
 17 requirements of Section 529A of the Internal Revenue Code and  
 18 all applicable federal laws and regulations.  
 19 (3) To retain professional services, including the following:  
 20 (A) Advisers and managers, including investment advisers.  
 21 (B) Custodians and other fiduciaries.  
 22 (C) Accountants and auditors.  
 23 (D) Consultants or other experts.  
 24 (E) Actuarial services providers.  
 25 (F) Attorneys.  
 26 (4) To establish minimum ABLE account deposit amounts (both  
 27 initial and periodic).  
 28 (5) To employ persons, if the board chooses, and as may be  
 29 necessary, and to fix the terms of employment.  
 30 (6) To recommend legislation to the governor and the general  
 31 assembly.  
 32 (7) To apply for designation as a tax exempt entity under the  
 33 Internal Revenue Code.  
 34 (8) To sue and be sued.  
 35 (9) To provide or facilitate provision of benefits and incentives for  
 36 the benefit of qualified beneficiaries.  
 37 (10) To conform the qualified ABLE program to federal tax  
 38 advantages or incentives, to the extent consistent with the  
 39 purposes and objectives of this chapter.  
 40 (11) To charge, impose, and collect administrative fees and  
 41 service charges in connection with any agreement, contract, or  
 42 transaction under a qualified ABLE program.



- 1 (12) To have perpetual succession.
- 2 (13) To establish policies and procedures to govern distributions
- 3 from ABLE accounts that are not:
- 4 (A) made on account of the death or disability of an account
- 5 beneficiary; or
- 6 (B) rollovers.
- 7 (14) To establish penalties for withdrawals of money from ABLE
- 8 accounts that are not used exclusively for a qualified disability
- 9 expense of an account beneficiary unless a circumstance
- 10 described in subdivision (13) applies.
- 11 (15) To establish policies and procedures regarding the transfer
- 12 of individual ABLE accounts and the designation of substitute
- 13 account beneficiaries.
- 14 (16) To establish policies and procedures for withdrawal of
- 15 money from ABLE accounts for, or in reimbursement of, a
- 16 qualified disability expense.
- 17 (17) To enter into agreements with ABLE account owners,
- 18 account beneficiaries, and contributors, with the agreements
- 19 naming:
- 20 (A) the account owner; and
- 21 (B) the account beneficiary.
- 22 (18) To establish ABLE accounts for account beneficiaries.
- 23 However, the authority shall establish a separate ABLE account
- 24 for each account beneficiary.
- 25 (19) To enter into agreements with financial institutions relating
- 26 to ABLE accounts as well as deposits, withdrawals, penalties,
- 27 allocation of benefits or incentives, and transfers of accounts,
- 28 account owners, and account beneficiaries.
- 29 (20) To develop marketing plans and promotional material.
- 30 (21) To enter into agreements with other states to:
- 31 (A) allow Indiana residents to participate in a plan operated by
- 32 a contracting state with a qualified ABLE program; or
- 33 (B) allow residents of contracting states to participate in the
- 34 Indiana qualified ABLE program.
- 35 (22) To do all things necessary and appropriate to carry out the
- 36 purposes of this chapter.

37 SECTION 90. IC 12-13-16-13, AS ADDED BY P.L.73-2020,  
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2024]: Sec. 13. (a) The office of the secretary may adopt rules  
 40 under IC 4-22-2 necessary to implement this chapter.

41 ~~(b) The office of the secretary may adopt emergency rules under~~  
 42 ~~IC 4-22-2-37.1 to implement this chapter on an emergency basis.~~



1           (c) An emergency rule or an amendment to an emergency rule  
2 adopted under this section expires not later than one (1) year after the  
3 rule is accepted for filing under IC 4-22-2-37.1(e):

4           SECTION 91. IC 12-15-41-15, AS AMENDED BY P.L.197-2011,  
5 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2024]: Sec. 15. (a) The office shall adopt rules under  
7 IC 4-22-2 to implement this chapter.

8           (b) The office may adopt emergency rules under IC 4-22-2-37.1 to  
9 implement this chapter on an emergency basis:

10           SECTION 92. IC 12-15-44.5-9, AS ADDED BY P.L.213-2015,  
11 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) The office may adopt rules  
13 under IC 4-22-2 necessary to implement:

14           (1) this chapter; or

15           (2) a Section 1115 Medicaid demonstration waiver concerning the  
16 plan that is approved by the United States Department of Health  
17 and Human Services.

18           (b) The office may adopt emergency rules under IC 4-22-2-37.1 to  
19 implement the plan on an emergency basis:

20           (c) An emergency rule or an amendment to an emergency rule  
21 adopted under this section expires not later than the earlier of:

22           (1) one (1) year after the rule is accepted for filing under  
23 IC 4-22-2-37.1(e); or

24           (2) July 1, 2016:

25           SECTION 93. IC 12-17.6-2-11, AS AMENDED BY P.L.35-2016,  
26 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2024]: Sec. 11. (a) The secretary shall adopt rules under  
28 IC 4-22-2 to implement the program.

29           (b) The secretary may adopt emergency rules under IC 4-22-2-37.1  
30 to implement the program on an emergency basis:

31           (c) (b) A rule adopted before April 15, 2016, by the office of  
32 children's health insurance program is transferred to the office of the  
33 secretary.

34           SECTION 94. IC 13-14-8-1, AS AMENDED BY P.L.140-2013,  
35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2024]: Sec. 1. (a) The board may:

37           (1) adopt;

38           (2) repeal;

39           (3) rescind; or

40           (4) amend;

41 rules and standards by proceeding in the manner prescribed in  
42 IC 4-22-2 and IC 13-14-9.



1 (b) ~~If the board may adopt an emergency~~ **adopts a provisional** rule  
 2 under IC 4-22-2-37.1 **or an interim rule under IC 4-22-2-37.2** to  
 3 comply with a deadline required by or other date provided by federal  
 4 law, ~~if:~~ **the board shall:**

- 5 (1) **include** the variance procedures ~~are included~~ in the rule; and
- 6 (2) **review the** permits or licenses granted during the period the  
 7 ~~emergency rule is in effect are reviewed~~ after the ~~emergency rule~~  
 8 expires.

9 ~~An emergency rule adopted under this subsection may be extended for~~  
 10 ~~two (2) extension periods by adopting another rule under~~  
 11 ~~IC 4-22-2-37.1. IC 4-22-2-37.1(g)(3) does not apply to an emergency~~  
 12 ~~rule adopted under this subsection.~~

13 SECTION 95. IC 13-15-4-3, AS AMENDED BY P.L.140-2013,  
 14 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2024]: Sec. 3. (a) A board may adopt a rule under IC 4-22-2  
 16 that changes a period described under section 1 of this chapter within  
 17 which the commissioner must approve or deny an application:

- 18 (1) if:
  - 19 (A) the general assembly enacts a statute;
  - 20 (B) a board adopts a rule; or
  - 21 (C) the federal government enacts a statute or adopts a  
 22 regulation;

23 that imposes a new requirement concerning a class of applications  
 24 that makes it infeasible for the commissioner to approve or deny  
 25 the application within the period;

- 26 (2) if:
  - 27 (A) the general assembly enacts a statute;
  - 28 (B) a board adopts a rule; or
  - 29 (C) the federal government enacts a statute or adopts a  
 30 regulation;

31 that establishes a new permit program for which a period is not  
 32 described under section 1 of this chapter; or

- 33 (3) if some other significant factor concerning a class of  
 34 applications makes it infeasible for the commissioner to approve  
 35 or deny the application within the period.

36 (b) ~~If a board may adopt~~ **adopts** a rule described in subsection (a)  
 37 ~~as an emergency a provisional~~ rule under IC 4-22-2-37.1 ~~if:~~ **or as an**  
 38 **interim rule under IC 4-22-2-37.2, the board shall:**

- 39 (1) **include** the variance procedures ~~are included~~ in the rule; and
- 40 (2) **review the** permits or licenses granted during the period the  
 41 ~~emergency rule is in effect are reviewed~~ after the ~~emergency rule~~  
 42 expires.





1 If a board adopts a **provisional rule** or an **emergency interim** rule  
 2 under this subsection, the period described in section 1 of this chapter  
 3 is suspended during the **emergency** rulemaking process. ~~An emergency~~  
 4 ~~rule adopted under this subsection may be extended for two (2)~~  
 5 ~~extension periods by adopting another emergency rule under~~  
 6 ~~IC 4-22-2-37.1. IC 4-22-2-37.1(g)(3) does not apply to an emergency~~  
 7 ~~rule adopted under this subsection.~~

8 SECTION 96. IC 13-22-2-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The board shall  
 10 adopt rules under IC 4-22-2 and IC 13-14-8 to develop criteria for  
 11 determining hazardous waste. In developing those criteria, the board  
 12 shall determine whether any waste to be or being disposed of meets any  
 13 of the following conditions:

- 14 (1) Presents immediate or persistent hazards to humans or  
 15 wildlife.
- 16 (2) Is resistant to natural degradation or detoxification.
- 17 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or  
 18 infectious in addition to any other harmful characteristics.

19 (b) The board shall do the following:

- 20 (1) Compile and maintain a listing of wastes that have been  
 21 determined to be hazardous:  
 22 (A) under the criteria described in subsection (a); or  
 23 (B) by regulation of the United States Environmental  
 24 Protection Agency.

25 (2) Issue the listing by adopting rules under IC 4-22-2. ~~However,~~  
 26 ~~the board may by resolution adopt an emergency rule under~~  
 27 ~~IC 4-22-2-37.1 to declare any waste determined to be hazardous~~  
 28 ~~under this section.~~

29 (c) The board shall consider actions taken by adjoining states and  
 30 the federal government for purposes of uniform criteria relating to the  
 31 listing and delisting of waste under this section.

32 (d) The commissioner may exclude a waste produced at a particular  
 33 generating facility from the listing under subsection (b) if the person  
 34 seeking exclusion of the waste demonstrates to the satisfaction of the  
 35 commissioner that the waste does not meet any of the criteria under  
 36 which the waste was listed as a hazardous waste and:

- 37 (1) the person seeking exclusion has already obtained exclusion  
 38 of the waste from the listing maintained under 40 CFR 261 by the  
 39 United States Environmental Protection Agency; or
- 40 (2) if the department has received authority from the United  
 41 States Environmental Protection Agency to delist waste under 40  
 42 CFR 260.20 and 260.22, the person petitions the commissioner to



- 1 consider the removal of a waste from the listing, and the  
 2 commissioner follows the authorized procedure for delisting.
- 3 (e) The department shall establish a procedure by which a person  
 4 may petition the commissioner to consider the removal of a specific  
 5 waste from the lists maintained under subsection (b).
- 6 SECTION 97. IC 14-10-2-4, AS AMENDED BY P.L.164-2020,  
 7 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2024]: Sec. 4. (a) The commission shall adopt rules under  
 9 IC 4-22-2 to carry out the commission's duties under this title.
- 10 (b) The commission may adopt rules to exempt an activity from  
 11 licensing under this title, except:
- 12 (1) IC 14-34;  
 13 (2) IC 14-36-1; and  
 14 (3) IC 14-38-2;
- 15 if the activity poses not more than a minimal potential for harm.
- 16 (c) Except as provided in subsection (d), whenever the department  
 17 or the director has the authority to adopt rules under IC 4-22-2, the  
 18 commission shall exclusively exercise the authority.
- 19 (d) ~~Emergency~~ Rules adopted under section 5 of this chapter shall  
 20 be adopted by the director.
- 21 (e) A person who violates a rule adopted by the commission  
 22 commits a Class C infraction, unless otherwise specified under state  
 23 law.
- 24 SECTION 98. IC 14-10-2-5, AS AMENDED BY P.L.249-2023,  
 25 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2024]: Sec. 5. (a) The department may adopt rules under  
 27 IC 4-22-2 to carry out the duties of the department under the following:
- 28 (1) IC 14-9.  
 29 (2) This article.  
 30 (3) IC 14-11.  
 31 (4) IC 14-12-2.  
 32 (5) IC 14-14.  
 33 (6) IC 14-15.  
 34 (7) IC 14-17-3.  
 35 (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.  
 36 (9) IC 14-19-1 and IC 14-19-8.  
 37 (10) IC 14-21.  
 38 (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.  
 39 (12) IC 14-23-1.  
 40 (13) IC 14-24.  
 41 (14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.  
 42 (15) IC 14-26.



- 1 (16) IC 14-27.  
 2 (17) IC 14-28.  
 3 (18) IC 14-29.  
 4 (19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.  
 5 (20) IC 14-37.  
 6 (21) IC 14-38, except IC 14-38-3.  
 7 (22) IC 14-39.
- 8 (b) An emergency rule adopted under subsection (a) (as effective  
 9 before July 1, 2023) expires not later than one (1) year after the rule is  
 10 accepted for filing by the publisher of the Indiana Register.
- 11 (c) A person who violates:  
 12 (1) an emergency rule adopted by the department under  
 13 IC 4-22-2-37.1 before July 1, 2023; or  
 14 (2) ~~an interim a~~ rule adopted by the department under  
 15 ~~IC 4-22-2-37.2~~ **IC 4-22-2** after June 30, 2023;
- 16 to carry out a provision described in subsection (a) commits a Class C  
 17 infraction, unless otherwise specified under state law.
- 18 SECTION 99. IC 14-39-0.5-3, AS ADDED BY P.L.158-2023,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2024]: Sec. 3. Notwithstanding IC 14-10-2-5(b), an  
 21 **emergency interim** rule adopted by the department under  
 22 IC 14-10-2-5(a)(22) concerning the department's discharge of the  
 23 duties imposed upon the department under this article expires ~~upon the~~  
 24 ~~earlier of the following~~:
- 25 ~~(1) One (1) year after the rule is accepted for filing by the~~  
 26 ~~publisher of the Indiana Register.~~  
 27 ~~(2) Upon the adoption of a rule under this chapter concerning the~~  
 28 ~~department's discharge of the duties imposed upon the department~~  
 29 ~~under this article. according to IC 4-22-2.3-5.~~
- 30 SECTION 100. IC 15-15-13-14, AS AMENDED BY P.L.190-2019,  
 31 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2024]: Sec. 14. ~~(a)~~ The state seed commissioner shall adopt  
 33 rules under IC 4-22-2 to implement and administer this chapter.
- 34 ~~(b) The state seed commissioner may adopt emergency rules in the~~  
 35 ~~manner provided under IC 4-22-2-37.1 to comply with any federal~~  
 36 ~~requirement under the Agriculture Improvement Act of 2018 to~~  
 37 ~~implement and administer this chapter.~~
- 38 SECTION 101. IC 15-17-3-14, AS AMENDED BY P.L.41-2021,  
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2024]: Sec. 14. The board may delegate any of the board's  
 41 duties to the state veterinarian, except the following:  
 42 (1) The duty to supervise the state veterinarian.



- 1 (2) The duty to hold hearings under this article and IC 4-21.5.
- 2 (3) The duty to adopt rules under IC 4-22-2. However, the board
- 3 may delegate the duty to adopt **emergency provisional** rules
- 4 under IC 4-22-2-37.1 **or interim rules under IC 4-22-2-37.2.**

5 SECTION 102. IC 15-17-10-9, AS AMENDED BY P.L.41-2021,  
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2024]: Sec. 9. If the board determines that an emergency event  
 8 has occurred or a disease or pest of animals or animal products presents  
 9 a hazard to the citizens or animals of Indiana, the following action may  
 10 be taken:

11 (1) The board may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~  
 12 **IC 4-22-2** that facilitate the prevention, detection, control, and  
 13 eradication of the disease or pest of animals, including the  
 14 following to:

- 15 (A) Prohibit or impose conditions on importing animals and
- 16 objects into Indiana.
- 17 (B) Require testing of animals and objects.
- 18 (C) Require vaccination or other treatment of animals and
- 19 objects.
- 20 (D) Prohibit or impose conditions on moving animals and
- 21 objects within Indiana.
- 22 (E) Govern the disposition of animals and objects.
- 23 (F) Impose other measures governing animals and objects to
- 24 protect the citizens and animals of Indiana from diseases and
- 25 pests of animals.

26 (2) The board may issue emergency orders under IC 4-21.5-4  
 27 governing animals and objects in order to protect the citizens and  
 28 animals of the state from diseases and pests of animals.

29 SECTION 103. IC 15-17-10-10, AS AMENDED BY P.L.9-2022,  
 30 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2024]: Sec. 10. If the board determines that an emergency  
 32 event or a disease or pest of animals has resulted in or is likely to result  
 33 in a large number of dead animals, the board may facilitate the prompt  
 34 disposal of the dead animals by adopting ~~an emergency a~~ rule under  
 35 ~~IC 4-22-2-37.1~~ **IC 4-22-2** that amends or suspends any of the  
 36 following:

- 37 (1) IC 15-17-11.
- 38 (2) A rule adopted by the board that governs the disposal of dead
- 39 animals.

40 SECTION 104. IC 15-18-1-14, AS AMENDED BY P.L.186-2014,  
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2024]: Sec. 14. (a) Raw milk for processing and milk and milk



1 products must conform to all the standards in the rules adopted by the  
2 board.

3 (b) The board shall adopt a rule ~~and may adopt emergency rules~~  
4 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish standards for Grade A  
5 milk and milk products. The standards adopted under this section must  
6 be:

7 (1) the same as; or

8 (2) at least as effective in protecting health as;

9 the national standards for Grade A milk adopted by the National  
10 Conference on Interstate Milk Shipments in accordance with the  
11 national conference's Memorandum of Understanding with the United  
12 States Department of Health and Human Services, Food and Drug  
13 Administration.

14 (c) The board shall determine when an amendment to national  
15 standards described in subsection (b) has been adopted. If the board  
16 determines that an amendment to the national standards has been  
17 adopted, the board shall adopt rules ~~and may adopt emergency rules~~  
18 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to amend the rules adopted by the  
19 board under subsection (b) to provide a standard that is:

20 (1) the same as; or

21 (2) at least as effective in protecting health as;

22 the amendment to the national standards for Grade A milk.

23 (d) The board may adopt standards for the production of  
24 manufacturing grade milk products.

25 (e) The board may do the following:

26 (1) Adopt rules **under IC 4-22-2** defining grades of raw milk and  
27 milk products and various tests to be made at different intervals  
28 in the receipt of raw milk and milk products for the manufacturing  
29 or processing of milk and milk products.

30 (2) Adopt sanitary rules **under IC 4-22-2** concerning the  
31 sampling, production, manufacturing, processing, handling,  
32 packing, storing, distributing, and transporting of milk and milk  
33 products for the enforcement of this chapter.

34 (3) Provide that raw milk and milk products that do not meet the  
35 minimum standards provided and that are unfit for human  
36 consumption be destroyed or removed from distribution channels  
37 for human food in a manner provided by rule.

38 (4) Require training for bulk milk hauler/samplers.

39 SECTION 105. IC 16-19-3-4, AS AMENDED BY P.L.143-2022,  
40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2024]: Sec. 4. (a) The executive board may, by an affirmative  
42 vote of a majority of its members, adopt reasonable rules **under**



1 **IC 4-22-2** on behalf of the state department to protect or to improve the  
2 public health in Indiana.

3 (b) The rules may concern but are not limited to the following:

4 (1) Nuisances dangerous to public health.

5 (2) The pollution of any water supply other than where  
6 jurisdiction is in the environmental rules board and department of  
7 environmental management.

8 (3) The disposition of excremental and sewage matter.

9 (4) The control of fly and mosquito breeding places.

10 (5) The detection, reporting, prevention, and control of diseases  
11 that affect public health.

12 (6) The care of maternity and infant cases and the conduct of  
13 maternity homes.

14 (7) The production, distribution, and sale of human food.

15 (8) Except as provided in section 4.4 of this chapter, the conduct  
16 of camps.

17 (9) Standards of cleanliness of eating facilities for the public.

18 (10) Standards of cleanliness of sanitary facilities offered for  
19 public use.

20 (11) The handling, disposal, disinterment, and reburial of dead  
21 human bodies.

22 (12) Vital statistics.

23 (13) Sanitary conditions and facilities in public buildings and  
24 grounds, including plumbing, drainage, sewage disposal, water  
25 supply, lighting, heating, and ventilation, other than where  
26 jurisdiction is vested by law in the fire prevention and building  
27 safety commission or other state agency.

28 (14) The design, construction, and operation of swimming and  
29 wading pools. However, the rules governing swimming and  
30 wading pools do not apply to a pool maintained by an individual  
31 for the sole use of the individual's household and house guests.

32 (c) The executive board shall adopt reasonable rules to regulate the  
33 following:

34 (1) The sanitary operation of tattoo parlors.

35 (2) The sanitary operation of body piercing facilities.

36 (d) The executive board may adopt rules on behalf of the state  
37 department for the efficient enforcement of this title, except as  
38 otherwise provided. However, fees for inspections relating to weight  
39 and measures may not be established by the rules.

40 (e) The executive board may declare that a rule described in  
41 subsection (d) is necessary to meet an emergency and adopt the rule  
42 under ~~IC 4-22-2-37.1~~. **IC 4-22-2.**

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1 (f) The rules of the state department may not be inconsistent with  
 2 this title and or any other state law.  
 3 SECTION 106. IC 16-21-10-16, AS ADDED BY P.L.205-2013,  
 4 SECTION 214, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2024]: Sec. 16. Subject to section 8(b) of this  
 6 chapter, the office may adopt rules ~~including emergency rules adopted~~  
 7 ~~in the manner provided under IC 4-22-2-37.1;~~ **under IC 4-22-2**  
 8 necessary to implement this chapter. Rules adopted under this section  
 9 may be retroactive to the effective date of the Medicaid state plan  
 10 amendments or waivers approved under this chapter.  
 11 SECTION 107. IC 16-29-7-13, AS ADDED BY P.L.202-2018,  
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2024]: Sec. 13. (a) The state department shall establish a  
 14 review period for certificate of need applications beginning July 1,  
 15 2019, and every July 1 thereafter, and lasting until the following June  
 16 30.  
 17 (b) The state department shall accept certificate of need applications  
 18 until July 31 of the review period.  
 19 (c) The state department shall publish any certificate of need  
 20 applications accepted for review on the state department's ~~internet web~~  
 21 ~~site~~ **website** before August 15 of the review period.  
 22 (d) The state department shall accept public comments on the  
 23 certificate of need applications accepted for review through October 15  
 24 of the review period.  
 25 (e) The commissioner or the commissioner's designee shall issue  
 26 any decision on an accepted certificate of need application not later  
 27 than April 30 of the review period.  
 28 (f) The state department shall adopt ~~emergency~~ rules under  
 29 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement a system for the submission of  
 30 public comments under subsection (d).  
 31 SECTION 108. IC 16-29-7-14, AS ADDED BY P.L.202-2018,  
 32 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: Sec. 14. (a) The commissioner or the commissioner's  
 34 designee shall perform a comparative review on a certificate of need  
 35 application if:  
 36 (1) at least two (2) applications are submitted during the same  
 37 review period;  
 38 (2) the applications propose to transfer comprehensive care beds  
 39 into the same county; and  
 40 (3) the number of comprehensive care beds for which a certificate  
 41 of need is requested totals more than the county comprehensive  
 42 care bed need in the county where the comprehensive care beds



1 are to be transferred.

2 (b) In determining which applicant will receive preference in the

3 comparative review process, the commissioner or the commissioner's

4 designee shall:

5 (1) review the applications to ensure compliance with section

6 12(c) of this chapter; and

7 (2) give weighted priority to the criteria set forth in section 12(d)

8 of this chapter.

9 The commissioner or the commissioner's designee shall give preference

10 in approving the application to a certificate of need application that

11 complies with section 12 of this chapter and receives the most points

12 under the point system established under subsection (d). If at least two

13 (2) certificate of need applications requesting the same activity comply

14 with section 12 of this chapter and are awarded the same number of

15 points under subsection (d), the commissioner or the commissioner's

16 designee shall give preference to the application that demonstrates the

17 greatest need for the activity being requested.

18 (c) The commissioner or the commissioner's designee shall approve

19 a certificate of need application requesting the:

20 (1) transfer of comprehensive care beds; or

21 (2) construction of a comprehensive care health facility consisting

22 of transferred beds;

23 subject to comparative review under this section only after finding that

24 the request in the application is necessary as set forth in this chapter.

25 (d) The state department shall adopt ~~emergency~~ rules under

26 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish and implement a certificate of

27 need application point system in accordance with this section.

28 SECTION 109. IC 16-31-3-24, AS ADDED BY P.L.77-2012,

29 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

30 JULY 1, 2024]: Sec. 24. The commission may implement a

31 certification program for emergency services personnel regulated by

32 the commission through ~~emergency~~ rules adopted under

33 ~~IC 4-22-2-37.1~~. **IC 4-22-2**. An emergency rule adopted under this

34 section expires on the later of the following:

35 (1) July 1, 2014.

36 (2) The date permanent rules are adopted to replace the

37 emergency rules.

38 SECTION 110. IC 16-41-2-1, AS AMENDED BY P.L.112-2020,

39 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

40 JULY 1, 2024]: Sec. 1. (a) The state department may adopt rules under

41 IC 4-22-2 including emergency rules under ~~IC 4-22-2-37.1~~, that

42 establish reporting, monitoring, and preventive procedures for





- 1 communicable diseases.
- 2 (b) The state department shall publish a list of:
- 3 (1) reportable communicable diseases;
- 4 (2) other diseases or conditions that pose a serious health risk
- 5 based upon the characteristics of the disease or condition; and
- 6 (3) the control measures for the diseases and conditions;
- 7 on the state department's ~~Internet web site~~ **website**. The state
- 8 department is not required to adopt rules under subsection (a) for the
- 9 list described in this subsection.
- 10 (c) In updating the list described in subsection (b), the state
- 11 department:
- 12 (1) shall consider recommendations from:
- 13 (A) the United States Centers for Disease Control and
- 14 Prevention; and
- 15 (B) the Council of State and Territorial Epidemiologists; and
- 16 (2) may consult with local health departments.
- 17 SECTION 111. IC 16-41-21.2-4, AS ADDED BY P.L.125-2023,
- 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2024]: Sec. 4. (a) Except as provided in subsection (c), the
- 20 owner or operator having authority over a child care facility or
- 21 preschool shall test the drinking water in the child care facility or
- 22 preschool before January 1, 2026, to determine whether lead is present
- 23 in the drinking water in a concentration that equals or exceeds the
- 24 action level for lead.
- 25 (b) Drinking water testing required by this section must be
- 26 performed in accordance with the lead sampling program for school
- 27 buildings and child care facilities conducted by the Indiana finance
- 28 authority.
- 29 (c) If the drinking water in a child care facility or preschool has been
- 30 tested through a lead sampling program conducted by the Indiana
- 31 finance authority, the owner or operator having authority over the child
- 32 care facility or preschool is not required to test the drinking water in the
- 33 child care facility or preschool before January 1, 2026, under
- 34 subsection (a).
- 35 (d) If the testing of the drinking water in a child care facility or
- 36 preschool under this section indicates that the presence of lead in the
- 37 drinking water equals or exceeds the action level for lead, the owner or
- 38 operator having authority over the child care facility or preschool shall
- 39 take action to reduce the concentration of lead in the drinking water to
- 40 a level below the action level for lead by:
- 41 (1) eliminating the source of the lead in the drinking water; or
- 42 (2) installing a water filtration system that will reduce the level of



- 1           lead in the drinking water to a level below the action level for
- 2           lead.
- 3           (e) A water filtration system installed under subsection (d)(2) must
- 4           meet the following conditions, as applicable:
- 5                 (1) If the system is a point-of-use water filtration system, it must
- 6                 be certified by a certifying body accredited by a signatory to the
- 7                 International Accreditation Forum Multilateral Recognition
- 8                 Arrangement (IAFMIA), such as the American National
- 9                 Accreditation Board (ANAB), for drinking water treatment units
- 10                for lead reduction.
- 11                (2) If the system is a water treatment system on a drinking water
- 12                outlet, it must be third party certified:
- 13                         (A) under NSF/ANSI 53 for lead reduction;
- 14                         (B) under NSF/ANSI 42 for particulate reduction (Class 1); or
- 15                         (C) under NSF/ANSI 58 for lead reduction.
- 16           (f) If the owner or operator of a child care facility or preschool
- 17           installs a water filtration system under subsection (d)(2), the owner or
- 18           operator shall:
- 19                 (1) follow the manufacturer's instructions for the installation, use,
- 20                 and maintenance of the water filtration system; and
- 21                 (2) create and follow a maintenance schedule that identifies the
- 22                 person responsible for the installation and maintenance of the
- 23                 water filtration system.
- 24           (g) The environmental rules board shall, under IC 4-22-2 and
- 25           IC 13-14-9, adopt rules ~~including emergency rules adopted in the~~
- 26           ~~manner provided by IC 4-22-2-37.1~~, concerning the lead action level.
- 27           Rules adopted by the environmental rules board shall conform with the
- 28           forthcoming Lead and Copper Rule Improvements (LCRI) being
- 29           promulgated by the United States Environmental Protection Agency.
- 30           ~~Notwithstanding IC 4-22-2-37.1(g), the emergency rules that are~~
- 31           ~~adopted under this subsection and in the manner provided by~~
- 32           ~~IC 4-22-2-37.1 expire on the date on which rules that supersede the~~
- 33           ~~emergency rules are adopted by the board under this subsection and~~
- 34           ~~IC 4-22-2-24 through IC 4-22-2-36.~~
- 35           SECTION 112. IC 16-41-43-2.5, AS ADDED BY P.L.114-2020,
- 36           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37           JULY 1, 2024]: Sec. 2.5. (a) The state department shall approve
- 38           courses concerning allergies and the administration of auto-injectable
- 39           epinephrine that are offered by an approved organization (as defined in
- 40           IC 25-1-4-0.2).
- 41           (b) The state department shall do the following:
- 42                 (1) Maintain, on its ~~Internet web site; website~~, a list of all



- 1 approved courses.
- 2 (2) Prescribe the certification process for the course described in
- 3 subsection (a).
- 4 (3) Revoke the certification of an organization that fails to comply
- 5 with any certification prerequisite specified by the state
- 6 department.
- 7 (c) A person who successfully completes a certified course shall
- 8 receive a certificate of completion. The state department may contract
- 9 with a third party for the purpose of creating or manufacturing the
- 10 certificate of completion, which must meet the requirements set forth
- 11 in subsection (d).
- 12 (d) A certificate of completion issued under subsection (c) must:
- 13 (1) have dimensions that permit the certificate of completion to be
- 14 carried in a wallet; and
- 15 (2) display the following information:
- 16 (A) The first and last name of the person.
- 17 (B) The first and last name of the course instructor.
- 18 (C) The name of the entity responsible for providing the
- 19 course, if applicable.
- 20 (D) The date the course described in subsection (a) was
- 21 completed.
- 22 (E) Any other information required by the state department.
- 23 (e) The state department may adopt rules under IC 4-22-2 ~~including~~
- 24 ~~emergency rules under IC 4-22-2-37.1~~, to implement this section.
- 25 SECTION 113. IC 16-42-5-0.3, AS AMENDED BY P.L.56-2023,
- 26 SECTION 167, IS AMENDED TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2024]: Sec. 0.3. (a) The state department may
- 28 adopt rules ~~establishing under IC 4-22-2 to establish~~ the initial
- 29 schedule of civil penalties required under section 28 of this chapter, as
- 30 added by P.L.266-2001, at any time after May 11, 2001. ~~in the manner~~
- 31 ~~provided for the adoption of emergency rules under IC 4-22-2-37.1. An~~
- 32 ~~emergency rule adopted under this section expires on the later of:~~
- 33 (1) ~~the date permanent rules are adopted to replace the emergency~~
- 34 ~~rules; or~~
- 35 (2) ~~July 1, 2003.~~
- 36 (b) A corporation or local health department that, before January 1,
- 37 2001, adopted monetary penalties for the violation of any state or local
- 38 law or rule concerning food handling or food establishments may
- 39 continue to enforce those locally prescribed monetary penalties
- 40 (including the issuance of tickets or citations authorized by local law)
- 41 and deposit the amounts collected as prescribed by local law until the
- 42 later of:



1 (1) the date permanent rules are adopted establishing the schedule  
 2 of civil penalties required under section 28 of this chapter, as  
 3 added by P.L.266-2001; or  
 4 (2) July 1, 2003.

5 SECTION 114. IC 16-42-11-5.5, AS ADDED BY P.L.41-2021,  
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2024]: Sec. 5.5. The state egg board may adopt ~~emergency~~  
 8 rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** when there is a declared  
 9 emergency or sudden disruption that affects the commerce of eggs.

10 SECTION 115. IC 20-19-2-14.5, AS AMENDED BY P.L.239-2015,  
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 14.5. (a) As used in this section:  
 13 (1) "college and career readiness educational standards" means  
 14 Indiana standards that a high school graduate must meet to obtain  
 15 the requisite knowledge and skill to transition without  
 16 remediation to postsecondary education or training, and  
 17 ultimately into a sustainable career; and  
 18 (2) "cut scores" means the scores that define a student's  
 19 performance on an assessment, including passing, failing, or  
 20 falling into a performance category.

21 (b) The state board shall adopt Indiana college and career readiness  
 22 educational standards. The educational standards must do the  
 23 following:  
 24 (1) Meet national and international benchmarks for college and  
 25 career readiness standards and be aligned with postsecondary  
 26 educational expectations.  
 27 (2) Use the highest standards in the United States.  
 28 (3) Comply with federal standards to receive a flexibility waiver  
 29 under 20 U.S.C. 7861, as in effect on January 1, 2014.  
 30 (4) Prepare Indiana students for college and career success,  
 31 including the proper preparation for nationally recognized college  
 32 entrance examinations such as the ACT and SAT.  
 33 (5) Maintain Indiana sovereignty.  
 34 (6) Provide strict safeguards to protect the confidentiality of  
 35 student data.

36 (c) The state, or the state board on behalf of the state, may not enter  
 37 into or renew an agreement with any organization, entity, group, or  
 38 consortium that requires the state to cede any measure of autonomy or  
 39 control of education standards and assessments, including cut scores.  
 40 The state board may not adopt Common Core (Common Core State  
 41 Standards Initiative) or an assessment or test, except as provided in this  
 42 subsection, that is produced solely by the United States government or



1 a consortium of states. However, the state board is not prohibited from  
 2 incorporating as part of Indiana's statewide assessments any  
 3 assessment, part of an assessment, or series of questions if the  
 4 assessment, part of an assessment, or series of questions is aligned to  
 5 Indiana's academic standards.

6 (d) The state board may adopt ~~emergency rules in the manner~~  
 7 ~~provided in IC 4-22-2-37.1~~ **under IC 4-22-2** to implement this section.  
 8 ~~As provided in IC 4-22-2-37.1 for an emergency rule adopted under~~  
 9 ~~this section to be effective after one (1) extension period, the rule must~~  
 10 ~~be adopted in conformity with the procedures under IC 4-22-2-24~~  
 11 ~~through IC 4-22-2-36.~~

12 SECTION 116. IC 20-19-2-21, AS AMENDED BY P.L.202-2023,  
 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2024]: Sec. 21. (a) The state board shall establish one (1)  
 15 standard Indiana diploma for individuals who successfully complete  
 16 high school graduation requirements.

17 (b) Each Indiana diploma must include one (1) of the following  
 18 designations if an individual meets the criteria established by the state  
 19 board for the designation:

- 20 (1) General designation.
- 21 (2) Core 40 designation.
- 22 (3) Core 40 with academic honors designation.
- 23 (4) Core 40 with technical honors designation.

24 (c) The state board, in consultation with the department, shall  
 25 establish new high school diploma requirements to replace 511  
 26 IAC 6-7.1.

27 (d) The state board shall, ~~do the following:~~

- 28 (1) ~~not later than December 31, 2024,~~ adopt rules under IC 4-22-2  
 29 to implement subsection (c).
- 30 (2) ~~Not later than July 1, 2023,~~ adopt emergency rules in the  
 31 ~~manner provided under IC 4-22-2-37.1 to implement subsection~~  
 32 ~~(c).~~

33 SECTION 117. IC 20-20-40-16, AS AMENDED BY P.L.227-2017,  
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 16. (a) The commission

- 36 (1) shall adopt rules under IC 4-22-2 ~~and~~
- 37 (2) may adopt emergency rules in the manner provided under  
 38 IC 4-22-2-37.1;

39 to carry out the purposes of this chapter.

40 (b) ~~An emergency rule adopted under subsection (a)(2) expires on~~  
 41 ~~the earlier of:~~

- 42 (1) ~~November 15, 2018;~~ or



1 (2) the effective date of a rule adopted under ~~IC 4-22-2-22.5~~  
 2 through ~~IC 4-22-2-36~~ that supersedes the emergency rule.

3 SECTION 118. IC 20-26-11-11.5, AS AMENDED BY  
 4 P.L.108-2019, SECTION 213, IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11.5. (a) The following  
 6 definitions apply to this section:

7 (1) "ADM" means average daily membership (as defined in  
 8 IC 20-18-2-2).

9 (2) "Facility" means a secure private facility described in  
 10 IC 31-9-2-115(a)(1).

11 (3) "School corporation" means the Indiana school or charter  
 12 school that is receiving state tuition support for the student at the  
 13 time of the student's admission to the facility.

14 (4) "Student" means an individual who:

15 (A) is more than five (5) years of age and less than  
 16 twenty-three (23) years of age;

17 (B) has been admitted to a facility; and

18 (C) was enrolled in a school corporation during the school year  
 19 immediately preceding the student's admission to the facility.

20 (b) This section applies to a student if:

21 (1) the student is placed in a facility under the written order of a  
 22 physician licensed under IC 25-22.5;

23 (2) the written order of the physician licensed under IC 25-22.5  
 24 is based on medical necessity, as determined by a physician  
 25 licensed under IC 25-22.5; and

26 (3) the student receives educational services provided by the  
 27 facility.

28 (c) A facility shall provide written notice to the school corporation  
 29 not later than five (5) business days (excluding weekends and holidays)  
 30 after a student described in subsection (b) is admitted to the facility.  
 31 The written notice must include the following:

32 (1) The student's name, address, and date of birth.

33 (2) The date on which the student was admitted to the facility.

34 (3) A copy of the physician's written order.

35 (4) A statement that the student has opted out of attending school  
 36 under ~~IC 20-26-11-8~~. **section 8 of this chapter.**

37 (5) A statement that the facility will provide all educational  
 38 services to the student during the student's admission in the  
 39 facility.

40 (d) The school corporation shall pay the facility a daily per diem as  
 41 determined under subsection (e) for the educational services provided  
 42 by the facility to the student during the student's admission in the



1 facility. The school corporation may not be required to pay for any  
 2 educational services provided to the student by the facility exceeding  
 3 one hundred eighty (180) instructional days or an amount exceeding  
 4 the student's proportionate share of state distributions paid to the school  
 5 corporation, as determined under subsection (e).

6 (e) A school corporation shall pay to the facility an amount, prorated  
 7 according to the number of instructional days for which the student  
 8 receives the educational services, equal to:

9 (1) the student's proportionate share (as compared to the school  
 10 corporation's total ADM) of basic tuition support (as determined  
 11 under IC 20-43-6-3) distributions that are made to the school  
 12 corporation for the school year; and

13 (2) any special education grants received by the school  
 14 corporation for the student under IC 20-43-7.

15 Upon request of a facility, the department shall verify the amounts  
 16 described in this subsection for a student admitted to the facility.

17 (f) A school corporation responsible for making a per diem payment  
 18 under this section shall pay the facility not later than sixty (60) days  
 19 after receiving an invoice from the facility. The school corporation and  
 20 the facility are entitled to the same remedies for disagreements over  
 21 amounts or nonpayment of an amount due as are provided under the  
 22 laws governing transfer tuition.

23 (g) For each student admitted to a facility, the facility shall provide  
 24 the following in accordance with rules adopted by the state board:

25 (1) An educational opportunity, including special education and  
 26 related services, that is comparable to that of a student attending  
 27 a school in the school corporation.

28 (2) A level of educational services from the facility that is  
 29 comparable to that of a student attending a school in the school  
 30 corporation.

31 (3) Unless otherwise provided in a student's individualized  
 32 education program (as defined in IC 20-18-2-9), educational  
 33 services that include at least the following:

34 (A) An instructional day that meets the requirements of  
 35 IC 20-30-2-2.

36 (B) A school year with at least one hundred eighty (180)  
 37 student instructional days as provided under IC 20-30-2-3.

38 (C) Educationally appropriate textbooks and other materials.

39 (D) Educational services provided by licensed teachers.

40 (h) The state board shall adopt a rule **under IC 4-22-2** that  
 41 addresses the responsibilities of the school corporation and the facility  
 42 with regard to a student with an individualized education program.



1 (i) This section does not limit a student's right to attend a school as  
2 provided in ~~IC 20-26-11-8~~. **section 8 of this chapter.**

3 (j) The state board shall adopt rules under IC 4-22-2 as necessary to  
4 implement this section.

5 ~~(k) The state board may adopt emergency rules in the manner  
6 provided in IC 4-22-2-37.1 to implement this section.~~

7 SECTION 119. IC 20-26-12-1, AS AMENDED BY P.L.201-2023,  
8 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in  
10 subsection (b) but notwithstanding any other law, each governing body  
11 of a school corporation and each organizer of a charter school shall  
12 purchase from a publisher, either individually or through a purchasing  
13 cooperative of school corporations, as applicable, the curricular  
14 materials selected by the proper local officials, and shall provide at no  
15 cost the curricular materials to each student enrolled in the school  
16 corporation or charter school. Curricular materials provided to a  
17 student under this section remain the property of the governing body of  
18 the school corporation or organizer of the charter school.

19 (b) This section does not prohibit a governing body of a school  
20 corporation or an organizer of a charter school from assessing and  
21 collecting a reasonable fee for lost or significantly damaged curricular  
22 materials in accordance with rules established by the state board under  
23 subsection (c). Fees collected under this subsection must be deposited  
24 in the separate curricular materials account established under  
25 IC 20-40-22-9 for the school in which the student was enrolled at the  
26 time the fee was imposed.

27 (c) The state board shall adopt rules under IC 4-22-2 ~~including~~  
28 ~~emergency rules in the manner provided in IC 4-22-2-37.1;~~ to  
29 implement this section.

30 SECTION 120. IC 20-28-2-6, AS AMENDED BY P.L.20-2017,  
31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2024]: Sec. 6. (a) Subject to subsection (c) and in addition to  
33 the powers and duties set forth in this article, the state board may adopt  
34 rules under IC 4-22-2 to do the following:

- 35 (1) Set standards for teacher licensing and for the administration  
36 of a professional licensing and certification process by the  
37 department.
- 38 (2) Approve or disapprove teacher preparation programs.
- 39 (3) Set fees to be charged in connection with teacher licensing.
- 40 (4) Suspend, revoke, or reinstate teacher licenses.
- 41 (5) Enter into agreements with other states to acquire reciprocal  
42 approval of teacher preparation programs.





- 1 (6) Set standards for teacher licensing concerning new subjects of  
2 study.
- 3 (7) Evaluate work experience and military service concerning  
4 postsecondary education and experience equivalency.
- 5 (8) Perform any other action that:  
6 (A) relates to the improvement of instruction in the public  
7 schools through teacher education and professional  
8 development through continuing education; and  
9 (B) attracts qualified candidates for teacher education from  
10 among the high school graduates of Indiana.
- 11 (9) Set standards for endorsement of school psychologists as  
12 independent practice school psychologists under IC 20-28-12.
- 13 (10) Before July 1, 2011, set standards for sign language  
14 interpreters who provide services to children with disabilities in  
15 an educational setting and an enforcement mechanism for the  
16 interpreter standards.
- 17 (b) Notwithstanding subsection (a)(1), an individual is entitled to  
18 one (1) year of occupational experience for purposes of obtaining an  
19 occupational specialist certificate under this article for each year the  
20 individual holds a license under IC 25-8-6.
- 21 (c) The state board shall adopt rules under IC 4-22-2 ~~including~~  
22 ~~emergency rules under IC 4-22-2-37.1~~, to establish procedures to  
23 expedite the issuance, renewal, or reinstatement under this article of a  
24 license or certificate of a person whose spouse serves on active duty (as  
25 defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
- 26 SECTION 121. IC 20-29-6-6.1, AS AMENDED BY P.L.228-2017,  
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2024]: Sec. 6.1. (a) After ratification of a contract under  
29 section 6 of this chapter, a school employer shall submit the ratified  
30 collective bargaining agreement, including the compensation model  
31 developed under IC 20-28-9-1.5, to the board.
- 32 (b) The board shall appoint a staff member or an ad hoc panel  
33 member to review each submitted collective bargaining agreement and  
34 to make a written recommendation concerning the collective  
35 bargaining agreement's compliance with this chapter, including a  
36 penalty for any noncompliance. The review must be completed before  
37 May 31 of the year in which the current collective bargaining  
38 agreement expires.
- 39 (c) Not later than fifteen (15) days after a recommendation has been  
40 made under subsection (b), one (1) or both parties to a collective  
41 bargaining agreement may appeal to the board, in writing, the decision  
42 made in the recommendation. If the board does not receive an appeal



1 not later than fifteen (15) days after issuing a recommendation, the  
2 recommendation becomes the final order of the board.

3 (d) If the board receives a timely appeal, the board may make a  
4 decision on the recommendation with or without oral argument. The  
5 board may request that the parties submit briefs. The board must issue  
6 a ruling on the appeal not later than thirty (30) days after the last of the  
7 following occurs:

8 (1) The appeal is received.

9 (2) Briefs are received.

10 (3) Oral arguments are held.

11 (e) IC 4-21.5 does not apply to a review under subsection (b) or (d).

12 (f) If, following the review of a collective bargaining agreement, the  
13 board finds the collective bargaining agreement does not comply with  
14 this chapter, the board shall issue an order that may include one (1) or  
15 more of the following items:

16 (1) Ordering the parties to cease and desist from all identified  
17 areas of noncompliance.

18 (2) Preventing the parties from ratifying any subsequent collective  
19 bargaining agreements until the parties receive written approval  
20 from the board or the board's agent.

21 (3) Requiring other action as deemed appropriate by the board as  
22 authorized by state law.

23 (g) The board may send the board's compliance findings to other  
24 state agencies as necessary.

25 (h) After a school employer has submitted a collective bargaining  
26 agreement under subsection (a), the school employer and an exclusive  
27 representative may not enter into a new collective bargaining  
28 agreement containing the noncompliant provision until the school  
29 employer has received either:

30 (1) the board's order regarding the compliance of the submitted  
31 collective bargaining agreement with this chapter; or

32 (2) other written approval from the board or an agent of the board.

33 (i) If any provision of the collective bargaining agreement is found  
34 not to be compliant with this chapter, the provision that is found to be  
35 noncompliant with this chapter shall not affect other provisions of the  
36 collective bargaining agreement that can be given effect without the  
37 noncompliant provision, and to this end the provisions of collective  
38 bargaining agreement are severable.

39 (j) The board

40 ~~(1)~~ shall adopt rules under IC 4-22 and

41 ~~(2)~~ may adopt emergency rules in the manner provided under

42 ~~IC 4-22-2-37.1;~~



1 as necessary to implement this section.

2 ~~(k)~~ An emergency rule adopted by the board under subsection ~~(j)~~  
3 expires on the earliest of the following dates:

4 ~~(1)~~ The expiration date stated in the emergency rule.

5 ~~(2)~~ The date the emergency rule is amended or repealed by a later  
6 rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or  
7 IC 4-22-2-37.1.

8 ~~(3)~~ One ~~(1)~~ year after the date the emergency rule is adopted.

9 ~~(j)~~ ~~(k)~~ This subsection applies only to a school corporation that has  
10 a compensation plan developed under IC 20-28-9-1.5 but does not have  
11 a ratified collective bargaining agreement. A school corporation shall,  
12 not later than October 1 of the year in which the compensation plan  
13 becomes effective, submit the school corporation's compensation plan  
14 to the board.

15 ~~(m)~~ ~~(l)~~ If a school corporation fails to timely file a compensation  
16 plan as required under subsection ~~(j)~~; ~~(k)~~, the school corporation's  
17 compensation plan is considered not in compliance with IC 20-28-9-1.5  
18 and this section unless a compliance officer of the board finds good  
19 cause shown for the delay.

20 SECTION 122. IC 20-30-16-13, AS ADDED BY P.L.80-2017,  
21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2024]: Sec. 13. The state board may adopt rules under  
23 IC 4-22-2 including emergency rules in the manner provided under  
24 ~~IC 4-22-2-37.1~~, to administer this chapter.

25 SECTION 123. IC 20-31-4.1-10, AS AMENDED BY P.L.168-2022,  
26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2024]: Sec. 10. The state board shall adopt rules under  
28 IC 4-22-2 and may adopt emergency rules under ~~IC 4-22-2-37.1~~;  
29 necessary to implement this chapter.

30 SECTION 124. IC 20-31-8-5.4, AS ADDED BY P.L.2-2014,  
31 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2024]: Sec. 5.4. (a) Not later than November 15, 2013, the  
33 state board shall establish new categories or designations of school  
34 performance under the requirements of this chapter to replace 511  
35 IAC 6.2-6. The new standards of assessing school performance:

36 (1) must be based on a measurement of individual student  
37 academic performance and growth to proficiency; and

38 (2) may not be based on a measurement of student performance  
39 or growth compared with peers.

40 511 IAC 6.2-6 is void on the effective date of the ~~emergency or final~~  
41 rules adopted under this section.

42 (b) After July 1, 2013, the state board



1           (†) shall adopt rules under IC 4-22-2 and  
2           (2) may adopt emergency rules in the manner provided in  
3           IC 4-22-2-37.1;  
4           to implement this chapter.  
5           (c) An emergency rule adopted under subsection (b) expires on the  
6           earlier of:  
7           (1) November 15, 2014; or  
8           (2) the effective date of a rule that establishes categories or  
9           designations of school improvement described in this section and  
10          supersedes the emergency rule.  
11          (†) (c) Before beginning the rulemaking process to establish new  
12          categories or designations of school improvement, the state board shall  
13          report to the general assembly the proposed new categories or  
14          designations in an electronic format under IC 5-14-6.  
15          SECTION 125.IC 20-43-10-3.5, AS AMENDED BY P.L.201-2023,  
16          SECTION 210, IS AMENDED TO READ AS FOLLOWS  
17          [EFFECTIVE JULY 1, 2024]: Sec. 3.5. (a) As used in this section,  
18          "school" means a school corporation, charter school, and a virtual  
19          charter school.  
20          (b) Subject to the requirements of this section, a school qualifies for  
21          a teacher appreciation grant as provided in this section for a state fiscal  
22          year if one (1) or more licensed teachers:  
23                  (1) employed in the classroom by the school; or  
24                  (2) directly providing virtual education;  
25          were rated as effective or as highly effective, using the most recently  
26          completed teacher ratings.  
27          (c) A school may not receive a teacher appreciation grant under this  
28          section unless:  
29                  (1) the school has in the state fiscal year in which the teacher  
30                  appreciation grants are made under this section:  
31                          (A) adopted an annual policy concerning the distribution of  
32                          teacher appreciation grants; and  
33                          (B) submitted the policy to the department for approval; and  
34                  (2) the department has approved the policy.  
35          The department shall specify the date by which a policy described in  
36          subdivision (1) must be submitted to the department.  
37          (d) The amount of a teacher appreciation grant for a qualifying  
38          school corporation or virtual charter school is equal to:  
39                  (1) thirty-seven dollars and fifty-cents (\$37.50); multiplied by  
40                  (2) the school's current ADM.  
41          However, the grant amount for a virtual charter school may not exceed  
42          the statewide average grant amount.



1 (e) The following apply to the distribution of teacher appreciation  
2 grants:

3 (1) If the total amount to be distributed as teacher appreciation  
4 grants for a particular state fiscal year exceeds the amount  
5 appropriated by the general assembly for teacher appreciation  
6 grants for that state fiscal year, the total amount to be distributed  
7 as teacher appreciation grants to schools shall be proportionately  
8 reduced so that the total reduction equals the amount of the  
9 excess. The amount of the reduction for a particular school is  
10 equal to the total amount of the excess multiplied by a fraction.  
11 The numerator of the fraction is the amount of the teacher  
12 appreciation grant that the school would have received if a  
13 reduction were not made under this section. The denominator of  
14 the fraction is the total amount that would be distributed as  
15 teacher appreciation grants to all schools if a reduction were not  
16 made under this section.

17 (2) If the total amount to be distributed as teacher appreciation  
18 grants for a particular state fiscal year is less than the amount  
19 appropriated by the general assembly for teacher appreciation  
20 grants for that state fiscal year, the total amount to be distributed  
21 as teacher appreciation grants to schools for that particular state  
22 fiscal year shall be proportionately increased so that the total  
23 amount to be distributed equals the amount of the appropriation  
24 for that particular state fiscal year.

25 (f) The annual teacher appreciation grant to which a school is  
26 entitled for a state fiscal year shall be distributed to the school before  
27 December 5 of that state fiscal year.

28 (g) The following apply to a school's policy under subsection (c)  
29 concerning the distribution of teacher appreciation grants:

30 (1) The governing body shall differentiate between a teacher rated  
31 as a highly effective teacher and a teacher rated as an effective  
32 teacher. The policy must provide that the amount of a stipend  
33 awarded to a teacher rated as a highly effective teacher must be  
34 at least twenty-five percent (25%) more than the amount of a  
35 stipend awarded to a teacher rated as an effective teacher.

36 (2) The governing body of a school may differentiate between  
37 school buildings.

38 (3) A stipend to an individual teacher in a particular year is not  
39 subject to collective bargaining and is in addition to the minimum  
40 salary or increases in salary set under IC 20-28-9-1.5. The  
41 governing body may provide that an amount not exceeding fifty  
42 percent (50%) of the amount of a stipend to an individual teacher



1 in a particular state fiscal year becomes a permanent part of and  
2 increases the base salary of the teacher receiving the stipend for  
3 school years beginning after the state fiscal year in which the  
4 stipend is received. The addition to base salary is not subject to  
5 collective bargaining.

6 (h) A teacher appreciation grant received by a school shall be  
7 allocated among and used only to pay cash stipends to all licensed  
8 teachers employed in the classroom who are rated as effective or as  
9 highly effective and employed by the school as of December 1. A  
10 school may allocate up to twenty percent (20%) of the grant received  
11 by the school to provide a supplemental award to teachers with less  
12 than five (5) years of service who are rated as effective or as highly  
13 effective. A school may allocate up to ten percent (10%) of the grant  
14 received by the school to provide a supplemental award to teachers  
15 who serve as mentors to teachers who have less than two (2) years of  
16 service. The supplemental awards are in addition to the award made  
17 from the part of the grant that is allocated to all eligible teachers.

18 (i) The lead school corporation or interlocal cooperative  
19 administering a cooperative or other special education program or  
20 administering a career and technical education program, including  
21 programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or  
22 IC 36-1-7, shall award teacher appreciation grant stipends to and carry  
23 out the other responsibilities of an employing school corporation under  
24 this section for the teachers in the special education program or career  
25 and technical education program.

26 (j) A school shall distribute all stipends from a teacher appreciation  
27 grant to individual teachers within twenty (20) business days of the  
28 date the department distributes the teacher appreciation grant to the  
29 school. Any part of the teacher appreciation grant not distributed as  
30 stipends to teachers before February must be returned to the  
31 department on the earlier of the date set by the department or June 30  
32 of that state fiscal year.

33 (k) The department, after review by the budget committee, may  
34 waive the December 5 deadline under subsection (f) to distribute an  
35 annual teacher appreciation grant to the school under this section for  
36 that state fiscal year and approve an extension of that deadline to a later  
37 date within that state fiscal year, if the department determines that a  
38 waiver and extension of the deadline are in the public interest.

39 (l) The state board may adopt rules under IC 4-22-2 ~~including~~  
40 ~~emergency rules in the manner provided in IC 4-22-2-37.1,~~ as  
41 necessary to implement this section.

42 (m) This section expires June 30, 2025.



1 SECTION 126. IC 20-49-10-13, AS ADDED BY P.L.211-2018(ss),  
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 13. (a) The state board, in consultation with the  
 4 secured school safety board, may adopt  
 5 (1) rules under IC 4-22-2 or  
 6 (2) emergency rules under IC 4-22-2-37.1;  
 7 necessary to implement this chapter.

8 (b) An emergency rule adopted by the state board under this section  
 9 expires on the earlier of the following dates:  
 10 (1) The expiration date stated in the emergency rule:  
 11 (2) The date the emergency rule is amended or repealed by a later  
 12 rule adopted under IC 4-22-2.

13 SECTION 127. IC 20-51-4-4.6, AS AMENDED BY P.L.106-2016,  
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2024]: Sec. 4.6. (a) The state board shall adopt rules under  
 16 IC 4-22-2 including emergency rules adopted in the manner provided  
 17 under IC 4-22-2-37.1, for the provision of special education or related  
 18 services to an eligible choice scholarship student who receives an  
 19 amount under section 4(a)(2) of this chapter. The rules adopted under  
 20 this section shall include annual reporting requirements, monitoring,  
 21 and consequences for noncompliance by an eligible school.

22 (b) An emergency rule adopted by the state board under this section  
 23 expires on the earliest of the following dates:  
 24 (1) The expiration date stated in the emergency rule:  
 25 (2) The date the emergency rule is amended or repealed by a later  
 26 rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under  
 27 IC 4-22-2-37.1.  
 28 (3) One (1) year after the date the emergency rule is adopted.

29 SECTION 128. IC 20-51-4-7, AS AMENDED BY P.L.108-2019,  
 30 SECTION 235, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) The department shall  
 32 administer this chapter.

33 (b) The department shall approve an application for an eligible  
 34 school within fifteen (15) days after the date the school requests to  
 35 participate in the choice scholarship program.

36 (c) The department shall approve an application for a choice  
 37 scholarship student within fifteen (15) days after the date the student  
 38 requests to participate in the choice scholarship program.

39 (d) Each year, at a minimum, the department shall accept  
 40 applications from March 1 through September 1 for eligible schools for  
 41 the upcoming school year.

42 (e) Each year, the department shall accept applications for choice



1 scholarship students from:  
 2 (1) March 1 through September 1 for the upcoming school year;  
 3 and  
 4 (2) November 1 through January 15 for the spring semester of the  
 5 current school year.  
 6 (f) This chapter may not be construed in a manner that would  
 7 impose additional requirements for approving an application for an  
 8 eligible school placed in a "null" or "no letter grade" category  
 9 established under IC 20-31-8-3(b).  
 10 (g) The department shall adopt rules under IC 4-22-2 to implement  
 11 this chapter.  
 12 ~~(h) The department may adopt emergency rules under~~  
 13 ~~IC 4-22-2-37.1 to implement this chapter.~~  
 14 SECTION 129. IC 20-52-6-1, AS ADDED BY P.L.168-2022,  
 15 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2024]: Sec. 1. The state board may adopt rules under  
 17 IC 4-22-2 including emergency rules in the manner provided under  
 18 ~~IC 4-22-2-37.1~~, necessary to administer this article.  
 19 SECTION 130. IC 21-9-4-7, AS AMENDED BY P.L.2-2007,  
 20 SECTION 248, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2024]: Sec. 7. In addition to any power granted  
 22 by this article, the board has all powers necessary or convenient to  
 23 carry out and effectuate the purposes and objectives of this article, the  
 24 purposes and objectives of the education savings programs, and the  
 25 powers delegated by law or executive order, including the following  
 26 powers:  
 27 (1) To develop and implement the education savings programs  
 28 and, notwithstanding any provision in this article to the contrary,  
 29 other services consistent with the purposes and objectives of this  
 30 article, through:  
 31 (A) rules ~~or emergency rules~~ adopted under IC 4-22-2; or  
 32 (B) rules, guidelines, procedures, or policies established by the  
 33 board and approved by the commission for higher education.  
 34 (2) To conform the education savings programs and,  
 35 notwithstanding any provision in this article to the contrary,  
 36 services consistent with the purposes and objectives of this  
 37 article, to the requirements of a qualified state tuition program set  
 38 forth in Section 529 of the Internal Revenue Code and all  
 39 applicable federal regulations, through:  
 40 (A) rules ~~or emergency rules~~ adopted under IC 4-22-2; or  
 41 (B) guidelines, procedures, or policies established by the  
 42 board.





- 1 (3) To retain professional services, including the following:  
 2 (A) Financial advisers and managers.  
 3 (B) Custodians and other fiduciaries.  
 4 (C) Investment advisers and managers.  
 5 (D) Accountants and auditors.  
 6 (E) Consultants or other experts.  
 7 (F) Actuarial services providers.  
 8 (G) Attorneys.
- 9 (4) To establish minimum account deposit amounts (both initial  
 10 and periodic).
- 11 (5) To employ persons, if the board chooses, and as may be  
 12 necessary, and to fix the terms of their employment.
- 13 (6) To recommend legislation to the governor and general  
 14 assembly.
- 15 (7) To apply for designation as a tax exempt entity under the  
 16 Internal Revenue Code.
- 17 (8) To adopt such rules, bylaws, procedures, guidelines, and  
 18 policies as are necessary to carry out the education savings  
 19 programs and services and the authority's management and  
 20 operations.
- 21 (9) To sue and be sued.
- 22 (10) To provide or facilitate provision of benefits and incentives  
 23 for the benefit of qualified beneficiaries, account owners,  
 24 contributors, or account beneficiaries as the board's resources  
 25 allow or as are directed or provided for by the general assembly.
- 26 (11) To conform the education savings programs to federal tax  
 27 advantages or incentives, as in existence periodically, to the  
 28 extent consistent with the purposes and objectives of this article.
- 29 (12) To interpret, in rules, policies, guidelines, and procedures,  
 30 the provisions of this article broadly in light of the purposes and  
 31 objectives of this article.
- 32 (13) To charge, impose, and collect administrative fees and  
 33 service charges in connection with any agreement, contract, or  
 34 transaction under an education savings program or services.
- 35 (14) To have perpetual succession.
- 36 SECTION 131. IC 21-9-7-8 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Contributions to  
 38 an account may not exceed the amount necessary to provide for the  
 39 qualified higher education expenses of the account beneficiary.
- 40 (b) The authority shall adopt rules ~~or emergency rules~~ under  
 41 IC 4-22-2 to determine the maximum account balance applicable to all  
 42 accounts of account beneficiaries with the same expected year of



1 enrollment.

2 SECTION 132. IC 21-9-7-9 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. The authority may  
4 adopt rules ~~or emergency rules~~ under IC 4-22-2 to establish a penalty  
5 for a distribution that is not used exclusively for the qualified higher  
6 education expenses of an account beneficiary. However, the authority  
7 may not establish a penalty for distributions described in  
8 ~~IC 21-9-7-1(1)~~: **section 1(1) of this chapter.**

9 SECTION 133. IC 22-2-18.1-27, AS ADDED BY P.L.147-2020,  
10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2024]: Sec. 27. (a) The department shall adopt rules under  
12 IC 4-22-2 ~~including emergency rules adopted in the manner provided~~  
13 ~~under IC 4-22-2-37.1~~, to:

14 (1) develop a schedule for the submission of the registration under  
15 section 26 of this chapter; and  
16 (2) implement this chapter.

17 (b) The department may establish recommendations for rest breaks.

18 SECTION 134. IC 22-4-13.3-7, AS ADDED BY P.L.183-2015,  
19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2024]: Sec. 7. (a) An employer that complies with a notice  
21 described in section 3 of this chapter that is regular on its face is not  
22 liable in any civil action for any conduct taken in compliance with the  
23 notice.

24 (b) An employer that complies with a notice described in section 3  
25 of this chapter is discharged from liability to an employee for the part  
26 of the employee's income that was withheld in compliance with the  
27 notice.

28 (c) If a court issues an order to stay a withholding of income, the  
29 department is not liable in any civil action to an individual who is the  
30 subject of the income withholding for amounts withheld from the  
31 individual's income before the stay becomes effective.

32 (d) Administrative income withholdings issued under this chapter  
33 are subject to the limitations set forth in IC 24-4.5-5-105. A  
34 withholding under this chapter is not an assignment of wages under  
35 IC 22-2-6.

36 (e) The department may adopt rules under IC 4-22-2 ~~including~~  
37 ~~emergency rules in the manner provided under IC 4-22-2-37.1~~, to carry  
38 out the department's responsibilities under this chapter.

39 SECTION 135. IC 22-4-14-3, AS AMENDED BY P.L.119-2020,  
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2024]: Sec. 3. (a) An individual who is receiving benefits as  
42 determined under IC 22-4-15-1(c)(8) may restrict the individual's



1 availability because of the individual's need to address the physical,  
2 psychological, or legal effects of being a victim of domestic or family  
3 violence (as defined in IC 31-9-2-42).

4 (b) An unemployed individual shall be eligible to receive benefits  
5 with respect to any week only if the individual:

- 6 (1) is physically and mentally able to work;  
7 (2) is available for work;  
8 (3) is found by the department to be making an effort to secure  
9 full-time work; and  
10 (4) participates in reemployment services and reemployment and  
11 eligibility assessment activities as required by section 3.2 of this  
12 chapter or when directed by the department as provided under  
13 section 3.5 of this chapter, unless the department determines that:

14 (A) the individual has completed the reemployment services;  
15 or

16 (B) failure by the individual to participate in or complete the  
17 reemployment services is excused by the director under  
18 IC 22-4-14-2(b).

19 (c) For the purpose of this article, unavailability for work of an  
20 individual exists in, but is not limited to, any case in which, with  
21 respect to any week, it is found:

- 22 (1) that such individual is engaged by any unit, agency, or  
23 instrumentality of the United States, in charge of public works or  
24 assistance through public employment, or any unit, agency, or  
25 instrumentality of this state, or any political subdivision thereof,  
26 in charge of any public works or assistance through public  
27 employment;  
28 (2) that such individual is in full-time active military service of  
29 the United States, or is enrolled in civilian service as a  
30 conscientious objector to military service;  
31 (3) that such individual is suspended for misconduct in  
32 connection with the individual's work; or  
33 (4) that such individual is in attendance at a regularly established  
34 public or private school during the customary hours of the  
35 individual's occupation or is in any vacation period intervening  
36 between regular school terms during which the individual is a  
37 student. However, this subdivision does not apply to any  
38 individual who is attending a regularly established school, has  
39 been regularly employed and upon becoming unemployed makes  
40 an effort to secure full-time work and is available for suitable  
41 full-time work with the individual's last employer, or is available  
42 for any other full-time employment deemed suitable.



1 (d) Notwithstanding any other provisions in this section or  
 2 IC 22-4-15-2, no otherwise eligible individual shall be denied benefits  
 3 for any week because the individual is in training with the approval of  
 4 the department, nor shall such individual be denied benefits with  
 5 respect to any week in which the individual is in training with the  
 6 approval of the department by reason of the application of the  
 7 provisions of this section with respect to the availability for work or  
 8 active search for work or by reason of the application of the provisions  
 9 of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept,  
 10 suitable work. The department shall by rule prescribe the conditions  
 11 under which approval of such training will be granted.

12 (e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an  
 13 otherwise eligible individual shall not be denied benefits for any week  
 14 or determined not able, available, and actively seeking work, because  
 15 the individual is responding to a summons for jury service. The  
 16 individual shall:

17 (1) obtain from the court proof of the individual's jury service;  
 18 and

19 (2) provide to the department, in the manner the department  
 20 prescribes by rule, proof of the individual's jury service.

21 (f) If an otherwise eligible individual is unable to work or  
 22 unavailable for work on any normal work day of the week, the  
 23 individual shall be eligible to receive benefits with respect to such  
 24 week reduced by one-third (1/3) of the individual's weekly benefit  
 25 amount for each day of such inability to work or unavailability for  
 26 work.

27 (g) An individual has made an effort to secure full-time work with  
 28 respect to any week in which the individual has:

29 (1) completed activities directed by the department under sections  
 30 3.2 and 3.5 of this chapter;

31 (2) completed any work search activities as directed by the  
 32 department under rules adopted by the department under  
 33 subsection (h); and

34 (3) affirmed the individual has made an effort to secure full-time  
 35 work.

36 (h) Not later than December 31, 2021, the department shall adopt  
 37 rules under IC 4-22-2 ~~including emergency rules adopted in the same~~  
 38 ~~manner provided under IC 4-22-2-37.1~~, to define:

39 (1) the acceptable types of work search activities;

40 (2) the number of work search activities required to be completed  
 41 in any week;

42 (3) the requirements for producing documentation; and



1 (4) the requirement to apply to, and accept if offered, suitable jobs  
 2 referred by the department.

3 (i) The rules adopted by the department under subsection (h) shall:  
 4 (1) take into consideration whether an individual has a reasonable  
 5 assurance of reemployment and, if so, the length of the  
 6 prospective period of unemployment; and  
 7 (2) be consistent with the guidance provided by the United States  
 8 Department of Labor in Training and Employment Notice No.  
 9 17-19, dated February 10, 2020.

10 SECTION 136. IC 22-4.1-21-10, AS AMENDED BY P.L.178-2016,  
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 10. (a) The office for career and technical schools  
 13 is established to carry out the responsibilities of the department under  
 14 this chapter.

15 (b) The department may employ and fix compensation for necessary  
 16 administrative staff.

17 (c) The department may adopt reasonable rules under IC 4-22-2  
 18 ~~including emergency rules in the manner provided under~~  
 19 ~~IC 4-22-2-37.1;~~ to implement this chapter.

20 SECTION 137. IC 22-6-6-11, AS ADDED BY P.L.2-2012,  
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2024]: Sec. 11. An individual who is employed by an  
 23 employer may file a complaint that alleges a violation or threatened  
 24 violation of this chapter with the attorney general, the department of  
 25 labor, or the prosecuting attorney of the county in which the individual  
 26 is employed. Upon receiving a complaint under this section, the  
 27 attorney general, department of labor, or prosecuting attorney may:  
 28 (1) investigate the complaint; and  
 29 (2) enforce compliance if a violation of this chapter is found.

30 In addition to any other remedy available under this chapter, if the  
 31 department of labor determines that a violation or a threatened  
 32 violation of this chapter has occurred, the department of labor may  
 33 issue an administrative order providing for any of the civil remedies  
 34 described in section 12 of this chapter. The department of labor may  
 35 adopt rules under IC 4-22-2 ~~including emergency rules under~~  
 36 ~~IC 4-22-2-37.1;~~ to carry out its responsibilities under this chapter.

37 SECTION 138. IC 22-8-1.1-16.1, AS AMENDED BY  
 38 P.L.123-2006, SECTION 34, IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16.1. ~~(a)~~ The  
 40 commission may adopt emergency temporary standards under  
 41 ~~IC 4-22-2-37.1.~~ **IC 4-22-2.** The emergency temporary standard shall be  
 42 published in a newspaper of general circulation published in Marion



1 County, Indiana, at least ten (10) days before the filing with the  
 2 publisher of the Indiana Register. In the exercise of this power, the  
 3 commission shall first expressly determine:

- 4 (1) that employees are exposed to grave danger from exposure to  
 5 substances or agents determined to be toxic or physically harmful  
 6 or from new hazards; and
- 7 (2) that such emergency **temporary** standard is necessary to  
 8 protect employees from such danger.

9 (b) ~~Temporary emergency standards shall be effective only until a~~  
 10 ~~permanent standard is adopted under IC 4-22-2; or for six (6) months~~  
 11 ~~from the date of publication, whichever period is shorter. The~~  
 12 ~~publication of an emergency temporary standard shall begin a~~  
 13 ~~proceeding in accordance with section 15 of this chapter.~~

14 SECTION 139. IC 22-13-2-8, AS AMENDED BY P.L.156-2020,  
 15 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2024]: Sec. 8. (a) The commission shall adopt rules under  
 17 IC 4-22-2 to create equipment laws applicable to regulated lifting  
 18 devices.

19 (b) The commission shall adopt rules under IC 4-22-2 to create  
 20 equipment laws applicable to regulated boilers and pressure vessels.

21 (c) The commission may adopt **emergency** rules under  
 22 ~~IC 4-22-2-37.1~~ **only IC 4-22-2** to adopt by reference all or part of the  
 23 following national boiler and pressure vessel codes:

- 24 (1) The American Society of Mechanical Engineers Boiler and  
 25 Pressure Vessel Code.
- 26 (2) The National Board of Boiler and Pressure Vessel Inspectors  
 27 Inspection Code.
- 28 (3) The American Petroleum Institute 510 Pressure Vessel  
 29 Inspection Code.
- 30 (4) Any subsequent editions of the codes listed in subdivisions (1)  
 31 through (3).

32 (d) ~~An emergency rule adopted under subsection (c) expires on the~~  
 33 ~~earlier of the following dates:~~

- 34 (1) ~~Not more than two (2) years after the emergency rule is~~  
 35 ~~accepted for filing with the publisher of the Indiana Register.~~
- 36 (2) ~~The date a permanent rule is adopted under IC 4-22-2.~~

37 (e) (d) The commission shall adopt rules under IC 4-22-2 to create  
 38 equipment laws applicable to regulated amusement devices.

39 SECTION 140. IC 22-13-2-8.5, AS AMENDED BY P.L.218-2014,  
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2024]: Sec. 8.5. (a) The commission shall adopt rules under  
 42 IC 4-22-2 for outdoor event equipment at outdoor performances to



1 protect the safety of persons at the outdoor performances. The  
2 commission may:

3 (1) exempt small assemblies of outdoor event equipment, as  
4 defined by the commission, from some or all fees or other  
5 requirements that otherwise would apply to outdoor event  
6 equipment under a rule adopted under this section or another  
7 building law; or

8 (2) establish alternative procedures, fees, or other requirements,  
9 or any combination, for small assemblies of outdoor event  
10 equipment, as defined by the commission.

11 ~~(b) The commission may adopt temporary rules in the manner  
12 provided for the adoption of emergency rules under IC 4-22-2-37.1 to  
13 carry out subsection (a); including temporary rules concerning a  
14 schedule of fees for design releases or inspections; or both. A  
15 temporary rule adopted under this subsection expires on the earliest of  
16 the following:~~

17 ~~(1) The date specified in the temporary rule.~~

18 ~~(2) The date another temporary rule adopted under this subsection  
19 or a rule adopted under IC 4-22-2 supersedes or repeals the  
20 previously adopted temporary rule.~~

21 ~~(3) January 1, 2016.~~

22 ~~(c) (b) Subject to this section, a city, town, or county that regulated  
23 outdoor event equipment before March 15, 2012, under an ordinance  
24 adopted before March 15, 2012, may, if the ordinance is in effect on  
25 March 15, 2012, continue to regulate outdoor event equipment under  
26 the ordinance after March 14, 2012, in the same manner that the city,  
27 town, or county applied the ordinance before March 15, 2012.  
28 However, a statewide code of fire safety laws or building laws  
29 governing outdoor event equipment that is adopted by the commission  
30 under this section after March 14, 2012, takes precedence over any part  
31 of a city, town, or county ordinance that is in conflict with the  
32 commission's adopted code. The ordinances to which this section  
33 applies include Chapter 536 of the Revised Code of the Consolidated  
34 City and County Indianapolis/Marion, Indiana Codified through  
35 Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No. 27). A  
36 city, town, or county to which this subsection applies need not be  
37 certified or approved under IC 22-15-3-1 or another law to continue to  
38 regulate outdoor event equipment after March 14, 2012.~~

39 ~~(d) (c) This subsection applies to cities, towns, and counties  
40 described in subsection ~~(c) (b)~~ and any other city, town, or county that,  
41 after March 14, 2012, adopts an ordinance governing outdoor event  
42 equipment that is approved by the commission or the state building~~



1 commissioner. The city, town, or county shall require compliance with:  
 2 (1) the rules adopted under this section;  
 3 (2) orders issued under IC 22-13-2-11 that grant a variance to the  
 4 rules adopted under this section;  
 5 (3) orders issued under IC 22-12-7 that apply the rules adopted  
 6 under this section; and  
 7 (4) a written interpretation of the rules adopted under this section  
 8 binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;  
 9 on both private and public property located within the boundaries of  
 10 the city, town, or county, including, in the case of a consolidated city,  
 11 the state fairgrounds. This subsection does not limit the authority of a  
 12 unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce building  
 13 laws and orders and written interpretations related to building laws.  
 14 SECTION 141. IC 22-13-2-11, AS AMENDED BY P.L.249-2019,  
 15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2024]: Sec. 11. (a) The department or the commission may  
 17 grant a variance to any rule adopted by the commission. However, the  
 18 commission may grant a variance under this section only if the  
 19 department places the application for the variance on the commission's  
 20 agenda.  
 21 (b) To qualify for a variance, an applicant must pay the fee set under  
 22 IC 22-12-6-6 and file an application, on a form approved by the  
 23 department, that contains facts demonstrating that:  
 24 (1) compliance with the rule will impose an undue hardship upon  
 25 the applicant or prevent the preservation of an architecturally  
 26 significant or historically significant part of a building or other  
 27 structure; and  
 28 (2) either:  
 29 (A) noncompliance with the rule; or  
 30 (B) compliance with an alternative requirement approved by  
 31 the body considering the variance application;  
 32 will not be adverse to the public health, safety, or welfare.  
 33 (c) A variance granted under this section is conditioned upon  
 34 compliance with an alternative standard approved under subsection  
 35 (b)(2)(B).  
 36 (d) A variance granted under this section takes precedence over  
 37 conflicting rules adopted by a state agency and conflicting ordinances  
 38 and other regulations adopted by a political subdivision.  
 39 (e) Variances granted by the boiler and pressure vessel rules board  
 40 and the regulated amusement device safety board prior to July 1, 2019,  
 41 are valid and remain in full force and effect.  
 42 (f) The department shall make all variance applications available for





1 review on a public portal.

2 (g) Local fire and building officials shall receive notice of variance  
3 applications filed under this section within their respective  
4 jurisdictions.

5 (h) A local fire official, local building official, or other interested  
6 party may submit documentation regarding a variance application to  
7 the department or commission for review and consideration prior to an  
8 initial determination being made on the application by the department  
9 or the commission.

10 (i) The department or commission shall wait at least five (5)  
11 business days after a variance application is filed before making an  
12 initial determination on the application.

13 (j) The commission may adopt **emergency** rules under  
14 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this section. ~~An emergency rule~~  
15 ~~adopted under this subsection expires not later than July 1, 2021.~~

16 SECTION 142. IC 22-13-2-11.5, AS AMENDED BY P.L.249-2019,  
17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2024]: Sec. 11.5. (a) As used in this section, "NFPA 72" refers  
19 to NFPA 72, National Fire Alarm and Signaling Code, 2010 Edition,  
20 published by the National Fire Protection Association, 1 Batterymarch  
21 Park, Quincy, Massachusetts 02169-7471.

22 (b) It is the intent of the general assembly that NFPA 72, as may be  
23 amended by the commission under subsection (c), be incorporated into  
24 the Indiana Administrative Code. Not later than July 1, 2014, the  
25 commission shall adopt rules under IC 4-22-2 to amend 675  
26 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative  
27 Code, subject to subsection (c)(1) and (c)(2). ~~The commission may~~  
28 ~~adopt emergency rules in the manner provided under IC 4-22-2-37.1 to~~  
29 ~~comply with this subsection. An emergency rule adopted by the~~  
30 ~~commission under IC 4-22-2-37.1 to comply with this subsection~~  
31 ~~expires on the date a rule that supersedes the emergency rule is adopted~~  
32 ~~by the commission under IC 4-22-2-24 through IC 4-22-2-36.~~

33 (c) In adopting rules to incorporate NFPA 72 into the Indiana  
34 Administrative Code, as required by subsection (b), the commission  
35 may amend NFPA 72 as the commission considers appropriate.  
36 However, the rules finally adopted by the commission to comply with  
37 this section must do the following:

- 38 (1) Incorporate the definition of, and associated requirements for:  
39 (A) a managed facilities-based voice network (MFVN); and  
40 (B) a public switched telephone network (PSTN);  
41 as set forth in NFPA 72.  
42 (2) Allow digital alarm communicator systems that make use of



1 a managed facilities-based voice network (MFVN) to transmit  
 2 signals from a fire alarm system to an offsite monitoring facility,  
 3 subject to the requirements for those systems set forth in NFPA  
 4 72.

5 (d) If the commission does not comply with subsection (b), the  
 6 following apply on July 1, 2014:

7 (1) The definition of, and associated requirements for:  
 8 (A) a managed facilities-based voice network (MFVN); and  
 9 (B) a public switched telephone network (PSTN);  
 10 as set forth in NFPA 72, are considered incorporated into the  
 11 Indiana Administrative Code. Any provisions of 675 IAC 28-1-28  
 12 (or any rules adopted by a state agency, or any ordinances or other  
 13 regulations adopted by a political subdivision) that conflict with  
 14 the definitions and requirements described in this subdivision are  
 15 superseded by the definitions and requirements described in this  
 16 subdivision. This subdivision continues to apply until the  
 17 commission adopts rules that amend 675 IAC 28-1-28 to  
 18 incorporate NFPA 72 into the Indiana Administrative Code and  
 19 that comply with subsection (c)(1) and (c)(2).

20 (2) A person that after June 30, 2014, installs or uses a digital  
 21 alarm communicator system that:

22 (A) makes use of a managed facilities-based voice network  
 23 (MFVN) to transmit signals from a fire alarm system to an  
 24 offsite monitoring facility; and  
 25 (B) meets the requirements for such a system set forth in  
 26 NFPA 72;

27 is not required to obtain a variance under section 11 of this  
 28 chapter for the installation or use.

29 SECTION 143. IC 22-14-2-7, AS AMENDED BY P.L.249-2019,  
 30 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2024]: Sec. 7. (a) This section does not limit the powers,  
 32 rights, duties, and other responsibilities of municipal or county  
 33 governments or impose requirements affecting pension laws or any  
 34 other laws.

35 (b) This section does not require a member of a fire department to  
 36 be certified.

37 (c) The education board may:  
 38 (1) certify firefighting training and education programs that meet  
 39 the standards set by the education board;  
 40 (2) certify fire department instructors who meet the qualifications  
 41 set by the education board;  
 42 (3) direct research in the field of firefighting and fire prevention



1 and accept gifts and grants to direct this research;  
 2 (4) recommend curricula for advanced training courses and  
 3 seminars in fire science or fire engineering training to public and  
 4 private postsecondary educational institutions;  
 5 (5) certify fire service personnel and nonfire service personnel  
 6 who meet the qualifications set by the education board;  
 7 (6) require fire service personnel certified at any level to fulfill  
 8 continuing education requirements in order to maintain  
 9 certification; or  
 10 (7) contract or cooperate with any person and adopt rules under  
 11 IC 4-22-2, ~~including emergency rules in the manner provided~~  
 12 ~~under IC 4-22-2-37.1~~ and as authorized under IC 36-8-10.5-7, to  
 13 carry out its responsibilities under this section.

14 (d) The education board may impose a reasonable fee for the  
 15 issuance of a certification described in subsection (c). The board shall  
 16 deposit the fee in the fire and building services fund established by  
 17 IC 22-12-6-1.

18 SECTION 144. IC 22-14-8-10, AS ADDED BY P.L.217-2023,  
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2024]: Sec. 10. (a) The commission may adopt rules under  
 21 IC 4-22-2 to implement this chapter and to specify standards for the  
 22 installation and operation of utility scale battery energy storage systems  
 23 consistent with:

- 24 (1) this chapter; and  
 25 (2) NFPA 855.

26 (b) Rules adopted by the commission under subsection (a) must  
 27 include standards for:

- 28 (1) chemical spill prevention and control; and  
 29 (2) appropriate setbacks from surface water resources;

30 for the installation and expansion of utility scale battery energy storage  
 31 systems, as necessary to protect soil and surface water resources from  
 32 chemicals contained in or produced by utility scale battery energy  
 33 storage systems. In establishing the standards described in this  
 34 subsection, the commission shall consult with the department of  
 35 environmental management or the department of natural resources, as  
 36 appropriate.

37 (c) ~~In adopting rules under this section, the commission may adopt~~  
 38 ~~emergency rules in the manner provided by IC 4-22-2-37.1.~~

39 SECTION 145. IC 22-15-6-2, AS AMENDED BY P.L.187-2021,  
 40 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The department may conduct  
 42 a program of inspections of regulated boilers and pressure vessels.



- 1 (b) The department shall do the following:
- 2 (1) Issue a regulated boiler and pressure vessel operating permit
- 3 to an applicant who qualifies under this section.
- 4 (2) Perform an operating permit inspection of a boiler or pressure
- 5 vessel owned by the state.
- 6 (3) Conduct a program to audit boiler and pressure vessel
- 7 inspectors licensed under section 5 of this chapter.
- 8 (4) Conduct a program to audit inspections completed by a boiler
- 9 and pressure vessel inspector licensed under section 5 of this
- 10 chapter.
- 11 (c) Except as provided in subsection (e), an operating permit issued
- 12 under this section expires one (1) year after it is issued.
- 13 (d) To qualify for an operating permit or to renew an operating
- 14 permit under this section, an applicant must do the following:
- 15 (1) Apply for an operating permit on a form approved by the
- 16 department.
- 17 (2) Demonstrate through an inspection, performed by an inspector
- 18 licensed under section 5 of this chapter, that the regulated boiler
- 19 or pressure vessel covered by the application complies with the
- 20 rules adopted by the commission.
- 21 (3) Submit a report of the inspection conducted under subdivision
- 22 (2) to the department.
- 23 (4) Pay the fee set under IC 22-12-6-6(a)(8).
- 24 (e) The commission may, by rule adopted under IC 4-22-2, specify:
- 25 (1) a period between inspections of more than one (1) year; and
- 26 (2) an expiration date for an operating permit longer than one (1)
- 27 year from the date of issuance.
- 28 However, the commission may not set an inspection period of greater
- 29 than five (5) years or issue an operating permit valid for a period of
- 30 more than five (5) years for regulated pressure vessels or steam
- 31 generating equipment that is an integral part of a continuous processing
- 32 unit.
- 33 (f) For any inspection conducted by the department under this
- 34 section, the department may designate an inspector licensed under
- 35 section 5 of this chapter to act as the department's agent for purposes
- 36 of the inspection.
- 37 (g) The commission may adopt emergency rules in the manner
- 38 provided under ~~IC 4-22-2-37.~~ **IC 4-22-2** to implement this chapter.
- 39 ~~An emergency rule adopted under this subsection expires on the~~
- 40 ~~earliest of the following dates:~~
- 41 (1) ~~The expiration date stated in the emergency rule.~~
- 42 (2) ~~The date the emergency rule is amended or repealed by a later~~



1 rule adopted under ~~IC 4-22-2-22.5 through IC 4-22-2-36 or under~~  
 2 ~~IC 4-22-2-37.1.~~  
 3 ~~(3) July 1, 2021.~~  
 4 SECTION 146. IC 23-19-2-5, AS ADDED BY P.L.106-2014,  
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2024]: Sec. 5. The commissioner may adopt ~~emergency~~ rules  
 7 ~~in the manner provided under IC 4-22-2-37.1~~ **IC 4-22-2** to implement  
 8 this chapter.  
 9 SECTION 147. IC 24-4.4-1-101, AS AMENDED BY P.L.129-2020,  
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2024]: Sec. 101. (a) This article shall be known and may be  
 12 cited as the First Lien Mortgage Lending Act.  
 13 (b) Notwithstanding any other provision of this article or IC 24-4.5,  
 14 the department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1;~~  
 15 **IC 4-22-2**, to remain effective until codified in the Indiana Code, in  
 16 order to provide for a system of licensing creditors and mortgage loan  
 17 originators that meets the requirements of:  
 18 (1) the Secure and Fair Enforcement for Mortgage Licensing Act  
 19 of 2008 (H.R. 3221 Title V) and the interpretations of that Act  
 20 issued by the Secretary of Housing and Urban Development and  
 21 the Consumer Financial Protection Bureau; and  
 22 (2) the subsequent amendment of the Secure and Fair  
 23 Enforcement for Mortgage Licensing Act of 2008 by the  
 24 Economic Growth, Regulatory Relief, and Consumer Protection  
 25 Act (P.L. 115-174, 132 Stat. 1296).  
 26 SECTION 148. IC 24-4.4-3-105, AS AMENDED BY P.L.35-2010,  
 27 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2024]: Sec. 105. Except as otherwise provided, IC 4-21.5-3  
 29 governs any action taken by the department under this chapter or  
 30 IC 24-4.4-2-401 through IC 24-4.4-2-405. IC 4-22-2 applies to the  
 31 adoption of rules by the department under this article. All proceedings  
 32 for administrative review under IC 4-21.5-3 or judicial review under  
 33 IC 4-21.5-5 shall be held in Marion County. ~~However, if the~~  
 34 ~~department determines that an emergency exists, the department may~~  
 35 ~~adopt any rules authorized by this article under IC 4-22-2-37.1.~~  
 36 SECTION 149. IC 24-4.5-1-106, AS AMENDED BY P.L.85-2020,  
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 106. (1) The dollar amounts in this article  
 39 designated as subject to change shall change, as provided in this  
 40 section, according to the Consumer Price Index for Urban Wage  
 41 Earners and Clerical Workers: U.S. City Average, All Items, 1957-59  
 42 equals 100, compiled by Bureau of Labor Statistics, United States



1 Department of Labor, and referred to in this section as the Index. The  
2 Index for October, 1971, is the Reference Base Index.

3 (2) The dollar amounts shall change on January 1 of each  
4 odd-numbered year if the percentage of change, calculated to the  
5 nearest whole percentage point, between the Index at the end of the  
6 preceding odd-numbered year and the Reference Base Index is ten  
7 percent (10%) or more, except that:

8 (a) the portion of the percentage change in the Index in excess of  
9 a multiple of ten percent (10%) shall be disregarded and the  
10 dollar amounts shall change only in multiples of ten percent  
11 (10%) of the amounts on March 5, 1971;

12 (b) the dollar amounts shall not change if the amounts required by  
13 this section are those currently in effect pursuant to this article as  
14 a result of earlier application of the section; and

15 (c) in no event shall the dollar amounts be reduced below the  
16 amounts appearing in this article on March 5, 1971.

17 (3) If the Index is revised after December 1967, the percentage of  
18 change shall be calculated on the basis of the revised Index. If the  
19 revision of the Index changes the Reference Base Index, a revised  
20 Reference Base Index shall be determined by multiplying the  
21 Reference Base Index by the ratio of the revised Index to the current  
22 Index, as each was for the first month in which the revised Index is  
23 available. If the Index is superseded, the Index is the one represented  
24 by the Bureau of Labor Statistics as reflecting most accurately changes  
25 in the purchasing power of the dollar for consumers.

26 (4) The department shall issue ~~an emergency a~~ rule under  
27 ~~IC 4-22-2-37.1~~ **IC 4-22-2** announcing:

28 (a) sixty (60) days before January 1 of each odd-numbered year  
29 in which dollar amounts are to change, the changes in dollar  
30 amounts required by subsection (2); and

31 (b) promptly after the changes occur, changes in the Index  
32 required by subsection (3), including, when applicable, the  
33 numerical equivalent of the Reference Base Index under a revised  
34 Reference Base Index and the designation or title of any index  
35 superseding the Index.

36 ~~An emergency rule adopted under this subsection expires on the date~~  
37 ~~the department is next required to issue a rule under this subsection.~~

38 (5) A person does not violate this article through a transaction  
39 otherwise complying with this article if the person relies on dollar  
40 amounts either determined according to subsection (2) or appearing in  
41 the last rule of the department announcing the then current dollar  
42 amounts.



1 SECTION 150. IC 24-4.5-6-107, AS AMENDED BY P.L.137-2014,  
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 107. ~~(†)~~ Except as otherwise provided,  
 4 IC 4-21.5-3 governs all agency action taken by the department under  
 5 this chapter or IC 24-4.5-3-501 through IC 24-4.5-3-513. All  
 6 proceedings for administrative review under IC 4-21.5-3 or judicial  
 7 review under IC 4-21.5-5 shall be held in Marion County. The  
 8 provisions of IC 4-22-2 prescribing procedures for the adoption of rules  
 9 by agencies apply to the adoption of rules by the department of  
 10 financial institutions under this article. ~~However, if the department~~  
 11 ~~declares an emergency in the document containing the rule, the~~  
 12 ~~department may adopt rules permitted by this chapter under~~  
 13 ~~IC 4-22-2-37.1.~~

14 (2) A rule under subsection ~~(†)~~ adopted under ~~IC 4-22-2-37.1~~  
 15 ~~expires on the date the department next adopts a rule under the statute~~  
 16 ~~authorizing or requiring the rule.~~

17 SECTION 151. IC 24-5-26.5-13, AS ADDED BY P.L.176-2021,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2024]: Sec. 13. The attorney general may adopt rules under  
 20 IC 4-22-2 ~~including emergency rules in the manner provided under~~  
 21 ~~IC 4-22-2-37.1~~; to carry out this chapter. ~~An emergency rule adopted~~  
 22 ~~by the attorney general under this section expires on the earlier of the~~  
 23 ~~following dates:~~

24 (1) ~~The expiration date in the emergency rule.~~

25 (2) ~~The date the emergency rule is amended or repealed by a later~~  
 26 ~~rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under~~  
 27 ~~IC 4-22-2-37.1.~~

28 SECTION 152. IC 24-6-3-16 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) The state  
 30 department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~  
 31 **IC 4-22-2** to establish standards for weights and measures to be used  
 32 by the state department. A standard adopted under this section must be  
 33 the same as or at least as effective as the standards adopted by the  
 34 National Conference on Weights and Measures, including amendments  
 35 to those standards in effect on June 30, 1993, and found in:

36 (1) Handbook 44: Specification, Tolerances, and Other Technical  
 37 Requirements for Weighing and Measuring Devices;

38 (2) Handbook 130: Chapter A, Uniform Packaging and Labeling  
 39 Regulation;

40 (3) Handbook 130: Chapter B, Uniform Regulation for the  
 41 Method of Sale of Commodities, except for Section 2.20; and

42 (4) Handbook 133: Checking the Net Contents of Packaged



1 Goods;  
2 all published by the National Institute of Standards and Technology.  
3 (b) The state department may determine when an amendment to  
4 federal standards described in subsection (a) has been adopted. If the  
5 state department determines that an amendment to the federal standards  
6 has been adopted, the state department may adopt ~~emergency~~ rules  
7 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to amend the rules adopted by the state  
8 department under subsection (a). ~~An emergency A~~ rule adopted under  
9 this subsection must provide a standard that is:  
10 (1) the same as; or  
11 (2) at least as effective as;  
12 the amendment to the federal standards for weights and measures. ~~An~~  
13 ~~emergency A~~ rule adopted under this subsection must take effect not  
14 later than sixty (60) days after the date of publication of the amendment  
15 to the federal standards.  
16 SECTION 153. IC 24-7-7-1, AS AMENDED BY P.L.29-2022,  
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2024]: Sec. 1. (a) The department shall enforce this article. To  
19 carry out this responsibility, the department may do the following:  
20 (1) Receive and act on complaints, take action designed to obtain  
21 voluntary compliance with this article, or commence proceedings  
22 on the department's own initiative.  
23 (2) Issue and enforce administrative orders under IC 4-21.5.  
24 (3) Counsel persons and groups on their rights and duties under  
25 this article.  
26 (4) Establish programs for the education of consumers with  
27 respect to rental purchase agreement practices and problems.  
28 (5) Make studies appropriate to effectuate the purposes and  
29 policies of this article and make the results available to the public.  
30 (6) Adopt rules under IC 4-22-2 ~~including emergency rules under~~  
31 ~~IC 4-22-2-37.1~~; to carry out this article.  
32 (7) Maintain more than one (1) office within Indiana.  
33 (8) Bring a civil action to restrain a person from violating this  
34 article and for other appropriate relief, and exercise the same  
35 enforcement powers provided under IC 24-4.5-6-108.  
36 (9) Require a lessor to refund to the lessee any overcharges  
37 resulting from the lessor's noncompliance with:  
38 (A) the terms of a rental purchase agreement; or  
39 (B) this article, or any order or rule issued or adopted by the  
40 department under this article.  
41 (b) If the department determines, after notice and an opportunity to  
42 be heard, that a person has violated this article, or any order or rule





1 issued or adopted by the department under this article, the department  
2 may, in addition to or instead of all other remedies available under this  
3 section, impose upon the person a civil penalty not greater than ten  
4 thousand dollars (\$10,000) per violation.

5 SECTION 154. IC 24-14-10-3, AS ADDED BY P.L.281-2019,  
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2024]: Sec. 3. The attorney general may adopt rules under  
8 IC 4-22-2 to implement this article. ~~including emergency rules in the~~  
9 ~~manner provided by IC 4-22-2-37.1. Notwithstanding~~  
10 ~~IC 4-22-2-37.1(g); an emergency rule adopted by the attorney general~~  
11 ~~under this section and in the manner provided by IC 4-22-2-37.1~~  
12 ~~expires on the date on which a rule that supersedes the emergency rule~~  
13 ~~is adopted by the attorney general under IC 4-22-2-24 through~~  
14 ~~IC 4-22-2-36.~~

15 SECTION 155. IC 25-1-1.1-6, AS AMENDED BY P.L.90-2019,  
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2024]: Sec. 6. (a) This section applies to a license or  
18 certificate under this title that is in effect on July 1, 2018, or created on  
19 or established after that date.

20 (b) As used in this section, "crime" has the meaning set forth in  
21 IC 33-23-1-4.

22 (c) As used in this section, "criminal history information" has the  
23 meaning set forth in IC 5-2-4-1.

24 (d) Not later than November 1, 2018, a board, commission, or  
25 committee shall revise its licensing or certification requirements to the  
26 extent necessary to explicitly list the crimes that may disqualify an  
27 individual from receiving a license or certificate under this title. The  
28 board, commission, or committee may not:

- 29 (1) use nonspecific terms, such as moral turpitude or good  
30 character, as a licensing or certification requirement; or
- 31 (2) consider an arrest that does not result in a conviction.

32 (e) A board's, commission's, or committee's use of an individual's  
33 conviction of a crime as a conviction of concern is limited to a crime  
34 directly related to the duties and responsibilities of the occupation or  
35 profession for which the individual is applying for or holds a license or  
36 certification.

37 (f) If an individual has a conviction of concern, the period of  
38 disqualification may not exceed five (5) years after the date of the  
39 conviction, unless the individual:

- 40 (1) was convicted of a crime of violence (as defined by  
41 IC 35-50-1-2(a));
- 42 (2) was convicted of an offense relating to a criminal sexual act



1 (as defined by IC 35-31.5-2-216); or

2 (3) is convicted of a second or subsequent crime during the  
3 disqualification period.

4 (g) An individual having a conviction of concern may at any time  
5 petition a board, commission, or committee requiring a license or  
6 certificate for a determination as to whether the individual's conviction  
7 of concern will disqualify the individual from receiving the license or  
8 certification. An individual filing a petition under this subsection shall  
9 submit the following:

10 (1) At no expense to the state, a national criminal background  
11 check by the Federal Bureau of Investigation.

12 (2) Any additional information requested by the board,  
13 commission, or committee to assist the board, commission, or  
14 committee in its review of the individual's petition.

15 (h) If an individual has a conviction of concern, the board,  
16 commission, or committee shall consider the following in determining  
17 whether to deny a license or certification to the individual based on the  
18 following factors:

19 (1) The nature and seriousness of the crime for which the  
20 individual was convicted.

21 (2) The passage of time since the commission of the crime.

22 (3) The relationship of the crime to the ability, capacity, and  
23 fitness required to perform the duties and discharge the  
24 responsibilities of the occupation.

25 (4) Evidence of rehabilitation or treatment undertaken by the  
26 individual that might mitigate against a direct relation to the  
27 ability, capacity, and fitness required to perform the duties and  
28 discharge the responsibilities of the occupation.

29 (i) If a board, commission, or committee determines an individual's  
30 conviction of concern disqualifies the individual from receiving a  
31 license or certification solely or in part because of the individual's  
32 criminal history, the board, commission, or committee shall notify the  
33 individual in writing of the following:

34 (1) The grounds and reasons for the denial or disqualification.

35 (2) The individual has the right to a hearing to challenge the  
36 licensing authority's decision.

37 (3) The earliest date the individual may reapply for a license or  
38 certification or the earliest date the individual can petition the  
39 board, commission, or committee for a review.

40 (4) Evidence of rehabilitation may be considered upon  
41 reapplication.

42 (5) Findings for each of the factors specified in subdivisions (1)



1 through (4).

2 Any written determination that an individual's criminal history contains  
3 a conviction of concern that merits the denial of a license must be  
4 documented in written findings under subdivision (1) by clear and  
5 convincing evidence sufficient for review by a court. In an  
6 administrative hearing or a civil action reviewing the denial of a  
7 license, a board, commission, or committee has the burden of proof on  
8 the question of whether the individual's criminal history, based on the  
9 standards provided in subsection (h), should lead to the denial of a  
10 license.

11 (j) The board, commission, or committee shall inform the individual  
12 of its determination concerning the individual's petition not later than  
13 sixty (60) days after the petition, criminal history information, and any  
14 other information requested under subsection (g) is received by the  
15 board, commission, or committee.

16 (k) The board, commission, or committee may charge a fee  
17 established under IC 25-1-8 that does not exceed twenty-five dollars  
18 (\$25) to pay its costs of reviewing a petition filed under subsection (g).

19 (l) A board, commission, or committee may adopt rules under  
20 IC 4-22-2 to implement this section. ~~including emergency rules under~~  
21 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~  
22 ~~adopted by the board, commission, or committee under this section and~~  
23 ~~in the manner provided by IC 4-22-2-37.1 expires on the date on which~~  
24 ~~a rule that supersedes the emergency rule is adopted by the board,~~  
25 ~~commission, or committee under IC 4-22-2-24 through IC 4-22-2-36.~~

26 SECTION 156. IC 25-1-9-23, AS AMENDED BY P.L.190-2023,  
27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2024]: Sec. 23. (a) This section does not apply to emergency  
29 services.

30 (b) As used in this section, "covered individual" means an  
31 individual who is entitled to be provided health care services at a cost  
32 established according to a network plan.

33 (c) As used in this section, "emergency services" means services  
34 that are:

- 35 (1) furnished by a provider qualified to furnish emergency  
36 services; and
- 37 (2) needed to evaluate or stabilize an emergency medical  
38 condition.

39 (d) As used in this section, "in network practitioner" means a  
40 practitioner who is required under a network plan to provide health  
41 care services to covered individuals at not more than a preestablished  
42 rate or amount of compensation.



1 (e) As used in this section, "network plan" means a plan under  
 2 which facilities and practitioners are required by contract to provide  
 3 health care services to covered individuals at not more than a  
 4 preestablished rate or amount of compensation.

5 (f) As used in this section, "out of network" means that the health  
 6 care services provided by the practitioner to a covered individual are  
 7 not subject to the covered individual's health carrier network plan.

8 (g) As used in this section, "practitioner" means the following:

9 (1) An individual who holds:

10 (A) an unlimited license, certificate, or registration;

11 (B) a limited or probationary license, certificate, or  
 12 registration;

13 (C) a temporary license, certificate, registration, or permit;

14 (D) an intern permit; or

15 (E) a provisional license;

16 issued by the board (as defined in IC 25-0.5-11-1) regulating the  
 17 profession in question.

18 (2) An entity that:

19 (A) is owned by, or employs; or

20 (B) performs billing for professional health care services  
 21 rendered by;

22 an individual described in subdivision (1).

23 The term does not include a dentist licensed under IC 25-14, an  
 24 optometrist licensed under IC 25-24, or a provider facility (as defined  
 25 in IC 25-1-9.8-10).

26 (h) An in network practitioner who provides covered health care  
 27 services to a covered individual may not charge more for the covered  
 28 health care services than allowed according to the rate or amount of  
 29 compensation established by the individual's network plan.

30 (i) An out of network practitioner who provides health care services  
 31 at an in network facility to a covered individual may not be reimbursed  
 32 more for the health care services than allowed according to the rate or  
 33 amount of compensation established by the covered individual's  
 34 network plan unless all of the following conditions are met:

35 (1) At least five (5) business days before the health care services  
 36 are scheduled to be provided to the covered individual, the  
 37 practitioner provides to the covered individual, on a form separate  
 38 from any other form provided to the covered individual by the  
 39 practitioner, a statement in conspicuous type that meets the  
 40 following requirements:

41 (A) Includes a notice reading substantially as follows: "[Name  
 42 of practitioner] is an out of network practitioner providing



- 1 [type of care] with [name of in network facility], which is an  
 2 in network provider facility within your health carrier's plan.  
 3 [Name of practitioner] will not be allowed to bill you the  
 4 difference between the price charged by the practitioner and  
 5 the rate your health carrier will reimburse for the services  
 6 during your care at [name of in network facility] unless you  
 7 give your written consent to the charge.".
- 8 (B) Sets forth the practitioner's good faith estimate of the  
 9 amount that the practitioner intends to charge for the health  
 10 care services provided to the covered individual.
- 11 (C) Includes a notice reading substantially as follows  
 12 concerning the good faith estimate set forth under clause (B):  
 13 "The estimate of our intended charge for [name or description  
 14 of health care services] set forth in this statement is provided  
 15 in good faith and is our best estimate of the amount we will  
 16 charge. If our actual charge for [name or description of health  
 17 care services] exceeds our estimate by the greater of:
- 18 (i) one hundred dollars (\$100); or
  - 19 (ii) five percent (5%);
- 20 we will explain to you why the charge exceeds the estimate.".
- 21 (2) The covered individual signs the statement provided under  
 22 subdivision (1), signifying the covered individual's consent to the  
 23 charge for the health care services being greater than allowed  
 24 according to the rate or amount of compensation established by  
 25 the network plan.
- 26 (j) If an out of network practitioner does not meet the requirements  
 27 of subsection (i), the out of network practitioner shall include on any  
 28 bill remitted to a covered individual a written statement in conspicuous  
 29 type stating that the covered individual is not responsible for more than  
 30 the rate or amount of compensation established by the covered  
 31 individual's network plan plus any required copayment, deductible, or  
 32 coinsurance.
- 33 (k) If a covered individual's network plan remits reimbursement to  
 34 the covered individual for health care services subject to the  
 35 reimbursement limitation of subsection (i), the network plan shall  
 36 provide with the reimbursement a written statement in conspicuous  
 37 type that states that the covered individual is not responsible for more  
 38 than the rate or amount of compensation established by the covered  
 39 individual's network plan and that is included in the reimbursement  
 40 plus any required copayment, deductible, or coinsurance.
- 41 (l) If the charge of a practitioner for health care services provided  
 42 to a covered individual exceeds the estimate provided to the covered



1 individual under subsection (i)(1)(B) by the greater of:  
 2 (1) one hundred dollars (\$100); or  
 3 (2) five percent (5%);  
 4 the facility or practitioner shall explain in a writing provided to the  
 5 covered individual why the charge exceeds the estimate.  
 6 (m) An in network practitioner is not required to provide a covered  
 7 individual with the good faith estimate if the nonemergency health care  
 8 service is scheduled to be performed by the practitioner within five (5)  
 9 business days after the health care service is ordered.  
 10 (n) The department of insurance shall adopt ~~emergency~~ rules under  
 11 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to specify the requirements of the  
 12 notifications set forth in subsections (j) and (k).  
 13 (o) The requirements of this section do not apply to a practitioner  
 14 who:  
 15 (1) is required to comply with; and  
 16 (2) is in compliance with;  
 17 45 CFR Part 149, Subparts E and G, as may be enforced and amended  
 18 by the federal Department of Health and Human Services.  
 19 SECTION 157. IC 25-1-9.3-9, AS AMENDED BY P.L.207-2021,  
 20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2024]: Sec. 9. (a) The board shall, in consultation with the  
 22 medical licensing board, adopt rules under IC 4-22-2 to implement this  
 23 chapter, including:  
 24 (1) a process to grant or deny waivers or renewals of waivers from  
 25 the requirement to issue electronically transmitted prescriptions  
 26 for controlled substances due to:  
 27 (A) economic hardship;  
 28 (B) technological limitations outside the control of the  
 29 prescriber that are not otherwise specified in section 8 of this  
 30 chapter; or  
 31 (C) other circumstances determined by the board; and  
 32 (2) a list of circumstances in which issuing an electronically  
 33 transmitted prescription would be impractical and cause delay  
 34 that would adversely impact the user's medical condition.  
 35 (b) Any rules adopted under this chapter must be substantially  
 36 similar to the requirements and exceptions under:  
 37 (1) 42 U.S.C. 1395w-104; and  
 38 (2) any regulations adopted under 42 U.S.C. 1395w-104.  
 39 ~~(e) The board, in consultation with the medical licensing board, may~~  
 40 ~~adopt emergency rules in the manner provided in IC 4-22-2-37.1. A~~  
 41 ~~rule adopted under this section expires on the earlier of the following:~~  
 42 ~~(1) The date that the rule is superseded, amended, or repealed by~~



1 a permanent rule adopted under ~~IC 4-22-2.~~  
 2 ~~(2) July 1, 2023.~~  
 3 ~~(d)~~ (c) A provision described in:  
 4 (1) section 8(1) through 8(4);  
 5 (2) section 8(6); and  
 6 (3) section 8(7);  
 7 of this chapter does not require a waiver of any rule adopted under this  
 8 chapter.  
 9 SECTION 158. IC 25-2.1-2-16, AS ADDED BY P.L.25-2012,  
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2024]: Sec. 16. (a) The board may adopt a rule under  
 12 ~~IC 4-22-2-37.1~~ IC 4-22-2 to incorporate by reference into a rule the  
 13 latest statement, edition, or compilation of the professional standards  
 14 governing the competent practice of accountancy that are:  
 15 (1) enacted in a federal or state statute, rule, or regulation; or  
 16 (2) adopted by an agent of the United States, a state, or a  
 17 nationally recognized organization or association, including the  
 18 AICPA, the International Accounting Standards Board, and the  
 19 Public Company Accounting Oversight Board.  
 20 (b) The board may, by resolution, authorize the executive director  
 21 of the Indiana professional licensing agency to adopt one (1) or more  
 22 rules described in subsection (a) on behalf of the board. The  
 23 authorization may be limited as determined by the board. The board  
 24 may revise or terminate an authorization by resolution. The executive  
 25 director of the Indiana professional licensing agency shall adopt rules  
 26 under ~~IC 4-22-2-37.1~~ IC 4-22-2 in conformity with the resolution  
 27 adopted by the board. A rule adopted on behalf of the board by the  
 28 executive director must:  
 29 (1) be signed by the executive director;  
 30 (2) specify on the signature page that the executive director is  
 31 acting on behalf of the board; and  
 32 (3) be submitted to the publisher of the Indiana Register under  
 33 ~~IC 4-22-2-37.1~~ IC 4-22-2 with a copy of the resolution  
 34 authorizing the rulemaking.  
 35 A rule adopted by the executive director in conformity with this  
 36 subsection shall be treated as a rule of the board.  
 37 (c) A rule described in subsection (a) or (b) expires on the later of  
 38 the date:  
 39 (1) specified in the rule; or  
 40 (2) that another rule becomes effective that amends or repeals the  
 41 previously issued rule.  
 42 SECTION 159. IC 25-22.5-13-1, AS ADDED BY P.L.185-2013,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2024]: Sec. 1. (a) ~~Before November 1, 2013~~; The board shall  
 3 adopt ~~emergency~~ rules in the manner provided under ~~IC 4-22-2-37.1~~  
 4 **IC 4-22-2** to establish standards and procedures to do the following:  
 5 (1) Receive and review petitions from the attorney general  
 6 seeking board authorization to examine a physician's records and  
 7 controlled substances inventory and materials to investigate the  
 8 physician's controlled substances prescribing practices.  
 9 (2) Authorize, where appropriate, the attorney general to examine  
 10 records, materials, and inventory relating to the physician's  
 11 controlled substance prescribing practices.  
 12 (3) Provide safeguards and protections for physicians against  
 13 unreasonable and oppressive examination authorizations and  
 14 actions taken to carry out the authorizations, including limitations  
 15 on interference with regular practice operations and other  
 16 appropriate due process provisions.  
 17 (b) ~~Before November 1, 2014~~, the board shall adopt permanent rules  
 18 under ~~IC 4-22-2~~ to establish permanent rules for the standards and  
 19 procedures described in subsection (a):  
 20 (c) An emergency rule adopted under subsection (a) remains in  
 21 effect until the effective date of the permanent rules adopted under  
 22 subsection (b):  
 23 (d) (b) The rules adopted under this section do not abrogate or  
 24 eliminate the attorney general's investigative authority under  
 25 IC 4-6-3-3, IC 4-6-10-3, IC 25-1-7-4, or any other applicable statute or  
 26 rule.  
 27 SECTION 160. IC 25-22.5-13-4 IS REPEALED [EFFECTIVE  
 28 JULY 1, 2024]. Sec. 4. ~~A board, commission, or agency required to~~  
 29 ~~adopt rules under this chapter may adopt emergency rules in the~~  
 30 ~~manner provided under IC 4-22-2-37.1 for the same purposes.~~  
 31 SECTION 161. IC 25-22.5-13-8, AS AMENDED BY P.L.56-2023,  
 32 SECTION 235, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2024]: Sec. 8. The medical licensing board of  
 34 Indiana shall, in consultation with the Indiana department of health, the  
 35 office of the secretary of family and social services, and representatives  
 36 of prescriber stakeholders, adopt  
 37 (1) ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ before ~~December 1,~~  
 38 ~~2017~~; and  
 39 (2) rules under IC 4-22-2  
 40 setting forth the conditions the board considers necessary under  
 41 IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations  
 42 set forth in IC 25-1-9.7-2(a).





1 SECTION 162. IC 25-26-13-4, AS AMENDED BY P.L.5-2016,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 4. (a) The board may:

4 (1) adopt rules under IC 4-22-2 for implementing and enforcing  
5 this chapter;

6 (2) establish requirements and tests to determine the moral,  
7 physical, intellectual, educational, scientific, technical, and  
8 professional qualifications for applicants for pharmacists'  
9 licenses;

10 (3) refuse to issue, deny, suspend, or revoke a license or permit or  
11 place on probation or fine any licensee or permittee under this  
12 chapter;

13 (4) regulate the sale of drugs and devices in the state of Indiana;

14 (5) impound, embargo, confiscate, or otherwise prevent from  
15 disposition any drugs, medicines, chemicals, poisons, or devices  
16 which by inspection are deemed unfit for use or would be  
17 dangerous to the health and welfare of the citizens of the state of  
18 Indiana; the board shall follow those embargo procedures found  
19 in IC 16-42-1-18 through IC 16-42-1-31, and persons may not  
20 refuse to permit or otherwise prevent members of the board or  
21 their representatives from entering such places and making such  
22 inspections;

23 (6) prescribe minimum standards with respect to physical  
24 characteristics of pharmacies, as may be necessary to the  
25 maintenance of professional surroundings and to the protection of  
26 the safety and welfare of the public;

27 (7) subject to IC 25-1-7, investigate complaints, subpoena  
28 witnesses, schedule and conduct hearings on behalf of the public  
29 interest on any matter under the jurisdiction of the board;

30 (8) prescribe the time, place, method, manner, scope, and subjects  
31 of licensing examinations which shall be given at least twice  
32 annually; and

33 (9) perform such other duties and functions and exercise such  
34 other powers as may be necessary to implement and enforce this  
35 chapter.

36 (b) The board shall adopt rules under IC 4-22-2 for the following:

37 (1) Establishing standards for the competent practice of  
38 pharmacy.

39 (2) Establishing the standards for a pharmacist to counsel  
40 individuals regarding the proper use of drugs.

41 (3) Establishing standards and procedures before January 1, 2006,  
42 to ensure that a pharmacist:



- 1 (A) has entered into a contract that accepts the return of  
 2 expired drugs with; or  
 3 (B) is subject to a policy that accepts the return of expired  
 4 drugs of;  
 5 a wholesaler, manufacturer, or agent of a wholesaler or  
 6 manufacturer concerning the return by the pharmacist to the  
 7 wholesaler, the manufacturer, or the agent of expired legend drugs  
 8 or controlled drugs. In determining the standards and procedures,  
 9 the board may not interfere with negotiated terms related to cost,  
 10 expenses, or reimbursement charges contained in contracts  
 11 between parties, but may consider what is a reasonable quantity  
 12 of a drug to be purchased by a pharmacy. The standards and  
 13 procedures do not apply to vaccines that prevent influenza,  
 14 medicine used for the treatment of malignant hyperthermia, and  
 15 other drugs determined by the board to not be subject to a return  
 16 policy. An agent of a wholesaler or manufacturer must be  
 17 appointed in writing and have policies, personnel, and facilities  
 18 to handle properly returns of expired legend drugs and controlled  
 19 substances.
- 20 (c) The board may grant or deny a temporary variance to a rule it  
 21 has adopted if:  
 22 (1) the board has adopted rules which set forth the procedures and  
 23 standards governing the grant or denial of a temporary variance;  
 24 and  
 25 (2) the board sets forth in writing the reasons for a grant or denial  
 26 of a temporary variance.
- 27 (d) The board shall adopt rules and procedures, in consultation with  
 28 the medical licensing board, concerning the electronic transmission of  
 29 prescriptions. The rules adopted under this subsection must address the  
 30 following:  
 31 (1) Privacy protection for the practitioner and the practitioner's  
 32 patient.  
 33 (2) Security of the electronic transmission.  
 34 (3) A process for approving electronic data intermediaries for the  
 35 electronic transmission of prescriptions.  
 36 (4) Use of a practitioner's United States Drug Enforcement  
 37 Agency registration number.  
 38 (5) Protection of the practitioner from identity theft or fraudulent  
 39 use of the practitioner's prescribing authority.
- 40 (e) The governor may direct the board to develop:  
 41 (1) a prescription drug program that includes the establishment of  
 42 criteria to eliminate or significantly reduce prescription fraud; and



1 (2) a standard format for an official tamper resistant prescription  
 2 drug form for prescriptions (as defined in IC 16-42-19-7(1)).  
 3 The board may adopt rules under IC 4-22-2 necessary to implement  
 4 this subsection.  
 5 (f) The standard format for a prescription drug form described in  
 6 subsection (e)(2) must include the following:  
 7 (1) A counterfeit protection bar code with human readable  
 8 representation of the data in the bar code.  
 9 (2) A thermochromic mark on the front and the back of the  
 10 prescription that:  
 11 (A) is at least one-fourth (1/4) of one (1) inch in height and  
 12 width; and  
 13 (B) changes from blue to clear when exposed to heat.  
 14 (g) The board may contract with a supplier to implement and  
 15 manage the prescription drug program described in subsection (e). The  
 16 supplier must:  
 17 (1) have been audited by a third party auditor using the SAS 70  
 18 audit or an equivalent audit for at least the three (3) previous  
 19 years; and  
 20 (2) be audited by a third party auditor using the SAS 70 audit or  
 21 an equivalent audit throughout the duration of the contract;  
 22 in order to be considered to implement and manage the program.  
 23 (h) The board shall adopt rules under IC 4-22-2 ~~or emergency rules~~  
 24 ~~in the manner provided under IC 4-22-2-37.1 that take effect on July 1,~~  
 25 ~~2016,~~ concerning:  
 26 (1) professional determinations made under IC 35-48-4-14.7(d);  
 27 and  
 28 (2) the determination of a relationship on record with the  
 29 pharmacy under IC 35-48-4-14.7.  
 30 (i) The board may:  
 31 (1) review professional determinations made by a pharmacist; and  
 32 (2) take appropriate disciplinary action against a pharmacist who  
 33 violates a rule adopted under subsection (h) concerning a  
 34 professional determination made;  
 35 under IC 35-48-4-14.7 concerning the sale of ephedrine and  
 36 pseudoephedrine.  
 37 SECTION 163. IC 25-26-13-4.1, AS AMENDED BY P.L. 196-2013,  
 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2024]: Sec. 4.1. (a) The board may adopt ~~an emergency a~~ rule  
 40 **under IC 4-22-2** to declare that a substance is a synthetic drug.  
 41 (b) The board may, on its own initiative or under a written request  
 42 from the state police department, the United States Drug Enforcement



1 Administration, or a poison control center, adopt ~~an emergency~~ **a rule**  
 2 **under IC 4-22-2** declaring a substance to be a synthetic drug if the  
 3 board finds that the substance:  
 4 (1) has been scheduled or emergency scheduled by the United  
 5 States Drug Enforcement Administration;  
 6 (2) has been scheduled, emergency scheduled, or criminalized by  
 7 another state; or  
 8 (3) has:  
 9 (A) a high potential for abuse; and  
 10 (B) no accepted medical use in treatment in the United States  
 11 or lacks accepted safety for use in treatment under medical  
 12 supervision.  
 13 (c) In making its determination under subsection (b)(3), the board  
 14 shall consider the following factors relating to the substance:  
 15 (1) The actual or relative potential for abuse.  
 16 (2) Scientific evidence of the substance's pharmacological effect,  
 17 if known.  
 18 (3) The state of current scientific knowledge regarding the  
 19 substance.  
 20 (4) The history and current pattern of abuse of the substance.  
 21 (5) The scope, duration, and significance of abuse of the  
 22 substance.  
 23 (6) The degree of risk to the public health.  
 24 (7) The psychic or psychological dependence liability of the  
 25 substance.  
 26 ~~(d) A rule adopted under this section becomes effective thirty (30)~~  
 27 ~~days after it is filed with the publisher under IC 4-22-2-37.1.~~  
 28 ~~(e) A rule adopted under this section expires on June 30 of the year~~  
 29 ~~following the year in which it is filed with the publisher under~~  
 30 ~~IC 4-22-2-37.1.~~  
 31 ~~(f) The board may readopt under this section an emergency rule that~~  
 32 ~~has expired.~~  
 33 SECTION 164. IC 25-26-13-4.4, AS ADDED BY P.L.202-2017,  
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 4.4. The board may adopt ~~emergency rules~~ **a rule**  
 36 ~~under IC 4-22-2-37.1~~ **IC 4-22-2** concerning pharmacies that perform  
 37 compounding.  
 38 SECTION 165. IC 25-26-13-31.7, AS AMENDED BY  
 39 P.L.143-2022, SECTION 63, IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 31.7. (a) Subject to  
 41 rules adopted under subsection (c), a pharmacy technician may  
 42 administer any immunization to an individual under a drug order or



1 prescription, as delegated by the pharmacist.  
 2 (b) Subject to rules adopted under subsection (c), a pharmacy  
 3 technician may administer an immunization to an individual or a group  
 4 of individuals under a drug order, under a prescription, or according to  
 5 a protocol approved by a physician, as delegated by the pharmacist.  
 6 (c) The board shall adopt rules under IC 4-22-2 to establish  
 7 requirements applying to a pharmacy technician who administers an  
 8 immunization to an individual or group of individuals. The rules  
 9 adopted under this section must provide for the direct supervision of  
 10 the pharmacy technician by a pharmacist, a physician, a physician  
 11 assistant, or an advanced practice registered nurse. ~~Before July 1, 2021,~~  
 12 ~~the board shall adopt emergency rules under IC 4-22-2-37.1 to establish~~  
 13 ~~the requirements described in this subsection. Notwithstanding~~  
 14 ~~IC 4-22-2-37.1(g), an emergency rule adopted by the board under this~~  
 15 ~~subsection and in the manner provided by IC 4-22-2-37.1 expires on~~  
 16 ~~the date on which a rule that supersedes the emergency rule is adopted~~  
 17 ~~by the board under IC 4-22-2-24 through IC 4-22-2-36.~~  
 18 (d) The board must approve all programs that provide training to  
 19 pharmacy technicians to administer immunizations as permitted by this  
 20 section.  
 21 SECTION 166. IC 25-26-14-32, AS ADDED BY P.L.180-2018,  
 22 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2024]: Sec. 32. (a) The board shall adopt rules under  
 24 IC 4-22-2 including emergency rules adopted in the manner provided  
 25 under ~~IC 4-22-2-37.1~~, to establish requirements for a third party  
 26 logistics license, license fees, and other relevant matters consistent with  
 27 the Drug Supply Chain Security Act (21 U.S.C. 360eee et seq.).  
 28 (b) ~~An emergency rule adopted by the board under this section~~  
 29 ~~expires on the date the emergency rule is amended or repealed by a~~  
 30 ~~later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36.~~  
 31 SECTION 167. IC 25-26-23-2, AS ADDED BY P.L.119-2011,  
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2  
 34 to implement this chapter.  
 35 (b) ~~The board may adopt emergency rules under IC 4-22-2-37.1 to~~  
 36 ~~implement this chapter.~~  
 37 SECTION 168. IC 25-34.1-2-5, AS AMENDED BY P.L.84-2016,  
 38 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2024]: Sec. 5. The commission may:  
 40 (1) administer and enforce the provisions of this article;  
 41 (2) adopt rules in accordance with IC 4-22-2 and prescribe forms  
 42 for licenses, applications, and other documents which are



- 1 necessary or appropriate for the administration and enforcement  
 2 of this article;
- 3 (3) issue, deny, suspend, and revoke licenses in accordance with  
 4 this article, which licenses shall remain the property of the  
 5 commission;
- 6 (4) subject to IC 25-1-7, investigate complaints concerning  
 7 licensees or persons the commission has reason to believe should  
 8 be licensees, including complaints respecting failure to comply  
 9 with this article or the rules, and, when appropriate, take action  
 10 pursuant to IC 25-34.1-6;
- 11 (5) bring actions, in the name of the state of Indiana, in a  
 12 appropriate circuit court, superior court, or probate court in order  
 13 to enforce compliance with this article or the rules;
- 14 (6) inspect the records of a licensee in accordance with rules and  
 15 standards prescribed by the commission;
- 16 (7) conduct, or designate a member or other representative to  
 17 conduct, public hearings on any matter for which a hearing is  
 18 required under this article and exercise all powers granted in  
 19 IC 4-21.5;
- 20 (8) adopt a seal containing the words "Indiana Real Estate  
 21 Commission" and, through its executive director, certify copies  
 22 and authenticate all acts of the commission;
- 23 (9) utilize counsel, consultants, and other persons who are  
 24 necessary or appropriate to administer and enforce this article and  
 25 the rules;
- 26 (10) enter into contracts and authorize expenditures that are  
 27 necessary or appropriate, subject to IC 25-1-6, to administer and  
 28 enforce this article and the rules;
- 29 (11) maintain the commission's office, files, records, and property  
 30 in the city of Indianapolis;
- 31 (12) grant, deny, suspend, and revoke approval of examinations  
 32 and courses of study as provided in IC 25-34.1-5;
- 33 (13) provide for the filing and approval of surety bonds which are  
 34 required by IC 25-34.1-5;
- 35 (14) adopt rules in accordance with IC 4-22-2 necessary for the  
 36 administration of the investigative fund established under  
 37 IC 25-34.1-8-7.5;
- 38 (15) adopt emergency rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to  
 39 adopt any or all parts of Uniform Standards of Professional  
 40 Appraisal Practice (USPAP), including the comments to the  
 41 USPAP, as published by the Appraisal Standards Board of the  
 42 Appraisal Foundation, under the authority of Title XI of the



1 Financial Institutions Reform, Recovery, and Enforcement Act  
2 (12 U.S.C. 3331-3351);

3 (16) exercise other specific powers conferred upon the  
4 commission by this article; and

5 (17) adopt rules under IC 4-22-2 governing education, including  
6 prelicensing, postlicensing, and continuing education.

7 SECTION 169. IC 25-34.1-11-15.5, AS ADDED BY P.L.15-2018,  
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2024]: Sec. 15.5. (a) This section applies to an appraisal  
10 management company that qualifies as an appraisal management  
11 company under 12 U.S.C. 3350(11).

12 (b) As used in this section, "Appraisal Subcommittee" refers to the  
13 Appraisal Subcommittee of the Federal Financial Institutions  
14 Examination Council.

15 (c) As used in this section, "covered transaction" has the meaning  
16 set forth in the federal interagency AMC Rule (12 CFR 34.210-34.216;  
17 12 CFR 225.190-225.196; 12 CFR 323.8-323.14; 12 CFR  
18 1222.20-1222.26).

19 (d) As used in this section, "performed an appraisal", with respect  
20 to a real estate appraiser and an appraisal management company,  
21 means the appraisal service requested of the real estate appraiser by the  
22 appraisal management company was provided to the appraisal  
23 management company.

24 (e) An appraisal management company to which this section applies  
25 shall pay to the board the annual AMC registry fee, as established by  
26 the Appraisal Subcommittee, as follows:

27 (1) In the case of an appraisal management company that has been  
28 in existence for more than one (1) year, twenty-five dollars (\$25)  
29 multiplied by the number of real estate appraisers who have  
30 performed an appraisal for the appraisal management company in  
31 connection with a covered transaction in Indiana during the  
32 previous year.

33 (2) In the case of an appraisal management company that has not  
34 been in existence for more than one (1) year, twenty-five dollars  
35 (\$25) multiplied by the number of real estate appraisers who have  
36 performed an appraisal for the appraisal management company in  
37 connection with a covered transaction in Indiana since the  
38 appraisal management company commenced doing business.

39 (f) The AMC registry fee required by this section is in addition to  
40 the registration fee required by section 15 of this chapter.

41 (g) The board shall transmit the AMC registry fees collected under  
42 this section to the Appraisal Subcommittee on an annual basis. For



1 purposes of this subsection, the board may align a one (1) year period  
2 with any twelve (12) month period, which may or not may not be based  
3 on the calendar year. Only those appraisal management companies  
4 whose registry fees have been transmitted to the Appraisal  
5 Subcommittee will be eligible to be on the AMC Registry (as defined  
6 in 12 U.S.C. 1102.401(a)).

7 (h) Upon recommendations of the board under IC 25-34.1-8-6.5, the  
8 commission may do the following:

- 9 (1) Adopt rules under IC 4-22-2 to implement this section.
- 10 (2) Amend rules adopted under this subsection as necessary to
- 11 conform the annual AMC registry fee required by this section
- 12 with the AMC registry fee established by the Appraisal
- 13 Subcommittee.

14 ~~In adopting or amending a rule under this subsection, the commission~~  
15 ~~may adopt emergency rules in the manner provided by IC 4-22-2-37.1.~~  
16 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~  
17 ~~commission under this subsection and in the manner provided by~~  
18 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~  
19 ~~emergency rule is adopted by the commission under IC 4-22-2-24~~  
20 ~~through IC 4-22-2-36.~~

21 SECTION 170. IC 25-38.1-2-14.5, AS ADDED BY P.L.48-2022,  
22 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2024]: Sec. 14.5. If the board determines that an emergency  
24 presents a risk to the delivery of competent, honest, and principled  
25 veterinary services in Indiana as described in IC 15-17.5-2-4, the board  
26 may adopt ~~emergency rules in the manner provided under~~  
27 ~~IC 4-22-2-37.1~~ **IC 4-22-2** that:

- 28 (1) suspend or modify licensing, examination, continuing
- 29 education, or permit requirements under this article; or
- 30 (2) implement measures that safeguard the health, safety, and
- 31 welfare of the citizens and animals of Indiana.

32 SECTION 171. IC 27-1-12.1-15, AS ADDED BY P.L.115-2011,  
33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2024]: Sec. 15. (a) The commissioner may adopt rules under  
35 IC 4-22-2 to implement this chapter.

36 (b) The rules adopted under subsection (a) may specify the  
37 following concerning limited purpose subsidiaries:

- 38 (1) Requirements for reserves, including actuarial certification.
- 39 (2) Requirements for securities.
- 40 (3) Authorized investments.
- 41 (4) Requirements with respect to reinsurance ceded or assumed
- 42 by the limited purpose subsidiary.





- 1 (5) Requirements for dividends and distributions.
- 2 (6) Requirements for operations.
- 3 (7) Conditions of, forms for, and approval of the financing of a
- 4 limited purpose subsidiary.

5 (c) The commissioner may adopt emergency rules under  
 6 ~~IC 4-22-2-37.1~~ to implement this section if the commissioner  
 7 determines that:

8 (1) the need for a rule is so immediate and substantial that  
 9 rulemaking procedures under ~~IC 4-22-2-23~~ through ~~IC 4-22-2-36~~  
 10 are inadequate to address the need; and

11 (2) an emergency rule is likely to address the need:

12 SECTION 172. IC 27-1-23-7 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. The commissioner  
 14 may adopt **rules** under IC 4-22-2 such rules and orders as are necessary  
 15 to carry out this chapter. ~~including emergency rules under~~  
 16 ~~IC 4-22-2-37.1.~~

17 SECTION 173. IC 27-1-45-8, AS AMENDED BY P.L.165-2022,  
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2024]: Sec. 8. (a) An out of network practitioner who provides  
 20 health care services at an in network facility to a covered individual  
 21 may not be reimbursed more for the health care services than allowed  
 22 according to the rate or amount of compensation established by the  
 23 covered individual's network plan as described in subsection (b) unless  
 24 all of the following conditions are met:

25 (1) At least five (5) business days before the health care service  
 26 is scheduled to be provided to the covered individual, the facility  
 27 or practitioner provides to the covered individual, on a form  
 28 separate from any other form provided to the covered individual  
 29 by the facility or practitioner, a statement in conspicuous type that  
 30 meets the following requirements:

31 (A) Includes a notice reading substantially as follows: "[Name  
 32 of facility or practitioner] is an out of network practitioner  
 33 providing [type of care], with [name of in network facility],  
 34 which is an in network provider facility within your health  
 35 carrier's plan. [Name of facility or practitioner] will not be  
 36 allowed to bill you the difference between the price charged  
 37 for the services and the rate your health carrier will reimburse  
 38 for the services during your care at [name of in network  
 39 facility] unless you give your written consent to the charge."

40 (B) Sets forth the facility's or practitioner's good faith estimate  
 41 of the established fee for the health care services provided to  
 42 the covered individual.



1 (C) Includes a notice reading substantially as follows  
 2 concerning the good faith estimate set forth under clause (B):  
 3 "The estimate of our intended charge for [name or description  
 4 of health care services] set forth in this statement is provided  
 5 in good faith and is our best estimate of the amount we will  
 6 charge. If the actual charge for [name or description of health  
 7 care services] exceeds our estimate by the greater of:  
 8 (i) one hundred dollars (\$100); or  
 9 (ii) five percent (5%);  
 10 we will explain to you why the charge exceeds the estimate."  
 11 (2) The covered individual signs the statement provided under  
 12 subdivision (1), signifying the covered individual's consent to the  
 13 charge for the health care services being greater than allowed  
 14 according to the rate or amount of compensation established by  
 15 the network plan.  
 16 (b) If an out of network practitioner does not meet the requirements  
 17 of subsection (a), the out of network practitioner shall include on any  
 18 bill remitted to a covered individual a written statement in conspicuous  
 19 type stating that the covered individual is not responsible for more than  
 20 the rate or amount of compensation established by the covered  
 21 individual's network plan plus any required copayment, deductible, or  
 22 coinsurance.  
 23 (c) If a covered individual's network plan remits reimbursement to  
 24 the covered individual for health care services that did not meet the  
 25 requirements of subsection (a), the network plan shall provide with the  
 26 reimbursement a written statement in conspicuous type that states that  
 27 the covered individual is not responsible for more than the rate or  
 28 amount of compensation established by the covered individual's  
 29 network plan and that is included in the reimbursement plus any  
 30 required copayment, deductible, or coinsurance.  
 31 (d) If the charge of a facility or practitioner for health care services  
 32 provided to a covered individual exceeds the estimate provided to the  
 33 covered individual under subsection (a)(1)(B) by an amount greater  
 34 than:  
 35 (1) one hundred dollars (\$100); or  
 36 (2) five percent (5%);  
 37 the facility or practitioner shall explain in a writing provided to the  
 38 covered individual why the charge exceeds the estimate.  
 39 (e) The department shall adopt ~~emergency~~ **emergency** rules under  
 40 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to specify the requirements of the  
 41 notifications set forth in:  
 42 (1) subsections (b) and (c); and



- 1 (2) IC 25-1-9-23(j) and IC 25-1-9-23(k).  
 2 SECTION 174. IC 27-7-3-15.5, AS AMENDED BY P.L.175-2019,  
 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2024]: Sec. 15.5. (a) This section applies to the following  
 5 transactions:  
 6 (1) A mortgage transaction (as defined in IC 24-9-3-7(a)) that:  
 7 (A) is:  
 8 (i) a first lien purchase money mortgage transaction; or  
 9 (ii) a refinancing transaction; and  
 10 (B) is closed by a closing agent after December 31, 2009.  
 11 (2) A real estate transaction (as defined in IC 24-9-3-7(b)) that:  
 12 (A) does not involve a mortgage transaction described in  
 13 subdivision (1); and  
 14 (B) is closed by a closing agent (as defined in  
 15 IC 6-1.1-12-43(a)(2)) after December 31, 2011.  
 16 (b) For purposes of this subsection, a person described in this  
 17 subsection is involved in a transaction to which this section applies if  
 18 the person participates in or assists with, or will participate in or assist  
 19 with, a transaction to which this section applies. The department shall  
 20 establish and maintain an electronic system for the collection and  
 21 storage of the following information, to the extent applicable,  
 22 concerning a transaction to which this section applies:  
 23 (1) In the case of a transaction described in subsection (a)(1), the  
 24 name and license number (under IC 23-2.5) of each loan broker  
 25 involved in the transaction.  
 26 (2) In the case of a transaction described in subsection (a)(1), the  
 27 name and license or registration number of any mortgage loan  
 28 originator who is:  
 29 (A) either licensed or registered under state or federal law as  
 30 a mortgage loan originator consistent with the Secure and Fair  
 31 Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C.  
 32 5101 et seq.); and  
 33 (B) involved in the transaction.  
 34 (3) The name and license number (under IC 25-34.1) of each:  
 35 (A) broker company; and  
 36 (B) broker if any;  
 37 involved in the transaction.  
 38 (4) The following information:  
 39 (A) The:  
 40 (i) name of; and  
 41 (ii) code assigned by the NAIC to;  
 42 each title insurance underwriter involved in the transaction.



- 1 (B) The type of title insurance policy issued in connection with
- 2 the transaction.
- 3 (5) The name and license number (under IC 27-1-15.6) of each
- 4 title insurance agency and agent involved in the transaction as a
- 5 closing agent (as defined in IC 6-1.1-12-43(a)(2)).
- 6 (6) The following information:
- 7 (A) The name and:
- 8 (i) license or certificate number (under IC 25-34.1-3-8) of
- 9 each licensed or certified real estate appraiser; or
- 10 (ii) license number (under IC 25-34.1) of each broker;
- 11 who appraises the property that is the subject of the
- 12 transaction.
- 13 (B) The name and registration number (under
- 14 IC 25-34.1-11-10) of any appraisal management company that
- 15 performs appraisal management services (as defined in
- 16 IC 25-34.1-11-3) in connection with the transaction.
- 17 (7) In the case of a transaction described in subsection (a)(1), the
- 18 name of the creditor and, if the creditor is required to be licensed
- 19 under IC 24-4.4, the license number of the creditor.
- 20 (8) In the case of a transaction described in subsection
- 21 (a)(1)(A)(i) or (a)(2), the name of the seller of the property that is
- 22 the subject of the transaction.
- 23 (9) In the case of a transaction described in subsection
- 24 (a)(1)(A)(i), the following information:
- 25 (A) The name of the buyer of the property that is the subject of
- 26 the transaction.
- 27 (B) The purchase price of the property that is the subject of the
- 28 transaction.
- 29 (C) The loan amount of the mortgage transaction.
- 30 (10) In the case of a transaction described in subsection (a)(2), the
- 31 following information:
- 32 (A) The name of the buyer of the property that is the subject of
- 33 the transaction.
- 34 (B) The purchase price of the property that is the subject of the
- 35 transaction.
- 36 (11) In the case of a transaction described in subsection
- 37 (a)(1)(A)(ii), the following information:
- 38 (A) The name of the borrower in the mortgage transaction.
- 39 (B) The loan amount of the refinancing.
- 40 (12) The:
- 41 (A) name; and
- 42 (B) license number, certificate number, registration number,



- 1           or other code, as appropriate;  
 2           of any other person that is involved in a transaction to which this  
 3           section applies, as the department may prescribe.
- 4           (c) The system established by the department under this section  
 5           must include a form that:
- 6           (1) is uniformly accessible in an electronic format to the closing  
 7           agent (as defined in IC 6-1.1-12-43(a)(2)) in the transaction; and  
 8           (2) allows the closing agent to do the following:
- 9           (A) Input information identifying the property that is the  
 10           subject of the transaction by lot or parcel number, street  
 11           address, or some other means of identification that the  
 12           department determines:
- 13           (i) is sufficient to identify the property; and  
 14           (ii) is determinable by the closing agent.
- 15           (B) Subject to subsection (d) and to the extent determinable,  
 16           input the applicable information described in subsection (b).
- 17           (C) Respond to the following questions, if applicable:
- 18           (i) "On what date did you receive the closing instructions  
 19           from the creditor in the transaction?"  
 20           (ii) "On what date did the transaction close?"
- 21           (D) Submit the form electronically to a data base maintained  
 22           by the department.
- 23           (d) Not later than the time of the closing or the date of disbursement,  
 24           whichever is later, each person described in subsection (b), other than  
 25           a person described in subsection (b)(8), (b)(9), (b)(10), or (b)(11), shall  
 26           provide to the closing agent in the transaction the person's:
- 27           (1) legal name; and  
 28           (2) license number, certificate number, registration number, or  
 29           NAIC code, as appropriate;
- 30           to allow the closing agent to comply with subsection (c)(2)(B). In the  
 31           case of a transaction described in subsection (a)(1), the person  
 32           described in subsection (b)(7) shall, with the cooperation of any person  
 33           involved in the transaction and described in subsection (b)(6)(A) or  
 34           (b)(6)(B), provide the information described in subsection (b)(6). In the  
 35           case of a transaction described in subsection (a)(1)(A)(ii), the person  
 36           described in subsection (b)(7) shall also provide the information  
 37           described in subsection (b)(11). A person described in subsection  
 38           (b)(3)(B) who is involved in the transaction may provide the  
 39           information required by this subsection for a person described in  
 40           subsection (b)(3)(A) that serves as the broker company for the person  
 41           described in subsection (b)(3)(B). The closing agent shall determine  
 42           the information described in subsection (b)(8), (b)(9), and (b)(10) from



1 the HUD-1 settlement statement, or in the case of a transaction  
 2 described in subsection (a)(2), from the contract or any other document  
 3 executed by the parties in connection with the transaction.

4 (e) The closing agent in a transaction to which this section applies  
 5 shall submit the information described in subsection (d) to the data  
 6 base described in subsection (c)(2)(D) not later than twenty (20)  
 7 business days after the date of closing or the date of disbursement,  
 8 whichever is later.

9 (f) Except for a person described in subsection (b)(8), (b)(9),  
 10 (b)(10), or (b)(11), a person described in subsection (b) who fails to  
 11 comply with subsection (d) or (e) is subject to a civil penalty of one  
 12 hundred dollars (\$100) for each closing with respect to which the  
 13 person fails to comply with subsection (d) or (e). The penalty:

14 (1) may be enforced by the state agency that has administrative  
 15 jurisdiction over the person in the same manner that the agency  
 16 enforces the payment of fees or other penalties payable to the  
 17 agency; and

18 (2) shall be paid into the home ownership education account  
 19 established by IC 5-20-1-27.

20 (g) Subject to subsection (h), the department shall make the  
 21 information stored in the data base described in subsection (c)(2)(D)  
 22 accessible to:

23 (1) each entity described in IC 4-6-12-4; and

24 (2) the homeowner protection unit established under IC 4-6-12-2.

25 (h) The department, a closing agent who submits a form under  
 26 subsection (c), each entity described in IC 4-6-12-4, and the  
 27 homeowner protection unit established under IC 4-6-12-2 shall exercise  
 28 all necessary caution to avoid disclosure of any information:

29 (1) concerning a person described in subsection (b), including the  
 30 person's license, registration, or certificate number; and

31 (2) contained in the data base described in subsection (c)(2)(D);  
 32 except to the extent required or authorized by state or federal law.

33 (i) The department may adopt rules under IC 4-22-2 ~~including~~  
 34 ~~emergency rules under IC 4-22-2-37.1~~, to implement this section. Rules  
 35 adopted by the department under this subsection may establish  
 36 procedures for the department to:

37 (1) establish;

38 (2) collect; and

39 (3) change as necessary;

40 an administrative fee to cover the department's expenses in establishing  
 41 and maintaining the electronic system required by this section.

42 (j) If the department adopts a rule under IC 4-22-2 to establish an



1 administrative fee to cover the department's expenses in establishing  
 2 and maintaining the electronic system required by this section, as  
 3 allowed under subsection (i), the department may:

4 (1) require the fee to be paid:

5 (A) to the closing agent responsible for inputting the  
 6 information and submitting the form described in subsection

7 (c)(2); and

8 (B) by the borrower, the seller, or the buyer in the transaction;

9 (2) allow the closing agent described in subdivision (1)(A) to  
 10 retain a part of the fee collected to cover the closing agent's costs  
 11 in inputting the information and submitting the form described in  
 12 subsection (c)(2); and

13 (3) require the closing agent to pay the remainder of the fee  
 14 collected to the department for deposit in the title insurance  
 15 enforcement fund established by IC 27-7-3.6-1, for the  
 16 department's use in establishing and maintaining the electronic  
 17 system required by this section.

18 SECTION 175. IC 27-8-6-8, AS AMENDED BY P.L.170-2022,  
 19 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2024]: Sec. 8. (a) As used in this section, "emergency medical  
 21 services" has the meaning set forth in IC 16-18-2-110.

22 (b) As used in this section, "emergency medical services provider  
 23 organization" means a provider of emergency medical services that is  
 24 certified by the Indiana emergency medical services commission as an  
 25 advanced life support provider organization under rules adopted under  
 26 IC 16-31-3.

27 (c) As used in this section, "policy of accident and sickness  
 28 insurance" has the meaning set forth in IC 27-8-5-1. However, for  
 29 purposes of this section, the term does not include the following:

30 (1) Accident only, credit, dental, vision, Medicare supplement,  
 31 long term care, or disability income insurance.

32 (2) Coverage issued as a supplement to liability insurance.

33 (3) Automobile medical payment insurance.

34 (4) A specified disease policy.

35 (5) A policy that provides a stipulated daily, weekly, or monthly  
 36 payment to an insured without regard to the actual expense of the  
 37 confinement.

38 (6) A short term insurance plan (as defined in IC 27-8-5.9-3).

39 (d) A policy of accident and sickness insurance that provides  
 40 coverage for emergency medical services must provide reimbursement  
 41 for emergency medical services that are:

42 (1) rendered by an emergency medical services provider



- 1 organization;
- 2 (2) within the emergency medical services provider organization's
- 3 scope of practice;
- 4 (3) performed or provided as advanced life support services; and
- 5 (4) performed or provided during a response initiated through the
- 6 911 system regardless of whether the patient is transported.
- 7 (e) Reimbursement for basic and advanced life support services
- 8 through a policy to which this section applies must be provided on an
- 9 equal basis regardless of whether the services involve transportation of
- 10 the patient by ambulance.
- 11 (f) If multiple emergency medical services provider organizations
- 12 qualify and submit a claim for reimbursement under this section for an
- 13 encounter, the insurer:
- 14 (1) may reimburse under this section only for one (1) claim per
- 15 patient encounter; and
- 16 (2) shall reimburse the claim submitted by the emergency medical
- 17 services provider organization that performed or provided the
- 18 majority of advanced life support services for the patient.
- 19 (g) The department may adopt rules under IC 4-22-2 ~~including~~
- 20 ~~emergency rules under IC 4-22-2-37.1~~, to implement this section.
- 21 (h) This section does not require a policy of accident and sickness
- 22 insurance to provide coverage for emergency medical services.
- 23 SECTION 176. IC 27-10-2-4.6, AS ADDED BY P.L.147-2022,
- 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2024]: Sec. 4.6. The commissioner shall adopt
- 26 ~~(1) before July 1, 2022, emergency rules under IC 4-22-2-37.1;~~
- 27 ~~and~~
- 28 ~~(2) rules under IC 4-22-2~~
- 29 to implement section 4.5 of this chapter.
- 30 SECTION 177. IC 27-13-7-27, AS AMENDED BY P.L.170-2022,
- 31 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2024]: Sec. 27. (a) This section applies to each of the
- 33 following:
- 34 (1) An individual contract.
- 35 (2) A group contract.
- 36 (b) As used in this section, "emergency medical services" has the
- 37 meaning set forth in IC 16-18-2-110.
- 38 (c) As used in this section, "emergency medical services provider
- 39 organization" means a provider of emergency medical services that is
- 40 certified by the Indiana emergency medical services commission as an
- 41 advanced life support provider organization under rules adopted under
- 42 IC 16-31-3.





1 (d) An individual contract and a group contract that provide  
 2 coverage for emergency medical services must provide reimbursement  
 3 for emergency medical services that are:

- 4 (1) rendered by an emergency medical services provider  
 5 organization;  
 6 (2) within the emergency medical services provider organization's  
 7 scope of practice;  
 8 (3) performed or provided as advanced life support services; and  
 9 (4) performed or provided during a response initiated through the  
 10 911 system regardless of whether the patient is transported.

11 (e) Reimbursement for basic and advanced life support services  
 12 through a contract to which this section applies must be provided on an  
 13 equal basis regardless of whether the services involve transportation of  
 14 the patient by ambulance.

15 (f) If multiple emergency medical services provider organizations  
 16 qualify and submit a claim for reimbursement under this section, the  
 17 health maintenance organization:

- 18 (1) may reimburse under this section only for one (1) claim per  
 19 patient encounter; and  
 20 (2) shall reimburse the claim submitted by the emergency medical  
 21 services provider organization that performed or provided the  
 22 majority of advanced life support services.

23 (g) The department may adopt rules under IC 4-22-2 ~~including~~  
 24 ~~emergency rules under IC 4-22-2-37.1~~, to implement this section.

25 (h) This section does not require an individual contract or a group  
 26 contract to provide coverage for emergency medical services.

27 SECTION 178. IC 28-1-13-7.1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7.1. (a) As used in this  
 29 section, "federally chartered bank" means a bank that was incorporated  
 30 under 12 U.S.C. 21 et seq. and is doing business in Indiana.

31 (b) As used in this section, "rollover mortgage" means a loan that:

- 32 (1) is secured by a first mortgage on real estate improved by:  
 33 (A) a dwelling for one (1) to four (4) families; or  
 34 (B) a combination home and business building; and  
 35 (2) may be subject to rate adjustments at regularly scheduled  
 36 times.

37 (c) As used in this section, "state chartered bank" means a bank that  
 38 was incorporated under the laws of Indiana and is doing business in  
 39 Indiana. The term includes a savings bank organized under the laws of  
 40 Indiana.

41 (d) A state chartered bank may make, arrange, purchase, or sell  
 42 loans or extensions of credit secured by liens or interests in real estate



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as:

- (1) may be so made, arranged, purchased, or sold by a federally chartered bank under a federal law or regulation; or
- (2) prescribed by order of the department or by a rule adopted by the department under IC 4-22-2.

(e) In addition to loans authorized by subsection (d), a state chartered bank may make rollover mortgage loans. A rollover mortgage loan made by a state chartered bank is subject to the following requirements and restrictions:

- (1) At each scheduled adjustment time, if the loan is not then in default, the lender shall make rate adjustments available for the amount of the outstanding loan for the remaining term of the loan.
- (2) Any adjustment in the loan must be made without administrative charges to the borrower.
- (3) Scheduled adjustments of the loan must be at least one (1) year apart.
- (4) The lender may not charge any penalty or other assessment for the prepayment of the loan by the borrower at the time of any adjustment.
- (5) At each scheduled adjustment time, the lender and the borrower may agree to increase or decrease the interest rate applicable to the outstanding balance of the loan.
- (6) At the option of the lender, the borrower may be granted the option to extend the amortization period for purposes of calculating monthly payments on the loan in accordance with the following rules:
  - (A) The extension of the amortization period may equal up to one-third (1/3) of the original amortization period, irrespective of whether this extends the amortization period beyond thirty (30) years.
  - (B) To the extent of any extension of the amortization period, the amortization period will be reduced upon a subsequent downward adjustment in the interest rate.

~~(f) The department may adopt an emergency rule under IC 4-22-2-37.1 to implement this section.~~

SECTION 179. IC 28-15-11-17, AS AMENDED BY P.L.140-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. (a) Any statement, disclosure, or notification required by this chapter with respect to an alternative mortgage loan may be made in the form prescribed by the primary federal regulator or its successor for a similar alternative mortgage loan made by a federal savings association.



1 (b) In addition to the disclosures required by this chapter, the  
 2 department may adopt rules under IC 4-22-2 ~~including emergency rules~~  
 3 ~~under IC 4-22-2-37.1~~, or policies that require additional disclosures for  
 4 alternative mortgage loans.

5 SECTION 180. IC 31-25-2-21, AS AMENDED BY P.L.198-2019,  
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2024]: Sec. 21. (a) As used in this section, "transitional  
 8 services plan" means a plan that provides information concerning the  
 9 following to an individual described in subsection (b):

- 10 (1) Education.  
 11 (2) Employment.  
 12 (3) Housing.  
 13 (4) Health care, including information concerning the individual's  
 14 eligibility and participation in the Medicaid program.  
 15 (5) Development of problem solving skills.  
 16 (6) Available local, state, and federal financial assistance.

17 (b) The department shall implement a program that provides a  
 18 transitional services plan to the following:

- 19 (1) An individual who has become or will become:  
 20 (A) eighteen (18) years of age; or  
 21 (B) emancipated;  
 22 while receiving foster care.  
 23 (2) An individual who:  
 24 (A) is at least eighteen (18) but less than twenty-one (21) years  
 25 of age; and  
 26 (B) is receiving collaborative care under IC 31-28-5.8.

27 (c) A transitional services plan for an individual described in  
 28 subsection (b) shall contain a document that:

- 29 (1) describes the rights of the individual with respect to:  
 30 (A) education, health, visitation, and court participation;  
 31 (B) the right to be provided with the individual's medical  
 32 documents and any other medical information; and  
 33 (C) the right to stay safe and avoid exploitation; and  
 34 (2) includes a signed acknowledgment by the individual that the:  
 35 (A) individual has been provided with a copy of the document  
 36 described in subdivision (1); and  
 37 (B) rights contained in the document have been explained to  
 38 the individual in an age appropriate manner.

39 (d) The individual's child representatives selected by the individual  
 40 under IC 31-34-15-7 or IC 31-37-19-1.7 may participate in the  
 41 development of a transitional services plan for the individual.

42 (e) The department, as part of the program described in this section,



1 in cooperation with the office of Medicaid policy and planning, shall  
 2 include, as part of the transitional services plan for an individual  
 3 described in subsection (b), the enrollment of the individual in the  
 4 Medicaid program.

5 (f) The department shall adopt rules under IC 4-22-2 ~~including~~  
 6 ~~emergency rules under IC 4-22-2-37.1~~; necessary to implement the  
 7 program described in this section.

8 SECTION 181. IC 31-27-2-4, AS AMENDED BY P.L.56-2023,  
 9 SECTION 301, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The department shall adopt  
 11 rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1~~;  
 12 concerning the licensing and inspection of:

13 (1) child caring institutions, foster family homes, group homes,  
 14 and child placing agencies after consultation with the following:

15 (A) Indiana department of health.

16 (B) Fire prevention and building safety commission; and

17 (2) child caring institutions and group homes that are licensed for  
 18 infants and toddlers after consultation with the division of family  
 19 resources.

20 (b) The rules adopted under subsection (a) shall be applied by the  
 21 department and state fire marshal in the licensing and inspection of  
 22 applicants for a license and licensees under this article.

23 (c) The rules adopted under IC 4-22-2 must establish minimum  
 24 standards for the care and treatment of children in a secure private  
 25 facility.

26 (d) The rules described in subsection (c) must include standards  
 27 governing the following:

28 (1) Admission criteria.

29 (2) General physical and environmental conditions.

30 (3) Services and programs to be provided to confined children.

31 (4) Procedures for ongoing monitoring and discharge planning.

32 (5) Procedures for the care and control of confined persons that  
 33 are necessary to ensure the health, safety, and treatment of  
 34 confined children.

35 (e) The department shall license a facility as a secure private facility  
 36 if the facility:

37 (1) meets the minimum standards required under subsection (c);

38 (2) provides a continuum of care and services; and

39 (3) is licensed under IC 31-27-3.

40 (f) A waiver of the rules may not be granted for treatment and  
 41 reporting requirements.

42 SECTION 182. IC 31-27-4-2, AS AMENDED BY P.L.123-2014,



1 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]: Sec. 2. (a) A person may not operate a therapeutic  
3 foster family home without a certificate issued under this article.

4 (b) The state or a political subdivision of the state may not operate  
5 a therapeutic foster family home without a certificate issued under this  
6 article.

7 (c) The department may issue a certificate only for a therapeutic  
8 foster family home that meets:

- 9 (1) all the certification requirements of a foster family home; and  
10 (2) the additional requirements described in this section.

11 (d) To receive a certificate for the operation of a therapeutic foster  
12 family home, a person must do the following:

13 (1) Be licensed as a foster parent under this chapter and 465  
14 IAC 2-1-1 et seq.

15 (2) Participate in preservice training that includes:

16 (A) preservice training to be licensed as a foster parent under  
17 465 IAC 2-1-1 et seq.; and

18 (B) additional preservice training in therapeutic foster care.

19 (e) A person who is issued a certificate to operate a therapeutic  
20 foster family home shall, within one (1) year after meeting the training  
21 requirements of subsection (d)(2) and, annually thereafter, participate  
22 in training that includes:

23 (1) training as required in order to be licensed as a foster parent  
24 under 465 IAC 2-1-1 et seq.; and

25 (2) additional training in therapeutic foster care.

26 (f) An operator of a therapeutic foster family home may not provide  
27 supervision and care in a therapeutic foster family home to more than  
28 four (4) children at the same time, including the children for whom the  
29 applicant or operator is a relative, guardian, or custodian, and only two  
30 (2) of the children may be foster children. The department may grant  
31 an exception to this subsection whenever the placement of siblings in  
32 the same therapeutic foster family home is desirable, the foster child  
33 has an established, meaningful relationship with the therapeutic foster  
34 parent, or it is otherwise in the foster child's best interests.

35 (g) An operator of a therapeutic foster family home that has a  
36 therapeutic foster child placed with the therapeutic foster family home  
37 may not accept a placement of a child who is not a therapeutic foster  
38 child unless the child who is not a therapeutic foster child is a sibling  
39 of the therapeutic foster child who is placed with the therapeutic foster  
40 family home or it is in the best interests of the child being placed.

41 (h) A therapeutic foster family home may provide care for an  
42 individual receiving collaborative care under IC 31-28-5.8.



1 (i) The department shall adopt rules under IC 4-22-2 ~~including~~  
 2 ~~emergency rules under IC 4-22-2-37.1~~, necessary to carry out this  
 3 section, including rules governing the number of hours of training  
 4 required under subsections (d) and (e).

5 (j) If a therapeutic foster family home does not meet the  
 6 requirements under subsection (f) or (g) on July 1, 2011, any foster  
 7 child placed in the home prior to July 1, 2011, may remain placed.  
 8 However, a new placement of a child may not be made in violation of  
 9 this section.

10 SECTION 183. IC 34-55-10-2.5, AS AMENDED BY P.L. 140-2013,  
 11 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 2.5. (a) The department of financial institutions  
 13 shall adopt a rule under IC 4-22-2 establishing the amount for each  
 14 exemption under section 2(c)(1) through 2(c)(3) of this chapter to take  
 15 effect not earlier than January 1, 2010, and not later than March 1,  
 16 2010.

17 (b) The department of financial institutions shall adopt a rule under  
 18 IC 4-22-2 establishing new amounts for each exemption under section  
 19 2(c)(1) through 2(c)(3) of this chapter every six (6) years after  
 20 exemption amounts are established under subsection (a). The rule  
 21 establishing new exemption amounts under this subsection must take  
 22 effect not earlier than January 1 and not later than March 1 of the sixth  
 23 calendar year immediately following the most recent adjustments to the  
 24 exemption amounts.

25 (c) The department of financial institutions shall determine the  
 26 amount of each exemption under subsections (a) and (b) based on  
 27 changes in the Consumer Price Index for All Urban Consumers,  
 28 published by the United States Department of Labor, for the most  
 29 recent six (6) year period.

30 (d) The department of financial institutions shall round the amount  
 31 of an exemption determined under subsections (a) and (b) to the  
 32 nearest fifty dollars (\$50).

33 (e) A rule establishing amounts for exemptions under this section  
 34 may not reduce an exemption amount below the exemption amount on  
 35 July 1, 2005.

36 ~~(f) The department of financial institutions may adopt a rule under~~  
 37 ~~subsection (a) or subsection (b) as an emergency rule under~~  
 38 ~~IC 4-22-2-37.1.~~

39 (g) An emergency rule adopted by the department of financial  
 40 institutions under this section expires on the earlier of the following  
 41 dates:

42 (1) The expiration date stated in the emergency rule.



1           (2) The date the emergency rule is amended or repealed by a later  
 2           rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under  
 3           IC 4-22-2-37.1.  
 4           SECTION 184. IC 35-38-2.6-6, AS AMENDED BY P.L.72-2023,  
 5           SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2024]: Sec. 6. (a) As used in this section, "home" means the  
 7           actual living area of the temporary or permanent residence of a person.  
 8           (b) A person confined on work release or home detention in a  
 9           community corrections program receives one (1) day of accrued time  
 10          for each day the person is confined on work release or home detention.  
 11          (c) In addition to accrued time under subsection (b), a person who  
 12          is placed on a level of supervision as part of a community corrections  
 13          program under this chapter is entitled to earn good time credit under  
 14          IC 35-50-6-3 and IC 35-50-6-3.1. A person placed on a level of  
 15          supervision as part of a community corrections program may not earn  
 16          educational credit under IC 35-50-6-3.3.  
 17          (d) The department of correction shall adopt rules under IC 4-22-2  
 18          and may adopt emergency rules under IC 4-22-2-37.1, concerning the  
 19          deprivation of earned good time credit for a person who is placed on a  
 20          level of supervision as part of a community corrections program under  
 21          this chapter.  
 22          (e) A person who is placed on a level of supervision as part of a  
 23          community corrections program under this chapter may be deprived of  
 24          earned good time credit as provided under rules adopted by the  
 25          department of correction under IC 4-22-2. including IC 4-22-2-37.1.  
 26          SECTION 185. IC 35-48-4-14.3, AS AMENDED BY P.L.5-2016,  
 27          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28          JULY 1, 2024]: Sec. 14.3. (a) The board shall adopt  
 29          (†) a rule under IC 4-22-2 or  
 30          (2) an emergency rule in the manner provided under  
 31          IC 4-22-2-37.1;  
 32          to declare that a product is an extraction resistant or a conversion  
 33          resistant form of ephedrine or pseudoephedrine.  
 34          (b) The board, in consultation with the state police, shall find that  
 35          a product is an extraction resistant or a conversion resistant form of  
 36          ephedrine or pseudoephedrine if the board determines that the product  
 37          does not pose a significant risk of being used in the manufacture of  
 38          methamphetamine. In making its determination under this subsection,  
 39          the board may receive information from the federal Drug Enforcement  
 40          Administration (DEA) as to whether a product is extraction resistant or  
 41          conversion resistant.  
 42          SECTION 186. IC 36-8-10.5-7, AS AMENDED BY P.L.139-2023,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2024]: Sec. 7. (a) The education board shall adopt rules under  
 3 IC 4-22-2 establishing minimum basic training requirements for  
 4 full-time firefighters and volunteer firefighters, subject to subsection  
 5 (b) and section 7.5 of this chapter. The requirements must include  
 6 training in the following areas:

- 7 (1) Orientation.
- 8 (2) Personal safety.
- 9 (3) Forcible entry.
- 10 (4) Ventilation.
- 11 (5) Apparatus.
- 12 (6) Ladders.
- 13 (7) Self-contained breathing apparatus.
- 14 (8) Hose loads.
- 15 (9) Streams.
- 16 (10) Basic recognition of special hazards.

17 (b) A person who fulfills the certification requirements for:

- 18 (1) Firefighter I; or
- 19 (2) Firefighter II;

20 is considered to comply with the requirements established under  
 21 subsection (a).

22 (c) In addition to the requirements of subsections (a), (d), and (f),  
 23 the minimum basic training requirements for full-time firefighters and  
 24 volunteer firefighters must include successful completion of a basic or  
 25 inservice course of education and training on sudden infant death  
 26 syndrome that is certified by the Indiana emergency medical services  
 27 commission (created under IC 16-31-2-1) in conjunction with the state  
 28 health commissioner.

29 (d) In addition to the requirements of subsections (a), (c), and (f),  
 30 the minimum basic training requirements for full-time and volunteer  
 31 firefighters must include successful completion of an instruction course  
 32 on vehicle emergency response driving safety. The education board  
 33 shall adopt rules under IC 4-22-2 to operate this course.

34 (e) In addition to the requirements of subsections (a), (c), (d), and  
 35 (f), the minimum basic training requirements for full-time and  
 36 volunteer firefighters must include successful completion of a basic or  
 37 inservice course of education and training in interacting with  
 38 individuals with autism that is certified by the Indiana emergency  
 39 medical services commission (created under IC 16-31-2-1).

40 (f) This subsection does not apply to volunteer firefighters. After  
 41 December 31, 2024, in addition to the requirements of subsections (a),  
 42 (c), (d), and (e), the minimum basic training requirement for full-time





1 firefighters must include training, which may be completed online or  
 2 by other means of virtual instruction, that addresses the mental health  
 3 and wellness of firefighters, including:

4 (1) healthy coping skills to preserve the mental health of  
 5 firefighters and to manage the stress and trauma related to  
 6 employment as a firefighter;

7 (2) recognition of:

8 (A) symptoms of posttraumatic stress disorder; and

9 (B) signs of suicidal behavior; and

10 (3) information on mental health resources available for  
 11 firefighters.

12 (g) The education board may adopt emergency rules in the manner  
 13 provided under ~~IC 4-22-2-37.1~~ **IC 4-22-2** concerning the adoption of  
 14 the most current edition of the following National Fire Protection  
 15 Association standards, subject to amendment by the board:

16 (1) NFPA 472.

17 (2) NFPA 1001.

18 (3) NFPA 1002.

19 (4) NFPA 1003.

20 (5) NFPA 1006.

21 (6) NFPA 1021.

22 (7) NFPA 1031.

23 (8) NFPA 1033.

24 (9) NFPA 1035.

25 (10) NFPA 1041.

26 (11) NFPA 1521.

27 (12) NFPA 1670.

28 (h) Notwithstanding any provision in ~~IC 4-22-2-37.1~~ to the contrary;  
 29 an emergency rule described in subsection (g) expires on the earlier of  
 30 the following dates:

31 (1) Two (2) years after the date on which the emergency rule is  
 32 accepted for filing with the publisher of the Indiana Register.

33 (2) The date a permanent rule is adopted under this chapter.

34 (i) At least sixty (60) days before the education board adopts an  
 35 emergency rule under subsection (g), the education board shall:

36 (1) notify the public of its intention to adopt an emergency rule by  
 37 publishing a notice of intent to adopt an emergency rule in the  
 38 Indiana Register; and

39 (2) provide a period for public hearing and comment for the  
 40 proposed rule.

41 The publication notice described in subdivision (1) must include an  
 42 overview of the intent and scope of the proposed emergency rule and



1 the statutory authority for the rule.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 137, 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 137 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 11, Nays 0

