



January 28, 2014

# HOUSE BILL No. 1005

DIGEST OF HB 1005 (Updated January 28, 2014 3:59 pm - DI 97)

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

**Synopsis:** Government reduction. Repeals the law concerning cancellation and reissuance by the auditor of state of certain outstanding warrants. Repeals law concerning a prohibition on construction of fences and bleachers on Evansville State Hospital property. Requires an administrative agency to submit certain information to the office of management and budget (OMB) and receive a certain determination from the director of OMB before pursuing a rulemaking action. Removes provisions allowing for violent crime victims compensation funding for loss or disability of a law enforcement animal. Specifies the rate of interest for certain state payments is based on the average yield on state general fund money. Amends or repeals certain motor vehicles provisions, including references to street cars, operation of certain buses, motorcycle permits, and suspension of driving privileges. Removes funds used by the division of family resources in relation to programs for individuals with developmental disabilities from the list of funds to which the law concerning the financial services group of the office of the secretary of family and social services applies. Repeals the law concerning providing for continuance of prosecution, treatment, and probation for individuals charged with or convicted of felonies related to drug or alcohol abuse and supervised by the division of mental health and addiction. Repeals provisions for voluntary and involuntary addiction treatment by the division of mental health and addiction. Changes the membership of the underground petroleum storage tank financial  
(Continued next page)

**Effective:** July 1, 2014.

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## McMillin

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January 14, 2014, read first time and referred to Committee on Select Committee on Government Reduction.  
January 28, 2014, amended, reported — Do Pass.

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HB 1005—LS 7089/DI 97



## Digest Continued

assurance board. Makes corrections to references to defunct environmental boards and language suggesting the existence of multiple boards with environmental rulemaking power. Repeals the responsible property transfer law. Repeals the pest control compact. Strikes a provision allowing the commissioner of labor to obtain assistance from the state department of health with respect to an unsafe or unsanitary workplace. Repeals the law concerning homecare consumer and worker protection. Repeals the law concerning payroll bonds. Repeals a provision allowing a terminating employee to request a letter from the employer. Changes the frequency of occupational safety standards commission meetings. Repeals a provision regulating distress sales. Repeals the law concerning partition fences. Removes a provision requiring foreign and alien insurers to file applications in duplicate. Makes conforming amendments.

**HB 1005—LS 7089/DI 97**



January 28, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1005

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

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

- 1 SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1,  
2 2014]. (Cancellation and Reissue of Warrants Outstanding More Than  
3 Two Years).  
4 SECTION 2. IC 4-10-18-12 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If the amount of  
6 money in the underground petroleum storage tank excess liability **trust**  
7 fund established by IC 13-23-7-1 reaches zero (0), ten million dollars  
8 (\$10,000,000) shall be transferred to the underground petroleum  
9 storage tank excess liability fund from the fund if: ~~the~~  
10 (1) ~~underground petroleum storage tank financial assurance the~~  
11 ~~board~~ recommends that the appropriation should be made; and  
12 (2) ~~the~~ budget committee approves the appropriation.  
13 SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY  
14 1, 2014]. ~~Sec. 9.4. The department and the office of the secretary of~~

HB 1005—LS 7089/DI 97



1 family and social services shall establish policies that prohibit the  
 2 construction of fences and bleachers on real property that is part of the  
 3 Evansville State Hospital. This section applies to real property used  
 4 either by:

- 5 (1) Evansville State Hospital for recreational purposes; or
- 6 (2) an entity using part of the property of the hospital with the  
 7 permission of the hospital.

8 SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY  
 9 1, 2014]. Sec. 2.5: (a) This section applies to real property that is part  
 10 of Evansville State Hospital:

11 (b) The transfer of real property of Evansville State Hospital must  
 12 include a provision that no fences or bleachers may be constructed on  
 13 the real property being transferred. The deed transferring real property  
 14 must include a provision that the real property reverts to the state if  
 15 bleachers or fences are constructed on the real property:

16 SECTION 5. IC 4-22-2-1.5 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 2014]: Sec. 1.5. (a) This section does not apply to a public official  
 19 specified in IC 3-10-2-6(3), IC 3-10-2-6(4), or IC 3-10-2-7.

20 (b) An agency shall, before initiating a rulemaking action under  
 21 IC 4-22-2, notify the office of management and budget of any  
 22 proposed rule, including the following:

- 23 (1) A summary of the proposed rule.
- 24 (2) A copy of the proposed rule.
- 25 (3) An explanation of the manner in which the proposed rule  
 26 is thought to be necessary.
- 27 (4) A fiscal impact analysis.
- 28 (5) A cost benefit analysis, including:
  - 29 (A) a statement of need;
  - 30 (B) an evaluation of the costs and benefits;
  - 31 (C) an examination of alternatives;
  - 32 (D) independent information supporting the policy  
 33 rationale and cost benefit analysis; and
  - 34 (E) citation of sources used.
- 35 (6) A statement concerning the proposed rule's potential to  
 36 promote private sector job growth or foster private sector  
 37 economic development.
- 38 (7) An estimated date of the adoption of the proposed rule.

39 (c) An agency may pursue a rulemaking action only if at least  
 40 one (1) of the following applies, as determined by the director of  
 41 the office of management and budget:

- 42 (1) The rule is required to:



- 1           **(A) fulfill an objective related to job creation and**  
 2           **increasing investment in Indiana; or**  
 3           **(B) improve the quality of Indiana's workforce.**  
 4           **(2) The rule:**  
 5           **(A) repeals; or**  
 6           **(B) reduces the regulatory impact of;**  
 7           **an existing rule.**  
 8           **(3) The rule implements a federal mandate that may not be**  
 9           **waived under federal law.**  
 10           **(4) The rule is necessary to avoid a violation of a court order**  
 11           **or federal law that would result in sanctions against the state**  
 12           **by the court or the federal government for failure to adopt the**  
 13           **rule.**  
 14           **(5) The rule addresses matters related to:**  
 15           **(A) the control, mitigation, or eradication of waste, fraud,**  
 16           **or abuse within an agency; or**  
 17           **(B) wasteful or abusive activities directed toward an**  
 18           **agency.**  
 19           **(6) The primary purpose and effect of the rule, including an**  
 20           **emergency rule adopted under IC 4-22-2-37.1, is to address**  
 21           **emergency, health, or safety matters.**  
 22           SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013,  
 23           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24           JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15  
 25           of this chapter, the following persons are eligible for assistance under  
 26           this chapter:  
 27           (1) A resident of Indiana who is a victim of a violent crime  
 28           committed:  
 29           (A) in Indiana; or  
 30           (B) in a jurisdiction other than Indiana, including a foreign  
 31           country, if the jurisdiction in which the violent crime occurs  
 32           does not offer assistance to a victim of a violent crime that is  
 33           substantially similar to the assistance offered under this  
 34           chapter.  
 35           (2) A nonresident of Indiana who is a victim of a violent crime  
 36           committed in Indiana.  
 37           (3) A surviving spouse or dependent child of a victim of a violent  
 38           crime who died as a result of that crime.  
 39           (4) Any other person legally dependent for principal support upon  
 40           a victim of a violent crime who died as a result of that crime.  
 41           (5) A person who is injured or killed while trying to prevent a  
 42           violent crime or an attempted violent crime from occurring in the



1 person's presence or while trying to apprehend a person who had  
2 committed a violent crime.

3 (6) A surviving spouse or dependent child of a person who dies  
4 as a result of:

5 (A) trying to prevent a violent crime or an attempted violent  
6 crime from occurring in the presence of the deceased person;

7 or

8 (B) trying to apprehend a person who had committed a violent  
9 crime.

10 (7) A person legally dependent for principal support upon a  
11 person who dies as a result of:

12 (A) trying to prevent a violent crime or an attempted violent  
13 crime from occurring in the presence of the deceased person;

14 or

15 (B) trying to apprehend a person who had committed a violent  
16 crime.

17 (8) A person who is injured or killed while giving aid and  
18 assistance to:

19 (A) a law enforcement officer in the performance of the  
20 officer's lawful duties; or

21 (B) a member of a fire department who is being obstructed  
22 from performing lawful duties.

23 ~~(9) A law enforcement agency or person that owns a law~~  
24 ~~enforcement animal that is permanently disabled or killed as a~~  
25 ~~result of a violation of IC 35-46-3-11.~~

26 SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013,  
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with  
29 the division after June 30, 2009.

30 (b) This subsection does not apply to reimbursement for forensic  
31 and evidence gathering services provided under section 39 of this  
32 chapter.

33 (c) An award may not be made unless the claimant has incurred an  
34 out-of-pocket loss of at least one hundred dollars (\$100).

35 (d) Subject to subsections (b) and (c), the division may order the  
36 payment of compensation under this chapter for any of the following:

37 (1) Reasonable expenses incurred within one hundred eighty  
38 (180) days after the date of the violent crime for necessary:

39 (A) medical, chiropractic, hospital, dental, optometric, and  
40 ambulance services;

41 (B) prescription drugs; and

42 (C) prosthetic devices;



1 that do not exceed the claimant's out-of-pocket loss.

2 (2) Loss of income:

3 (A) the victim would have earned had the victim not died or  
4 been injured, if the victim was employed at the time of the  
5 violent crime; or

6 (B) the parent, guardian, or custodian of a victim who is less  
7 than eighteen (18) years of age incurred by taking time off  
8 from work to care for the victim.

9 A claimant seeking reimbursement under this subdivision must  
10 provide the division with proof of employment and current wages.

11 (3) Reasonable emergency shelter care expenses, not to exceed  
12 the expenses for thirty (30) days, that are incurred for the claimant  
13 or a dependent of the claimant to avoid contact with a person who  
14 committed the violent crime.

15 (4) Reasonable expense incurred for child care, not to exceed one  
16 thousand dollars (\$1,000), to replace child care the victim would  
17 have supplied had the victim not died or been injured.

18 (5) Loss of financial support the victim would have supplied to  
19 legal dependents had the victim not died or been injured.

20 (6) Documented expenses incurred for funeral, burial, or  
21 cremation of the victim that do not exceed five thousand dollars  
22 (\$5,000). The division shall disburse compensation under this  
23 subdivision in accordance with guidelines adopted by the  
24 division.

25 (7) Outpatient mental health counseling, not to exceed three  
26 thousand dollars (\$3,000), concerning mental health issues related  
27 to the violent crime.

28 ~~(8) As compensation for a law enforcement animal that is~~  
29 ~~permanently disabled or killed as a result of a violation of~~  
30 ~~IC 35-46-3-11, the cost of replacing the animal, which may~~  
31 ~~include the cost of training the animal.~~

32 ~~(9)~~ (8) Other actual expenses related to bodily injury to or the  
33 death of the victim that the division determines are reasonable.

34 (e) If a health care provider accepts payment from the division  
35 under this chapter, the health care provider may not require the victim  
36 to pay a copayment or an additional fee for the provision of services.

37 (f) A health care provider who seeks compensation from the  
38 division under this chapter may not simultaneously seek funding for  
39 services provided to a victim from any other source.

40 (g) The director may extend the one hundred eighty (180) day  
41 compensation period established by subsection (d)(1) for a period not  
42 to exceed two (2) years after the date of the violent crime if:



- 1 (1) the victim or the victim's representative requests the  
 2 extension; and  
 3 (2) medical records and other documentation provided by the  
 4 attending medical providers indicate that an extension is  
 5 appropriate.
- 6 (h) The director may extend the one hundred eighty (180) day  
 7 compensation period established by subsection (d)(1) for outpatient  
 8 mental health counseling, established by subsection (d)(7), if the  
 9 victim:
- 10 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or  
 11 incest (under IC 35-46-1-3);  
 12 (2) was under eighteen (18) years of age at the time of the alleged  
 13 crime; and  
 14 (3) did not reveal the crime within two (2) years after the date of  
 15 the alleged crime.
- 16 SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013,  
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the  
 19 victim ~~or claimant~~ to whom an award is granted to the extent of the  
 20 award.
- 21 (b) The subrogation rights are against the perpetrator of the crime  
 22 or a person liable for the pecuniary loss.
- 23 (c) If the victim ~~or claimant~~ initiates a civil action against the  
 24 perpetrator of the crime or against the person liable for the pecuniary  
 25 loss, the victim ~~or claimant~~ shall promptly notify the division of the  
 26 filing of the civil action.
- 27 SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013,  
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under  
 30 section 22 of this chapter, the state is entitled to a lien in the amount of  
 31 the award on a recovery made by or on behalf of the victim. ~~or~~  
 32 ~~claimant~~.
- 33 (b) The state may:
- 34 (1) recover the amount under subsection (a) in a separate action;  
 35 or  
 36 (2) intervene in an action brought by or on behalf of the victim. ~~or~~  
 37 ~~claimant~~.
- 38 (c) If the claimant brings the action, the claimant may deduct from  
 39 the money owed to the state under the lien the state's pro rata share of  
 40 the reasonable expenses for the court suit, including attorney's fees of  
 41 not more than fifteen percent (15%).  
 42 SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013,





1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division  
3 shall accept the application for filing and investigate the facts stated in  
4 the application.

5 (b) As part of the investigation, the division shall verify that:

6 (1) a

7 ~~(A) violent crime or~~

8 ~~(B) crime under IC 35-46-3-11, for purposes of compensation~~  
9 ~~payable under section 12(9) of this chapter;~~

10 was committed;

11 (2) the victim was killed or suffered bodily injury as a result of the  
12 crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement~~  
13 ~~animal was permanently disabled or killed;~~

14 (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19  
15 of this chapter are met; and

16 (4) out-of-pocket loss exceeded one hundred dollars (\$100).

17 SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013,  
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made  
20 under this chapter by the amount of benefits received or to be received  
21 from the following sources if those benefits result from or are in any  
22 manner attributable to the bodily injury or death upon which the award  
23 is based:

24 (1) Benefits from public or private pension programs, including  
25 Social Security benefits.

26 (2) Benefits from proceeds of an insurance policy.

27 (3) Benefits under IC 22-3-2 through IC 22-3-6.

28 (4) Unemployment compensation benefits.

29 (5) Benefits from other public funds, including Medicaid and  
30 Medicare.

31 Compensation must be further reduced or denied to the extent that the  
32 claimant's loss is recouped from other collateral sources.

33 (b) The division shall further reduce an award under this chapter by  
34 the following:

35 (1) The amount of court ordered restitution actually received by  
36 the victim ~~or claimant~~ from the offender.

37 (2) Benefits actually received by the victim ~~or claimant~~ from a  
38 third party on behalf of the offender.

39 (c) The division shall determine whether the victim ~~or claimant~~  
40 vigorously pursued recovery against available collateral sources  
41 described in this section.

42 (d) If the division finds that a victim ~~or claimant~~ has failed to pursue



1 an applicable collateral source of recovery, the division shall reduce or  
 2 deny an award under this section by the amount that is available to the  
 3 victim ~~or claimant~~ through the collateral source.

4 (e) A claimant must exhaust any paid or otherwise compensated  
 5 vacation leave, sick leave, personal leave, or other compensatory time  
 6 accrued through an employer before applying for benefits. The division  
 7 may not reimburse the victim ~~or claimant~~ for the use of paid or  
 8 otherwise compensated vacation leave, sick leave, personal leave, or  
 9 other compensatory time.

10 SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013,  
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award,  
 13 the division shall determine whether the victim ~~(or law enforcement  
 14 animal; in an application described in section 12(9) of this chapter)~~  
 15 contributed to the infliction of the **victim's** injury or death.

16 (b) If the division finds that the victim ~~(or law enforcement animal;  
 17 in an application described in section 12(9) of this chapter)~~ contributed  
 18 to the infliction of the **victim's** injury or death, the division may deny  
 19 an award.

20 (c) If the division further finds that the **victim's** contributory  
 21 conduct was solely attributable to an effort to:

- 22 (1) prevent a crime from occurring; or
- 23 (2) apprehend a person who committed a crime;

24 **in the victim's presence**, the **victim's** contributory conduct does not  
 25 render the victim ~~or claimant~~ ineligible for compensation.

26 SECTION 13. IC 6-6-6.6-1 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) ~~For the purposes~~  
 28 ~~of~~ **The terms set forth in this section apply throughout this** chapter.

29 (b) "Department" means the department of state revenue.

30 (c) "Disposal" means all forms of disposal in or on the land,  
 31 including underground injection.

32 (d) "Disposal facility" means a site where hazardous wastes are  
 33 disposed of in or on the land, including a site associated with, within,  
 34 or adjacent to facilities generating the waste.

35 (e) "Hazardous substance" has the meaning set forth in  
 36 IC 13-11-2-98.

37 (f) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a)  
 38 and includes any waste that:

- 39 (1) meets the definition in IC 13-11-2-99(a);
- 40 (2) is determined to be hazardous under the criteria developed  
 41 under IC 13-22-2-3(a); or
- 42 (3) is included on the list compiled and maintained by the ~~solid~~



- 1           waste management board under IC 13-22-2-3(b).
- 2           (g) "Remedial action" has the meaning set forth in IC 13-11-2-185.
- 3           (h) "Removal" has the meaning set forth in IC 13-11-2-187.
- 4           (i) "Taxable hazardous waste" means:
- 5               (1) any waste determined to be a hazardous waste under
- 6               IC 13-22-2-3 and not excluded under IC 13-22-2-3(b) or
- 7               IC 13-22-2-3(d); and
- 8               (2) wastes that are disposed of by underground injection that
- 9               would constitute hazardous wastes under IC 13-22-2-3 if they
- 10              were not included in discharges that are subject to permits under
- 11              Section 402 of the Federal Water Pollution Control Act
- 12              Amendments of 1972 (33 U.S.C. 1342).
- 13           Taxable hazardous waste does not include natural agricultural waste.
- 14           (j) "Ton" means a short ton.
- 15           SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007,
- 16           SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17           JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the
- 18           listed taxes, fails to pay the full amount of tax shown on the person's
- 19           return by the due date for the return or the payment, or incurs a
- 20           deficiency upon a determination by the department, the person is
- 21           subject to interest on the nonpayment.
- 22           (b) The interest for a failure described in subsection (a) is the
- 23           adjusted rate established by the commissioner under subsection (c),
- 24           from the due date for payment. The interest applies to:
- 25               (1) the full amount of the unpaid tax due if the person failed to
- 26               file the return;
- 27               (2) the amount of the tax that is not paid, if the person filed the
- 28               return but failed to pay the full amount of tax shown on the return;
- 29               or
- 30               (3) the amount of the deficiency.
- 31           (c) The commissioner shall establish an adjusted rate of interest for
- 32           a failure described in subsection (a) and for an excess tax payment on
- 33           or before November 1 of each year. For purposes of subsection (b), the
- 34           adjusted rate of interest shall be the percentage rounded to the nearest
- 35           whole number that equals two (2) percentage points above the average
- 36           investment yield on state **general fund** money for the state's previous
- 37           fiscal year, excluding pension fund investments, as determined by the
- 38           treasurer of state on or before October 1 of each year and reported to
- 39           the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of
- 40           interest for an excess tax payment must be the same as the adjusted rate
- 41           of interest determined under this subsection for a failure described in
- 42           subsection (a). The adjusted rates of interest established under this



1 subsection shall take effect on January 1 of the immediately succeeding  
2 year.

3 (d) For purposes of this section, the filing of a substantially blank or  
4 unsigned return does not constitute a return.

5 (e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the  
6 department may not waive the interest imposed under this section.

7 (f) Subsections (a) through (c) do not apply to a motor carrier fuel  
8 tax return.

9 SECTION 15. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to  
12 knowingly or intentionally make a false statement of the minor's age or  
13 to present or offer false or fraudulent evidence of majority or identity  
14 to a permittee for the purpose of ordering, purchasing, attempting to  
15 purchase, or otherwise procuring or attempting to procure an alcoholic  
16 beverage.

17 ~~(b) In addition to the penalty under subsection (a), a minor who:~~

18 ~~(1) uses a false or altered driver's license or the driver's license of~~  
19 ~~another person as evidence of majority under this section; or~~

20 ~~(2) is convicted of purchasing or procuring an alcoholic beverage~~  
21 ~~with or without using a false or altered driver's license;~~

22 ~~shall have the minor's driver's license, permit, or driving privileges~~  
23 ~~suspended for up to one (1) year in accordance with IC 9-24-18-8 and~~  
24 ~~IC 9-30-4-9.~~

25 ~~(c) Upon entering a judgment of conviction for the misdemeanor~~  
26 ~~under this section, the court shall forward a copy of the judgment to the~~  
27 ~~bureau of motor vehicles for the purpose of complying with subsection~~  
28 ~~(b).~~

29 SECTION 16. IC 8-1-2-89 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 89. (a) As used in this  
31 section, unless the context otherwise requires, the following terms have  
32 the following meanings:

33 (1) "Sewage disposal service" means any public utility service  
34 whereby liquid and solid waste, sewage, night soil, and industrial  
35 waste of any single territorial area is collected, treated, purified,  
36 and disposed of in a sanitary manner, and includes all sewage  
37 treatment plant or plants, main sewers, submain sewers, local and  
38 lateral sewers, intercepting sewers, outfall sewers, force mains,  
39 pumping stations, ejector stations, and all other equipment and  
40 appurtenances necessary or useful and convenient for the  
41 rendition of such service.

42 (2) "Sewage disposal company" means any natural person, firm,



1 association, corporation, or partnership owning, leasing, or  
 2 operating any sewage disposal service within the rural areas of  
 3 this state, and all provisions of this chapter pertaining to a public  
 4 utility shall apply with equal force and effect to a sewage disposal  
 5 company, except insofar as said provisions may be inconsistent  
 6 with specific provisions of this section.

7 (3) "Rural area" means territory lying within the state of Indiana  
 8 and lying outside the corporate limits of a municipality.

9 (4) "Certificate of territorial authority" means a certificate of  
 10 convenience and necessity issued by the commission pursuant to  
 11 this section, which said certificate shall be deemed an  
 12 indeterminate permit, unless expressly conditioned otherwise by  
 13 the commission when issued.

14 (5) "Notice of hearing" means notice of the time, place, and  
 15 purpose of a hearing, given by publication in at least one (1)  
 16 newspaper of general circulation in each of the counties in which  
 17 the particular sewage disposal company operates or proposes to  
 18 operate and given also in writing by United States registered mail:

19 (A) to each other sewage disposal company operating in  
 20 territory contiguous to the territory in which the particular  
 21 sewage disposal company operates or proposes to operate;

22 (B) to each municipality in territory contiguous and nearest to  
 23 the territory in which the particular sewage disposal company  
 24 operates or proposes to operate; and

25 (C) to such other persons or entities which the commission  
 26 may from time to time require by its rules and forms;

27 all such notices shall be so mailed as to be received by the  
 28 recipients at least ten (10) days prior to any hearing, or as  
 29 otherwise required by the commission.

30 (b) It is hereby declared to be in the public interest to provide for the  
 31 orderly development and rendering of sewage disposal service in rural  
 32 areas within the state of Indiana, and such public interest makes it  
 33 necessary and desirable that to the extent provided herein the holding  
 34 of a certificate of territorial authority should be required as a condition  
 35 precedent to the rendering of such service, and that such operation be  
 36 under the control, regulation, and supervision of the commission, and  
 37 such sewage disposal companies shall not be subject to regulation by  
 38 any municipality or county government or metropolitan regulatory  
 39 body, or any branch or subdivisions thereof or substitute therefor in the  
 40 form of special service districts, with the exception that said sewage  
 41 disposal company shall be subject to the comprehensive plan, zoning,  
 42 and subdivision requirements and regulations of the governmental units



1 having jurisdiction in the area. However, all functions, powers, and  
2 duties of the state department of health and the ~~water pollution control~~  
3 **environmental rules** board shall remain unaffected by this section.

4 (c) No sewage disposal company shall commence the rendering of  
5 sewage disposal service in any rural area in the state of Indiana in  
6 which it is not actually rendering sewage disposal service, without first  
7 obtaining from the commission a certificate of territorial authority  
8 authorizing such sewage disposal service, finding that public  
9 convenience and necessity require such sewage disposal service within  
10 such rural area by such sewage disposal company, and defining and  
11 limiting specifically the rural area covered thereby. No sewage disposal  
12 company hereby required to hold such a certificate shall render any  
13 additional sewage disposal service within such rural area to any extent  
14 greater than that authorized by such certificate or shall continue to  
15 render sewage disposal service within such rural area if and after such  
16 certificate of territorial authority has been revoked or transferred as in  
17 this section provided, unless in such order of revocation or transfer the  
18 commission shall require continued service until a new sewage  
19 disposal company or municipality actually takes over such service. The  
20 commission shall not have the power to require extension of such  
21 service by any sewage disposal company into any additional territory  
22 than that defined and limited in such a certificate without the consent  
23 of such sewage disposal company.

24 (d) Whenever any sewage disposal company proposes to commence  
25 the rendering of sewage disposal service in any rural area, it shall file  
26 with the commission a verified application for a certificate of territorial  
27 authority to cover the proposed service. The commission shall by rule  
28 prescribe the form of the application and the information to be  
29 contained therein, and such application by any such company shall  
30 conform to such prescribed form. The commission shall set the matter  
31 for hearing and notice of such hearing shall be given to the parties and  
32 in the manner defined in this section. Any city may, and upon petition  
33 to the commission shall, be made a party to any service proposal if its  
34 territorial limits lie within five (5) miles of the area to be serviced  
35 under this section.

36 (e) If, after notice of hearing and hearing on any application for a  
37 certificate of territorial authority, the commission shall find from the  
38 evidence introduced at such hearing, including any evidence which the  
39 commission shall have caused to be introduced as a result of any  
40 investigation which it may have made into the matter, that the applicant  
41 has proved:

42 (1) lawful power and authority to apply for said certificate and to



1 operate said proposed service;  
 2 (2) financial ability to install, commence, and maintain said  
 3 proposed service; and  
 4 (3) public convenience and necessity require the rendering of the  
 5 proposed service in the proposed rural area by this particular  
 6 sewage disposal company; however, in the event the service is  
 7 proposed for a proposed rural real estate addition, division, or  
 8 development, or any part thereof, the reasonably expected sewage  
 9 disposal service requirements of the anticipated residents may be  
 10 found to constitute such public convenience and necessity;  
 11 then the certificate of territorial authority, defining and limiting the  
 12 rural area to be covered thereby, shall be granted to the applicant,  
 13 subject to such terms, restrictions, limitations, and conditions,  
 14 including but not limited to a reasonable time in which to commence  
 15 operations, as the commission shall determine to be necessary and  
 16 desirable in the public interest.  
 17 (f) In cases of applications filed by two (2) or more sewage disposal  
 18 companies seeking the issuance of a certificate of territorial authority  
 19 for the same area or areas or any conflicting portions thereof, the  
 20 commission may either consider such applications separately or by  
 21 consolidation of two (2) or more or all within a single hearing at its  
 22 discretion and shall have the power to issue its certificate after notice  
 23 of hearing and hearing to any single qualified sewage disposal  
 24 company for a particular rural area, or, in the event that the commission  
 25 determines and finds that two (2) or more or all applicants seeking the  
 26 same area or areas or any conflicting portions thereof are both or all  
 27 qualified, then the commission shall have the power to determine  
 28 which is the better or best qualified, or whether the same area or areas  
 29 or any conflicting portions thereof shall be divided between or among  
 30 such qualified applicants. However, in no event shall such area or areas  
 31 or portions thereof be greater than that for which the particular  
 32 applicant applied, unless such sewage disposal company shall consent  
 33 and agree in writing to such modification of its application and the  
 34 issuance of such modified certificate.  
 35 (g) After the issuance of such certificate, no other sewage disposal  
 36 company shall render sewage disposal service in the area or areas so  
 37 determined and so defined in any certificate of territorial authority  
 38 issued by the commission, except after notice of hearing and hearing,  
 39 and the determination and finding by the commission that public  
 40 convenience and necessity require that sewage disposal service in said  
 41 same area or areas be also rendered or offered by an additional or  
 42 another company, and the issuance of a certificate duly granted by the



1 commission as provided in this section.

2 (h) A sewage disposal company shall be required to furnish  
3 reasonable adequate sewage disposal services and facilities for which  
4 said service and facilities it shall be entitled to charge reasonable,  
5 nondiscriminatory rates, subject to the jurisdiction of the commission  
6 for the purpose of fixing said rates to be charged to patrons of such  
7 sewage disposal company for sewage disposal service, and for such  
8 purpose the commission is given jurisdiction to proceed in the same  
9 manner and with like power as is provided by this chapter in the case  
10 of public utilities.

11 (i) To encourage the installation of sewage treatment plants, and  
12 sewers, mains, stations, and all other equipment and appurtenances for  
13 rendering sewage disposal service in rural areas in close proximity to  
14 municipalities, and to ensure that a sewage disposal company which  
15 had made such installation in such area can recover the cost of its  
16 investment, in the event that the area or areas or any part thereof  
17 included within the territory granted under a certificate of territorial  
18 authority shall be annexed by any municipality at any time within  
19 twelve (12) years from the date that such certificate was granted, a  
20 sewage disposal company operating under such certificate shall  
21 continue to operate under such certificate of territorial authority,  
22 subject to the exclusive jurisdiction and regulation of the commission,  
23 for the unexpired portion of such period of twelve (12) years from the  
24 date of granting such certificate, or, in the case of a determinate permit  
25 specifying a term shorter than twelve (12) years, then for the unexpired  
26 portion of such lesser period as specified by such permit from the date  
27 of granting such permit. However, the foregoing provisions in regard  
28 to continued operation within the corporate limits of a municipality  
29 after annexation shall not affect the right of the sewage disposal  
30 company to cease its operation of providing sewage disposal service  
31 within such annexed territory prior to the termination of said twelve  
32 (12) year or lesser determinate permit period, upon thirty (30) days  
33 written notice to the commission, the municipality, and all patrons.

34 (j) Upon approval by the commission given after notice of hearing  
35 and hearing, but not otherwise, any certificate of territorial authority  
36 may:

37 (1) be sold, assigned, leased, or transferred by the holder thereof  
38 to any sewage disposal company to which a territorial certificate  
39 might be lawfully issued; or

40 (2) be included in the property and rights encumbered under any  
41 indenture of mortgage or deed of trust of such holder;

42 or any sewage treatment plant or plants, sewers, mains, stations, and





1 equipment and appurtenances for the rendering of sewage disposal  
 2 service, or any part thereof, may be sold, assigned, leased, or  
 3 transferred by the holder thereof to any municipality if these assets lie  
 4 within an area which shall have been annexed by such municipality or  
 5 lie within the given radius of miles from the corporate limits of such  
 6 municipality into which it is authorized to render such services, if such  
 7 municipality is prepared to render a comparable sewage disposal  
 8 service without loss of continuity of service, and if the terms of such  
 9 sale, assignment, lease, or transfer are reasonable. However, once the  
 10 commission has given its approval to such transaction and the  
 11 transaction itself is actually consummated, the commission shall have  
 12 no control over the sewage disposal service henceforth rendered by  
 13 such municipality as a municipally owned utility (as defined in this  
 14 chapter).

15 (k) Any certificate of territorial authority may, after notice of  
 16 hearing and hearing, be revoked by the commission, in whole or in  
 17 part, for the failure of the holder thereof to furnish reasonably adequate  
 18 sewage disposal service within the area or areas determined and  
 19 defined in such certificate of territorial authority, or for the failure of  
 20 the holder thereof to comply with any applicable order or rule  
 21 prescribed by the commission in the exercise of its powers under this  
 22 chapter, or for failure to comply with any term, condition, or limitation  
 23 of such certificate of territorial authority.

24 (l) After the commission revokes any certificate of territorial  
 25 authority under subsection (k) or after the county board of health  
 26 determines the existence of a serious health problem related to the  
 27 sewage disposal facility, the county commissioners of the county in  
 28 which the sewage disposal facility is located may acquire the facility,  
 29 subject to the approval of the acquisition by the county council, except  
 30 that the county commissioners may not acquire any facility already  
 31 acquired by any city or town. The county commissioners shall acquire  
 32 the sewage disposal facility by:

33 (1) gift, grant, purchase, or condemnation that is funded in the  
 34 same manner that cities and towns fund sewage treatment  
 35 acquisitions under IC 36-9; or

36 (2) a lease arrangement that is funded in the same manner that  
 37 cities and towns fund leases of sewage disposal facilities under  
 38 IC 36-9.

39 After acquisition, the county commissioners shall repair, operate, and  
 40 maintain the sewage disposal facility and charge user fees for these  
 41 services.

42 SECTION 17. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY

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1, 2014]. Sec. 146. "Railroad" does not include street car.

SECTION 18. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 176. "Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

SECTION 19. IC 9-13-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means pedestrians, ridden or herded animals, ~~street cars~~, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

SECTION 20. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 10. ~~The motorman of a street car shall obey traffic control signals that are applicable to vehicles.~~

SECTION 21. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who violates section 7, 8, ~~or 9 or 10~~ of this chapter commits a Class C infraction.

SECTION 22. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who drives a vehicle ~~or street car~~ may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

SECTION 23. IC 9-21-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;



- 1 so as to interfere with the person's control over the driving  
2 mechanism of the vehicle.
- 3 (b) A passenger in a vehicle ~~or street car~~ may not do the following:  
4 (1) Ride in a position that interferes with the view ahead or to the  
5 sides of the person who drives the vehicle. ~~or street car.~~  
6 (2) Interfere with the person's control over the driving mechanism  
7 of the vehicle. ~~or street car.~~
- 8 SECTION 24. IC 9-21-12-2 IS REPEALED [EFFECTIVE JULY 1,  
9 2014]. ~~Sec. 2: Whenever a school bus is being operated upon a~~  
10 ~~highway for purposes other than the actual transportation of children~~  
11 ~~either to or from school or other school related activities; all markings~~  
12 ~~on the school bus indicating "school bus" shall be covered or~~  
13 ~~concealed.~~
- 14 SECTION 25. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1,  
15 2014]. ~~Sec. 6: A street car or vehicle may not be driven over an~~  
16 ~~unprotected hose of a fire department when laid down on a street,~~  
17 ~~private driveway, or street car track to be used at a fire or alarm of fire~~  
18 ~~without the consent of the fire department official in command.~~
- 19 SECTION 26. IC 9-21-12-9 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who  
21 violates section 1 of this chapter commits a Class A infraction. ~~A~~  
22 ~~person who violates section 2 of this chapter commits a Class C~~  
23 ~~misdemeanor.~~
- 24 SECTION 27. IC 9-21-12-11, AS AMENDED BY P.L.39-2009,  
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2014]: Sec. 11. (a) A person who violates section 5, 6, 7, or 19  
27 of this chapter commits a Class C infraction.
- 28 (b) A person who knowingly or intentionally violates section 12, 13,  
29 14, 15, ~~or 16 or 17~~ of this chapter commits a Class C misdemeanor.
- 30 (c) A person described in section 18(b) ~~or 18(c) or 18(d)~~ of this  
31 chapter commits a Class B infraction.
- 32 SECTION 28. IC 9-21-12-17 IS REPEALED [EFFECTIVE JULY  
33 1, 2014]: ~~Sec. 17: (a) Except as provided in subsection (b); before~~  
34 ~~crossing any railroad track at grade; the driver of a school bus or~~  
35 ~~special purpose bus shall stop the bus within fifty (50) feet but not less~~  
36 ~~than fifteen (15) feet from the nearest rail. While the bus is stopped; the~~  
37 ~~driver shall:~~
- 38 (1) listen through an open door;  
39 (2) look in both directions along the track for an approaching train  
40 or other on-track equipment; and  
41 (3) look for signals indicating the approach of a train or other  
42 on-track equipment.



1 The driver may not proceed until it is safe to proceed. When it is safe  
 2 to proceed, the driver shall select a gear that will allow the driver to  
 3 cross the tracks without changing gears. The driver may not shift gears  
 4 while crossing the tracks.

5 (b) The driver is not required to stop when a police officer is  
 6 directing the flow of traffic across railroad tracks.

7 (c) Upon conviction of a violation of this section, a driver shall have  
 8 the driver's operator's license suspended for a period of not less than  
 9 sixty (60) days in addition to the penalties provided by section 11 of  
 10 this chapter.

11 SECTION 29. IC 9-21-12-18, AS ADDED BY P.L.107-2006,  
 12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose  
 14 bus is at a place of departure for transporting passengers, the school  
 15 bus or special purpose bus emergency escape exits, doors, emergency  
 16 exit windows, roof exits, and service doors must be free of any  
 17 obstruction that:

18 (1) inhibits or obstructs an exit; or

19 (2) renders the means of exit hazardous.

20 (b) A driver who knowingly operates a school bus or special  
 21 purpose bus in violation of subsection (a) is subject to section 11(c) of  
 22 this chapter.

23 (c) A person who knowingly directs a driver to operate a school bus  
 24 or special purpose bus in violation of subsection (a) is subject to  
 25 section 11(c) of this chapter.

26 (d) A school corporation or an entity that employs:

27 (1) a driver who knowingly operates a school bus or special  
 28 purpose bus in violation of subsection (a); or

29 (2) a person who knowingly directs a driver to operate a school  
 30 bus or special purpose bus in violation of subsection (a);

31 is subject to section 11(c) of this chapter.

32 SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1,  
 33 2014]. Sec. 6: In addition to any other penalty, the bureau:

34 (1) shall revoke the motorcycle learner's permit of a person who  
 35 is convicted of operating a motorcycle under the influence of  
 36 alcohol; and

37 (2) may not issue a motorcycle learner's permit or motorcycle  
 38 endorsement to a person referred to in subdivision (1) for at least

39 (1) year after the date of the person's conviction.

40 SECTION 31. IC 9-24-18-8 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall  
 42 suspend for a mandatory period of at least ninety (90) days the current



1 driving license or permit of a person who:

- 2 (1) uses or has possession of a driving license or permit of another  
 3 person with the intent to violate or evade or to attempt to violate  
 4 or evade any provision of law relating to the sale, purchase, use,  
 5 or possession of alcoholic beverages; or  
 6 (2) is convicted of the offenses listed in ~~IC 7.1-5-7-1(b)~~ or  
 7 IC 7.1-5-7-10.

8 (b) The mandatory suspension provided by this section is in addition  
 9 to all other sanctions provided by section 7 of this chapter and  
 10 IC 9-30-4-9.

11 SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013,  
 12 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2014]: Sec. 1. (a) Upon any reasonable ground appearing on  
 14 the records of the bureau **and specified in rules adopted under**  
 15 **subsection (b)**, the bureau may do the following:

- 16 (1) Suspend or revoke the current driving privileges or driver's  
 17 license of any person.  
 18 (2) Suspend or revoke the certificate of registration and license  
 19 plate for any motor vehicle.

20 (b) **The bureau shall adopt rules under IC 4-22-2 to specify**  
 21 **reasonable grounds for suspension or revocation permitted under**  
 22 **subsection (a).**

23 SECTION 33. IC 12-8-10-1, AS AMENDED BY P.L.146-2008,  
 24 SECTION 383, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to the  
 26 indicated money of the following state agencies to the extent that the  
 27 money is used by the agency to obtain services from grantee agencies  
 28 to carry out the program functions of the agency:

- 29 (1) Money appropriated or allocated to a state agency from money  
 30 received by the state under the federal Social Services Block  
 31 Grant Act (42 U.S.C. 1397 et seq.).  
 32 (2) The division of aging, except this chapter does not apply to  
 33 money expended under the following:  
 34 (A) The following statutes, unless application of this chapter  
 35 is required by another subdivision of this section:  
 36 (i) IC 12-10-6.  
 37 (ii) IC 12-10-12.  
 38 (B) Epilepsy services.  
 39 (3) The division of family resources, for money expended under  
 40 the following programs:  
 41 (A) The child development associate scholarship program.  
 42 (B) The dependent care program.



- 1 (C) Migrant day care.
- 2 (D) The commodities program.
- 3 (E) The migrant nutrition program.
- 4 (F) Any emergency shelter program.
- 5 (G) The energy weatherization program.
- 6 ~~(H) Programs for individuals with developmental disabilities.~~
- 7 (4) The state department of health, for money expended under the
- 8 following statutes:
- 9 (A) IC 16-19-10.
- 10 (B) IC 16-38-3.
- 11 (5) The group.
- 12 (6) All state agencies, for any other money expended for the
- 13 purchase of services if all the following apply:
- 14 (A) The purchases are made under a contract between the state
- 15 agency and the office of the secretary.
- 16 (B) The contract includes a requirement that the office of the
- 17 secretary perform the duties and exercise the powers described
- 18 in this chapter.
- 19 (C) The contract is approved by the budget agency.
- 20 (7) The division of mental health and addiction.
- 21 SECTION 34. IC 12-8-10-9, AS AMENDED BY P.L.181-2006,
- 22 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2014]: Sec. 9. (a) Each grantee agency receiving money under
- 24 a contract covered by this chapter shall maintain sufficient records to
- 25 show the following:
- 26 (1) The actual cost of services provided under the contract.
- 27 (2) The nature and amount of services provided under the
- 28 contract.
- 29 (b) At least every two (2) years the group shall, in the manner
- 30 prescribed by the state board of accounts, conduct audits of all grantee
- 31 agencies that, under a contract under this chapter, receive payment
- 32 from any of the money described in section 1(2) ~~or 1(3)(f)~~ of this
- 33 chapter. These audits must include an investigation of the records of
- 34 the grantee agencies to determine whether the services rendered under
- 35 the contracts have been in compliance with the terms of the contracts.
- 36 (c) This section does not prohibit the state board of accounts from
- 37 auditing grantee agencies under the board's own authority. The office
- 38 of the secretary may do either of the following:
- 39 (1) Contract with the state board of accounts to conduct audits of
- 40 grantee agencies.
- 41 (2) Require grantee agencies to obtain independent audits of their
- 42 agencies.



1 (d) A contract between a state agency and the office of the secretary  
 2 under section (1)(6) of this chapter may include a provision requiring  
 3 the group to perform or arrange for the audits described by this section.

4 SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005,  
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this  
 7 chapter must include the following:

8 (1) Providing for prior review and approval of medical services.

9 (2) Specifying the method of determining the amount of  
 10 reimbursement for services.

11 (3) Establishing limitations that are consistent with medical  
 12 necessity concerning the amount, scope, and duration of the  
 13 services and supplies to be provided. The rules may contain  
 14 limitations on services that are more restrictive than allowed  
 15 under a provider's scope of practice (as defined in Indiana law).

16 (4) Denying payment or instructing the contractor under  
 17 IC 12-15-30 to deny payment to a provider for services provided  
 18 to an individual or claimed to be provided to an individual if the  
 19 office after investigation finds any of the following:

20 (A) The services claimed cannot be documented by the  
 21 provider.

22 (B) The claims were made for services or materials determined  
 23 by licensed medical staff of the office as not medically  
 24 reasonable and necessary.

25 (C) The amount claimed for the services has been or can be  
 26 paid from other sources.

27 (D) The services claimed were provided to a person other than  
 28 the person in whose name the claim is made.

29 (E) The services claimed were provided to a person who was  
 30 not eligible for Medicaid.

31 (F) The claim rises out of an act or practice prohibited by law  
 32 or by rules of the secretary.

33 (5) Recovering payment or instructing the contractor under  
 34 IC 12-15-30-3 to recover payment from a provider for services  
 35 rendered to an individual or claimed to be rendered to an  
 36 individual if the office after investigation finds any of the  
 37 following:

38 (A) The services paid for cannot be documented by the  
 39 provider.

40 (B) The amount paid for such services has been or can be paid  
 41 from other sources.

42 (C) The services were provided to a person other than the



- 1 person in whose name the claim was made and paid.  
 2 (D) The services paid for were provided to a person who was  
 3 not eligible for Medicaid.  
 4 (E) The paid claim rises out of an act or practice prohibited by  
 5 law or by rules of the secretary.
- 6 (6) Recovering interest due from a provider:  
 7 (A) at a rate that is the percentage rounded to the nearest  
 8 whole number that equals the average investment yield on  
 9 state money for the state's previous fiscal year, excluding  
 10 pension fund investments, as published in the auditor of state's  
 11 comprehensive annual financial report; and  
 12 (B) accruing from the date of overpayment;  
 13 on amounts paid to the provider that are in excess of the amount  
 14 subsequently determined to be due the provider as a result of an  
 15 audit, a reimbursement cost settlement, or a judicial or an  
 16 administrative proceeding.
- 17 (7) Paying interest to providers:  
 18 (A) at a rate that is the percentage rounded to the nearest  
 19 whole number that equals the average investment yield on  
 20 state **general fund** money for the state's previous fiscal year,  
 21 excluding pension fund investments, as published in the  
 22 auditor of state's comprehensive annual financial report; and  
 23 (B) accruing from the date that an overpayment is erroneously  
 24 recovered by the office until the office restores the  
 25 overpayment to the provider.
- 26 (8) Establishing a system with the following conditions:  
 27 (A) Audits may be conducted by the office after service has  
 28 been provided and before reimbursement for the service has  
 29 been made.  
 30 (B) Reimbursement for services may be denied if an audit  
 31 conducted under clause (A) concludes that reimbursement  
 32 should be denied.  
 33 (C) Audits may be conducted by the office after service has  
 34 been provided and after reimbursement has been made.  
 35 (D) Reimbursement for services may be recovered if an audit  
 36 conducted under clause (C) concludes that the money  
 37 reimbursed should be recovered.
- 38 SECTION 36. IC 12-23-1-11 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This article does  
 40 not repeal or modify Indiana law relating to the operation of a vehicle  
 41 under the influence of liquor or drugs.  
 42 (b) IC 12-23-5 ~~IC 12-23-6~~, ~~IC 12-23-7~~, ~~IC 12-23-8~~, and any other





1 related provisions of this article shall be considered to be alternative  
 2 methods or procedures for the prosecution of alcoholics or drug abusers  
 3 as criminals.

4 SECTION 37. IC 12-23-6 IS REPEALED [EFFECTIVE JULY 1,  
 5 2014]. (Request for Treatment After Charge or Conviction of Certain  
 6 Felonies).

7 SECTION 38. IC 12-23-7 IS REPEALED [EFFECTIVE JULY 1,  
 8 2014]. (Continuance of Prosecution After Felony Charge).

9 SECTION 39. IC 12-23-8 IS REPEALED [EFFECTIVE JULY 1,  
 10 2014]. (Treatment and Probation Following Felony Conviction).

11 SECTION 40. IC 12-23-9-4 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual  
 13 who by medical examination is found to be incapacitated by alcohol at  
 14 the time of admission or to have become incapacitated by alcohol at  
 15 any time after admission may not be detained at a facility:

- 16 (1) after the individual is no longer incapacitated by alcohol; or
- 17 (2) if the individual remains incapacitated by alcohol for more  
 18 than forty-eight (48) hours after admission as a patient. ~~unless the~~  
 19 ~~individual is committed under IC 12-23-7 through IC 12-23-8.~~

20 (b) An individual may consent to remain in a facility as long as the  
 21 physician in charge believes it is appropriate.

22 SECTION 41. IC 12-23-10 IS REPEALED [EFFECTIVE JULY 1,  
 23 2014]. (Voluntary Treatment by Division for Drug Abusers).

24 SECTION 42. IC 12-23-11 IS REPEALED [EFFECTIVE JULY 1,  
 25 2014]. (Involuntary Treatment by Division for Alcoholics and Drug  
 26 Abusers).

27 SECTION 43. IC 12-24-12-10, AS AMENDED BY P.L.188-2013,  
 28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2014]: Sec. 10. (a) Upon admission to a state institution  
 30 administered by the division of mental health and addiction, the  
 31 gatekeeper is one (1) of the following:

- 32 (1) For an individual with a psychiatric disorder, the community  
 33 mental health center that submitted the report to the committing  
 34 court under IC 12-26.
- 35 (2) For an individual with a developmental disability, a division  
 36 of disability and rehabilitative services service coordinator under  
 37 IC 12-11-2.1.

38 (b) The division is the gatekeeper for the following:

- 39 (1) An individual who is found to have insufficient  
 40 comprehension to stand trial under IC 35-36-3.
- 41 (2) An individual who is found to be not guilty by reason of  
 42 insanity under IC 35-36-2-4 and is subject to a civil commitment



1 under IC 12-26.

2 (3) An individual who is immediately subject to a civil  
3 commitment upon the individual's release from incarceration in  
4 a facility administered by the department of correction or the  
5 Federal Bureau of Prisons, or upon being charged with or  
6 convicted of a forcible felony (as defined by IC 35-31.5-2-138).

7 ~~(4) An individual placed under the supervision of the division for  
8 addictions treatment under IC 12-23-7 and IC 12-23-8.~~

9 ~~(5) (4) An individual transferred from the department of  
10 correction under IC 11-10-4.~~

11 SECTION 44. IC 13-11-2-40, AS AMENDED BY P.L.189-2011,  
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2014]: Sec. 40. "Confined feeding operation" means:

14 (1) any confined feeding of:

15 (A) at least three hundred (300) cattle;

16 (B) at least six hundred (600) swine or sheep;

17 (C) at least thirty thousand (30,000) fowl; or

18 (D) at least five hundred (500) horses.

19 (2) any animal feeding operation electing to be subject to  
20 IC 13-18-10; or

21 (3) any animal feeding operation that is causing a violation of:

22 (A) water pollution control laws;

23 (B) any rules of the ~~water pollution control~~ board; or

24 (C) IC 13-18-10.

25 A determination by the department under this subdivision is appealable  
26 under IC 4-21.5.

27 SECTION 45. IC 13-11-2-56 IS REPEALED [EFFECTIVE JULY  
28 1, 2014]. Sec. 56: "~~Disclosure document~~"; for purposes of IC 13-25-3;  
29 means a document that sets forth certain information about a property  
30 that is to be transferred.

31 SECTION 46. IC 13-11-2-70 IS REPEALED [EFFECTIVE JULY  
32 1, 2014]. Sec. 70: (a) "~~Environmental defect~~"; for purposes of  
33 IC 13-25-3; means an environmentally related commission; omission;  
34 activity; or condition that meets at least one (1) of the following  
35 conditions:

36 (1) ~~Constitutes a material violation of an environmental:~~

37 (A) statute;

38 (B) regulation; or

39 (C) ordinance.

40 (2) ~~Would require remedial activity under an environmental:~~

41 (A) statute;

42 (B) regulation; or



- 1                    (C) ordinance.
- 2           (3) Presents a substantial endangerment to at least one (1) of the
- 3           following:
- 4                    (A) The public health.
- 5                    (B) The public welfare.
- 6                    (C) The environment.
- 7           (4) Would have a material, adverse effect on the market value of
- 8           the property or of an abutting property.
- 9           (5) Would prevent or materially interfere with another party's
- 10           ability to obtain a permit or license that is required under an
- 11           environmental:
- 12                    (A) statute;
- 13                    (B) regulation; or
- 14                    (C) ordinance;
- 15           to operate the property or a facility or process on the property.
- 16           (b) The term does not include a condition that is the subject of a
- 17           voluntary remediation that received a certificate of completion from the
- 18           department under IC 13-25-5-16.
- 19           SECTION 47. IC 13-11-2-74.5, AS AMENDED BY P.L.241-2005,
- 20           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21           JULY 1, 2014]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes
- 22           of IC 13-18 and environmental management laws, means an isolated
- 23           wetland that:
- 24                    (1) is a voluntarily created wetland unless:
- 25                            (A) the wetland is approved by the department for
- 26                            compensatory mitigation purposes in accordance with a permit
- 27                            issued under Section 404 of the Clean Water Act or
- 28                            IC 13-18-22;
- 29                            (B) the wetland is reclassified as a state regulated wetland
- 30                            under IC 13-18-22-6(e); or
- 31                            (C) the owner of the wetland declares, by a written instrument:
- 32                                    (i) recorded in the office of the recorder of the county or
- 33                                    counties in which the wetland is located; and
- 34                                    (ii) filed with the department;
- 35                            that the wetland is to be considered in all respects to be a state
- 36                            regulated wetland;
- 37                    (2) exists as an incidental feature in or on:
- 38                            (A) a residential lawn;
- 39                            (B) a lawn or landscaped area of a commercial or
- 40                            governmental complex;
- 41                            (C) agricultural land;
- 42                            (D) a roadside ditch;



- 1 (E) an irrigation ditch; or
- 2 (F) a manmade drainage control structure;
- 3 (3) is a fringe wetland associated with a private pond;
- 4 (4) is, or is associated with, a manmade body of surface water of
- 5 any size created by:
- 6 (A) excavating;
- 7 (B) diking; or
- 8 (C) excavating and diking;
- 9 dry land to collect and retain water for or incidental to
- 10 agricultural, commercial, industrial, or aesthetic purposes;
- 11 (5) subject to subsection (c), is a Class I wetland with an area, as
- 12 delineated, of one-half (1/2) acre or less;
- 13 (6) subject to subsection (d), is a Class II wetland with an area, as
- 14 delineated, of one-fourth (1/4) acre or less;
- 15 (7) is located on land:
- 16 (A) subject to regulation under United States Department of
- 17 Agriculture wetland conservation programs, including
- 18 Swampbuster and the Wetlands Reserve Program, because of
- 19 voluntary enrollment in a federal farm program; and
- 20 (B) used for agricultural or other purposes allowed under the
- 21 programs referred to in clause (A); or
- 22 (8) is constructed for reduction or control of pollution.
- 23 (b) For purposes of subsection (a)(2), an isolated wetland exists as
- 24 an incidental feature:
- 25 (1) if:
- 26 (A) the owner or operator of the property or facility described
- 27 in subsection (a)(2) does not intend the isolated wetland to be
- 28 a wetland;
- 29 (B) the isolated wetland is not essential to the function or use
- 30 of the property or facility; and
- 31 (C) the isolated wetland arises spontaneously as a result of
- 32 damp soil conditions incidental to the function or use of the
- 33 property or facility; and
- 34 (2) if the isolated wetland satisfies any other factors or criteria
- 35 established in rules that are:
- 36 (A) adopted by the ~~water pollution control~~ board; and
- 37 (B) not inconsistent with the factors and criteria described in
- 38 subdivision (1).
- 39 (c) The total acreage of Class I wetlands on a tract to which the
- 40 exemption described in subsection (a)(5) may apply is limited to the
- 41 larger of:
- 42 (1) the acreage of the largest individual isolated wetland on the



1 tract that qualifies for the exemption described in subsection  
 2 (a)(5); and  
 3 (2) fifty percent (50%) of the cumulative acreage of all individual  
 4 isolated wetlands on the tract that would qualify for the exemption  
 5 described in subsection (a)(5) but for the limitation of this  
 6 subsection.

7 (d) The total acreage of Class II wetlands on a tract to which the  
 8 exemption described in subsection (a)(6) may apply is limited to the  
 9 larger of:

10 (1) the acreage of the largest individual isolated wetland on the  
 11 tract that qualifies for the exemption described in subsection  
 12 (a)(6); and

13 (2) thirty-three and one-third percent (33 1/3%) of the cumulative  
 14 acreage of all individual isolated wetlands on the tract that would  
 15 qualify for the exemption described in subsection (a)(6) but for  
 16 the limitation of this subsection.

17 (e) An isolated wetland described in subsection (a)(5) or (a)(6) does  
 18 not include an isolated wetland on a tract that contains more than one  
 19 (1) of the same class of wetland until the owner of the tract notifies the  
 20 department that the owner has selected the isolated wetland to be an  
 21 exempt isolated wetland under subsection (a)(5) or (a)(6) consistent  
 22 with the applicable limitations described in subsections (c) and (d).

23 SECTION 48. IC 13-11-2-96 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 96. (a) "Hazardous  
 25 material", for purposes of IC 13-18-5, means any of the following:

26 (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as  
 27 in effect on January 1, 1990).

28 (2) A hazardous waste.

29 (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as  
 30 in effect on January 1, 1990).

31 (4) A substance that is on the list of extremely hazardous  
 32 substances published by the Administrator of the United States  
 33 Environmental Protection Agency under 42 U.S.C. 11002(a)(2).

34 (5) A material that is identified by the ~~water pollution control~~  
 35 board as potentially harmful to surface water or groundwater if  
 36 accidentally released from a storage or handling facility.

37 (b) "Hazardous material", for purposes of IC 13-25-6, means a  
 38 material or waste that has been determined to be hazardous or  
 39 potentially hazardous to human health, to property, or to the  
 40 environment by:

41 (1) the United States:

42 (A) Environmental Protection Agency;



- 1 (B) Nuclear Regulatory Commission;  
 2 (C) Department of Transportation; or  
 3 (D) Occupational Safety and Health Administration; or  
 4 (2) the ~~solid waste management~~ board.

5 The term includes all of the hazardous materials identified in 49 CFR  
 6 172.101.

7 SECTION 49. IC 13-11-2-98 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 98. "Hazardous  
 9 substance", for purposes of:

- 10 (1) IC 13-19-5;  
 11 (2) IC 13-25-4; and  
 12 (3) IC 13-25-5;

13 has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601).  
 14 The term includes any substance that the ~~solid waste management~~  
 15 board determines to be hazardous under environmental management  
 16 laws.

17 SECTION 50. IC 13-11-2-115.5 IS REPEALED [EFFECTIVE  
 18 JULY 1, 2014]. ~~Sec. 115.5. "Land trust", for purposes of IC 13-25-3,~~  
 19 ~~means a trust that is established under terms providing that:~~

- 20 ~~(1) the trustee holds legal or equitable title to property;~~  
 21 ~~(2) the beneficiary has the power to manage the trust property;~~  
 22 ~~including the power to direct the trustee to sell the property; and~~  
 23 ~~(3) the trustee may sell the trust property:~~  
 24 ~~(A) only at the direction of the beneficiary or other person; or~~  
 25 ~~(B) after a time stipulated in the terms of the trust.~~

26 SECTION 51. IC 13-11-2-119 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 119. (a) "Lender", for  
 28 purposes of IC 13-23-13, means any of the following:

- 29 (1) An insured depository institution (as defined in Section 3 of  
 30 the Federal Deposit Insurance Act (12 U.S.C. 1813)).  
 31 (2) An insured credit union (as defined in Section 101 of the  
 32 Federal Credit Union Act (12 U.S.C. 1752)).  
 33 (3) A bank or association chartered under the Farm Credit Act of  
 34 1971 (12 U.S.C. 2001 et seq.).  
 35 (4) A leasing or trust company that is an affiliate of an insured  
 36 depository institution.  
 37 (5) A person (including a successor or assignee of the person)  
 38 that:  
 39 (A) makes a bona fide extension of credit to; or  
 40 (B) takes or acquires a security interest from;  
 41 a nonaffiliated person.  
 42 (6) The Federal National Mortgage Association, the Federal



- 1 Home Loan Mortgage Corporation, the Federal Agricultural  
 2 Mortgage Corporation, or an entity that buys or sells loans or  
 3 interests in loans in a bona fide manner.  
 4 (7) A person that:  
 5 (A) insures or guarantees against a default in the repayment of  
 6 an extension of credit; or  
 7 (B) acts as a surety with respect to an extension of credit;  
 8 to a nonaffiliated person.  
 9 (8) A person that provides title insurance and that acquires an  
 10 underground storage tank as a result of assignment or conveyance  
 11 in the course of underwriting claims and claims settlement.  
 12 (b) "Lender", for purposes of IC 13-24-1, means any of the  
 13 following:  
 14 (1) An insured depository institution (as defined in Section 3 of  
 15 the Federal Deposit Insurance Act (12 U.S.C. 1813)).  
 16 (2) An insured credit union (as defined in Section 101 of the  
 17 Federal Credit Union Act (12 U.S.C. 1752)).  
 18 (3) A bank or association chartered under the Farm Credit Act of  
 19 1971 (12 U.S.C. 2001 et seq.).  
 20 (4) A leasing or trust company that is an affiliate of an insured  
 21 depository institution.  
 22 (5) A person (including a successor or assignee of the person)  
 23 that:  
 24 (A) makes a bona fide extension of credit to; or  
 25 (B) takes or acquires a security interest from;  
 26 a nonaffiliated person.  
 27 (6) The Federal National Mortgage Association, the Federal  
 28 Home Loan Mortgage Corporation, the Federal Agricultural  
 29 Mortgage Corporation, or an entity that buys or sells loans or  
 30 interests in loans in a bona fide manner.  
 31 (7) A person that:  
 32 (A) insures or guarantees against a default in the repayment of  
 33 an extension of credit; or  
 34 (B) acts as a surety with respect to an extension of credit;  
 35 to a nonaffiliated person.  
 36 (8) A person that provides title insurance and that acquires a  
 37 petroleum facility as a result of assignment or conveyance in the  
 38 course of underwriting claims and claims settlement.  
 39 (c) "Lender", for purposes of IC 13-25-3, means a person that  
 40 provides loans secured by:  
 41 (1) an interest in property; or  
 42 (2) an assignment of beneficial interest in a land trust.



1 (d) (c) "Lender", for purposes of IC 13-25-4, means any of the  
2 following:

3 (1) An insured depository institution (as defined in Section 3 of  
4 the Federal Deposit Insurance Act (12 U.S.C. 1813)).

5 (2) An insured credit union (as defined in Section 101 of the  
6 Federal Credit Union Act (12 U.S.C. 1752)).

7 (3) A bank or association chartered under the Farm Credit Act of  
8 1971 (12 U.S.C. 2001 et seq.).

9 (4) A leasing or trust company that is an affiliate of an insured  
10 depository institution.

11 (5) A person (including a successor or assignee of the person)  
12 that:

13 (A) makes a bona fide extension of credit to; or

14 (B) takes or acquires a security interest from;  
15 a nonaffiliated person.

16 (6) The Federal National Mortgage Association, the Federal  
17 Home Loan Mortgage Corporation, the Federal Agricultural  
18 Mortgage Corporation, or an entity that buys or sells loans or  
19 interests in loans in a bona fide manner.

20 (7) A person that:

21 (A) insures or guarantees against a default in the repayment of  
22 an extension of credit; or

23 (B) acts as a surety with respect to an extension of credit;  
24 to a nonaffiliated person.

25 (8) A person that provides title insurance and that acquires a  
26 vessel or facility as a result of assignment or conveyance in the  
27 course of underwriting claims and claims settlement.

28 SECTION 52. IC 13-11-2-149.5, AS AMENDED BY P.L.78-2009,  
29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 149.5. "Outstanding national resource water", for  
31 purposes of section 50.5 of this chapter and IC 13-18-3, means a water  
32 designated as such by the general assembly after recommendations by  
33 the ~~water pollution control~~ board and the environmental quality service  
34 council under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation  
35 must describe the quality of the outstanding national resource water to  
36 serve as the benchmark of the water quality that shall be maintained  
37 and protected. Waters that may be considered for designation as  
38 outstanding national resource waters include water bodies that are  
39 recognized as:

40 (1) important because of protection through official action, such  
41 as:

42 (A) federal or state law;





- 1 (B) presidential or secretarial action;  
 2 (C) international treaty; or  
 3 (D) interstate compact;  
 4 (2) having exceptional recreational significance;  
 5 (3) having exceptional ecological significance;  
 6 (4) having other special environmental, recreational, or ecological  
 7 attributes; or  
 8 (5) waters with respect to which designation as an outstanding  
 9 national resource water is reasonably necessary for protection of  
 10 other water bodies designated as outstanding national resource  
 11 waters.

12 SECTION 53. IC 13-11-2-149.6 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.6. "Outstanding  
 14 state resource water", for purposes of section 50.5 of this chapter and  
 15 IC 13-18-3, means any water designated as such by the ~~water pollution~~  
 16 ~~control~~ board regardless of when the designation occurred or occurs.  
 17 Waters that may be considered for designation as outstanding state  
 18 resource waters include water bodies that have unique or special  
 19 ecological, recreational, or aesthetic significance.

20 SECTION 54. IC 13-11-2-152 IS REPEALED [EFFECTIVE JULY  
 21 1, 2014]. ~~Sec. 152: (a) "Parties", for purposes of IC 13-25-3, refers to~~  
 22 ~~the parties to a transfer of property, which include the following:~~

- 23 ~~(1) The transferor;~~  
 24 ~~(2) The transferee;~~  
 25 ~~(3) Each lender involved in the transfer.~~

26 ~~(b) The term includes a person who intends to participate in a~~  
 27 ~~transfer of property as:~~

- 28 ~~(1) a transferor;~~  
 29 ~~(2) a transferee; or~~  
 30 ~~(3) a lender.~~

31 SECTION 55. IC 13-11-2-158, AS AMENDED BY P.L.114-2012,  
 32 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2014]: Sec. 158. (a) "Person", for purposes of:

- 34 (1) IC 13-21;  
 35 (2) air pollution control laws;  
 36 (3) water pollution control laws; and  
 37 (4) environmental management laws, except as provided in  
 38 subsections (c), (d), and (e);

39 means an individual, a partnership, a copartnership, a firm, a company,  
 40 a corporation, an association, a joint stock company, a trust, an estate,  
 41 a municipal corporation, a city, a school city, a town, a school town, a  
 42 school district, a school corporation, a county, any consolidated unit of



1 government, political subdivision, state agency, a contractor, or any  
2 other legal entity.

3 (b) "Person", for purposes of:

4 (1) IC 13-18-10;

5 (2) IC 13-18-10.5;

6 (3) IC 13-20-10.5; and

7 (4) IC 13-20-17;

8 means an individual, a partnership, a copartnership, a firm, a company,  
9 a corporation, an association, a joint stock company, a trust, an estate,  
10 a political subdivision, a state agency, or other legal entity, or their  
11 legal representative, agent, or assigns.

12 (c) "Person", for purposes of:

13 (1) IC 13-20-13;

14 (2) IC 13-20-14;

15 (3) IC 13-20-16; and

16 (4) IC 13-25-6;

17 means an individual, a corporation, a limited liability company, a  
18 partnership, or an unincorporated association.

19 (d) "Person", for purposes of IC 13-23, has the meaning set forth in  
20 subsection (a). The term includes a consortium, a joint venture, a  
21 commercial entity, and the United States government.

22 (e) "Person", for purposes of IC 13-20-17.5, ~~and IC 13-25-3~~, means  
23 an individual, a corporation, a limited liability company, a partnership,  
24 a trust, an estate, or an unincorporated association.

25 (f) "Person", for purposes of IC 13-26, means an individual, a firm,  
26 a partnership, an association, a limited liability company, or a  
27 corporation other than an eligible entity.

28 (g) "Person", for purposes of IC 13-29-1, means any individual,  
29 corporation, business enterprise, or other legal entity either public or  
30 private and any legal successor, representative, agent, or agency of that  
31 individual, corporation, business enterprise, or legal entity.

32 SECTION 56. IC 13-11-2-174 IS REPEALED [EFFECTIVE JULY  
33 1, 2014]. Sec. 174: (a) "Property", for purposes of IC 13-25-3, means  
34 a specific and an identifiable parcel of real property that:

35 (1) contains one (1) or more facilities that are subject to reporting  
36 under Section 312 of the federal Emergency Planning and  
37 Community Right-to-Know Act of 1986 (42 U.S.C. 11022);

38 (2) is the site of one (1) or more underground storage tanks for  
39 which notification is required under:

40 (A) 42 U.S.C. 6991a; and

41 (B) IC 13-23-1-2(c)(8)(A); or

42 (3) is listed on the Comprehensive Environmental Response;



1 Compensation; and Liability Information System (CERCLIS) in  
2 accordance with Section 116 of CERCLA (42 U.S.C. 9616).

3 (b) The term does not include property that has been subject to  
4 bonding or other financial assurances released by the appropriate  
5 governmental agency after compliance with applicable state laws.

6 SECTION 57. IC 13-11-2-183, AS AMENDED BY P.L.221-2007,  
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2014]: Sec. 183. "Regulated substance", for purposes of this  
9 chapter and IC 13-23, includes the following:

10 (1) Any substance defined in section 98 of this chapter as a  
11 hazardous substance, but excluding any substance regulated as a  
12 hazardous waste under:

13 (A) Subtitle C of the federal Solid Waste Disposal Act, as  
14 amended (42 U.S.C. 6921 through 6939(a)); or

15 (B) IC 13-22-2-3.

16 (2) Petroleum.

17 (3) Any other substance designated by rules adopted by the solid  
18 waste management board under IC 13-23-1-2.

19 SECTION 58. IC 13-11-2-205, AS AMENDED BY P.L.189-2011,  
20 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2014]: Sec. 205. (a) "Solid waste", for purposes of IC 13-19,  
22 IC 13-21, IC 13-20-22, and environmental management laws, except  
23 as provided in subsection (b), means any garbage, refuse, sludge from  
24 a waste treatment plant, sludge from a water supply treatment plant,  
25 sludge from an air pollution control facility, or other discarded  
26 material, including solid, liquid, semisolid, or contained gaseous  
27 material resulting from industrial, commercial, mining, or agricultural  
28 operations or from community activities. The term does not include:

29 (1) solid or dissolved material in:

30 (A) domestic sewage; or

31 (B) irrigation return flows or industrial discharges;

32 that are point sources subject to permits under Section 402 of the  
33 Federal Water Pollution Control Act Amendments (33 U.S.C.  
34 1342);

35 (2) source, special nuclear, or byproduct material (as defined by  
36 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

37 (3) manures or crop residues returned to the soil as fertilizers or  
38 soil conditioners as part of a total farm operation; or

39 (4) vegetative matter at composting facilities registered under  
40 IC 13-20-10.

41 (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and  
42 IC 13-21, does not include the following:



- 1 (1) A waste that is regulated under the following:  
 2 (A) IC 13-22-1 through IC 13-22-8.  
 3 (B) IC 13-22-13 through IC 13-22-14.  
 4 (2) An infectious waste (as defined in IC 16-41-16-4) that is  
 5 disposed of at an incinerator permitted under rules adopted by the  
 6 ~~solid waste management~~ board to dispose of infectious waste.  
 7 (c) "Solid waste", for purposes of IC 13-26, means all putrescible  
 8 and nonputrescible solid and semisolid wastes, except human excreta.  
 9 The term includes garbage, rubbish, ashes, street cleanings, dead  
 10 animals, offal, and solid commercial, industrial, and institutional  
 11 wastes.  
 12 SECTION 59. IC 13-11-2-234 IS REPEALED [EFFECTIVE JULY  
 13 1, 2014]. Sec. 234. (a) "~~Transfer~~", for purposes of IC 13-25-3, means  
 14 a conveyance of an interest in property by any of the following:  
 15 (1) A deed or other instrument of conveyance of fee title to  
 16 property.  
 17 (2) A lease whose term, if all options were exercised, would be  
 18 more than forty (40) years.  
 19 (3) An assignment of more than twenty-five percent (25%) of the  
 20 beneficial interest in a land trust.  
 21 (4) A collateral assignment of a beneficial interest in a land trust.  
 22 (5) An installment contract for the sale of property.  
 23 (6) A mortgage or trust deed.  
 24 (7) A lease of any duration that includes an option to purchase.  
 25 (b) The term does not include a conveyance of an interest in  
 26 property by any of the following:  
 27 (1) A deed or trust document that, without additional  
 28 consideration:  
 29 (A) confirms;  
 30 (B) corrects;  
 31 (C) modifies; or  
 32 (D) supplements;  
 33 a deed or trust document that was previously recorded.  
 34 (2) A deed or trust document that, without additional  
 35 consideration, changes title to property without changing  
 36 beneficial interest.  
 37 (3) A tax deed or a deed from a county transferring property the  
 38 county received under IC 6-1.1-25-5.5.  
 39 (4) An instrument of release of an interest in property that is  
 40 security for a debt or other obligation.  
 41 (5) A deed of partition.  
 42 (6) A conveyance occurring as a result of the foreclosure of a



- 1 mortgage or other lien on real property:  
 2 (7) An easement:  
 3 (8) A conveyance of an interest in minerals, gas, or oil, including  
 4 a lease:  
 5 (9) A conveyance by operation of law upon the death of a joint  
 6 tenant with right of survivorship:  
 7 (10) An inheritance or devise:  
 8 (11) A deed in lieu of foreclosure:  
 9 (12) A Uniform Commercial Code sale or other foreclosure of a  
 10 collateral assignment of a beneficial interest in a land trust:  
 11 (13) A deed that conveys fee title under an installment contract  
 12 for the sale of property:  
 13 (14) A deed that conveys fee title under an exercise of an option  
 14 to purchase contained in a lease of property:  
 15 SECTION 60. IC 13-11-2-236 IS REPEALED [EFFECTIVE JULY  
 16 1, 2014]. Sec. 236: (a) "Transferee", for purposes of IC 13-25-3, means  
 17 any of the following:  
 18 (1) A buyer, mortgagee, grantee, or lessee of real property:  
 19 (2) An assignee of an interest of more than twenty-five percent  
 20 (25%) in a land trust:  
 21 (3) For a transfer to the trustee of a land trust, the owners of the  
 22 beneficial interest of the land trust:  
 23 (b) The term includes a prospective transferee:  
 24 SECTION 61. IC 13-11-2-237 IS REPEALED [EFFECTIVE JULY  
 25 1, 2014]. Sec. 237: (a) "Transferor", for purposes of IC 13-25-3, means  
 26 any of the following:  
 27 (1) A seller, grantor, mortgagor, or lessor of real property:  
 28 (2) An assignor of an interest of more than twenty-five percent  
 29 (25%) in a land trust:  
 30 (3) For a transfer by the trustee of a land trust, the owner of the  
 31 beneficial interest of the land trust:  
 32 (b) The term includes a prospective transferor:  
 33 SECTION 62. IC 13-11-2-241 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground  
 35 storage tank", for purposes of section 161 of this chapter and IC 13-23,  
 36 means one (1) tank or a combination of tanks, including underground  
 37 pipes connected to the tank or combination of tanks:  
 38 (1) that is used to contain an accumulation of regulated  
 39 substances; and  
 40 (2) the volume of which, including the volume of the underground  
 41 connected pipes, is at least ten percent (10%) beneath the surface  
 42 of the ground.



- 1 (b) The term does not include any of the following:
- 2 (1) A farm or residential tank with a capacity of not more than one
- 3 thousand one hundred (1,100) gallons that is used for storing
- 4 motor fuel for noncommercial purposes.
- 5 (2) A tank used for storing heating oil for consumptive use on the
- 6 premises on which the tank is stored.
- 7 (3) A septic tank.
- 8 (4) A pipeline facility, including gathering lines, that:
- 9 (A) is regulated under the Natural Gas Pipeline Safety Act of
- 10 1968 (49 U.S.C. 1671 et seq.);
- 11 (B) is regulated under the Hazardous Liquid Pipeline Safety
- 12 Act of 1979 (49 U.S.C. 60101 et seq.); or
- 13 (C) is an intrastate pipeline facility regulated under state laws
- 14 comparable to the laws identified in clauses (A) through (B).
- 15 (5) A surface impoundment, pit, pond, or lagoon.
- 16 (6) A stormwater or wastewater collection system.
- 17 (7) A flow-through process tank.
- 18 (8) A liquid trap or associated gathering lines directly related to
- 19 oil or gas production and gathering operations.
- 20 (9) A storage tank situated in an underground area such as:
- 21 (A) a basement;
- 22 (B) a cellar;
- 23 (C) a mineworking;
- 24 (D) a drift;
- 25 (E) a shaft; or
- 26 (F) a tunnel;
- 27 if the storage tank is situated upon or above the surface of the
- 28 floor.
- 29 (10) Any other tank exempted by a rule adopted by the ~~solid~~
- 30 ~~waste management~~ board in accordance with regulations adopted
- 31 by the Administrator of the United States Environmental
- 32 Protection Agency.
- 33 (11) A pipe connected to a tank described in subdivisions (1)
- 34 through (10).
- 35 SECTION 63. IC 13-14-8-0.3, AS ADDED BY P.L.220-2011,
- 36 SECTION 279, IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 2014]: Sec. 0.3. A rule **that**:
- 38 (1) **was** adopted by the solid waste management board
- 39 **(established by IC 13-19-2, before its repeal)** before May 13,
- 40 1999; **and**
- 41 (2) ~~that~~ does not comply with IC 13-20-7-1 (as amended by
- 42 P.L.224-1999 and before its repeal);



1 applies only to special waste that is disposed of at a solid waste landfill  
 2 that does not meet Subtitle D design standards of the federal Resource  
 3 Conservation and Recovery Act as provided in 40 CFR Part 258.

4 SECTION 64. IC 13-14-8-11.6 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.6. (a) A discharger  
 6 is not required to obtain a state permit for the modification or  
 7 construction of a water pollution treatment or control facility if the  
 8 discharger has an effective:

9 (1) National Pollutant Discharge Elimination System (NPDES)  
 10 industrial permit for direct discharges to surface water; or

11 (2) industrial waste pretreatment permit not issued by the  
 12 department for discharges to a publicly owned treatment works.

13 (b) If a modification is for the treatment or control of any new  
 14 influent pollutant or increased levels of any existing pollutant, within  
 15 thirty (30) days after commencement of operation, the discharger shall  
 16 file with the department a notice of installation for the additional  
 17 pollutant control equipment and a design summary of any  
 18 modifications.

19 (c) The ~~water pollution control~~ board shall adopt a general permit  
 20 rule for the approval of sanitary collection system plans, lift station  
 21 plans, and force main plans.

22 SECTION 65. IC 13-15-4-1, AS AMENDED BY P.L.223-2011,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 2, 3, and 6  
 25 of this chapter, the commissioner shall approve or deny an application  
 26 filed with the department after July 1, 1995, within the following  
 27 number of days:

28 (1) Three hundred sixty-five (365) days for an application  
 29 concerning the following:

30 (A) A new hazardous waste or solid waste landfill.

31 (B) A new hazardous waste or solid waste incinerator.

32 (C) A major modification of a solid waste landfill.

33 (D) A major modification of a solid waste incinerator.

34 (E) A new hazardous waste treatment or storage facility.

35 (F) A new Part B permit issued under 40 CFR 270 et seq. for  
 36 an existing hazardous waste treatment or storage facility.

37 (G) A Class 3 modification under 40 CFR 270.42 to a  
 38 hazardous waste landfill.

39 (H) A new solid waste processing facility other than a transfer  
 40 station.

41 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy  
 42 (270) days for an application concerning the following:



- 1 (A) A Class 3 modification under 40 CFR 270.42 of a  
 2 hazardous waste treatment or storage facility.  
 3 (B) A major new National Pollutant Discharge Elimination  
 4 System permit.  
 5 (C) A major modification to a solid waste processing facility  
 6 other than a transfer station.  
 7 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty  
 8 (180) days for an application concerning the following:  
 9 (A) A new transfer station or a major modification to a transfer  
 10 station.  
 11 (B) A minor new National Pollutant Discharge Elimination  
 12 System individual permit.  
 13 (C) A permit concerning the land application of a material.  
 14 (D) A permit for marketing and distribution of a biosolid or an  
 15 industrial waste product.  
 16 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150)  
 17 days for an application concerning a minor new National  
 18 Pollutant Discharge Elimination System general permit.  
 19 (5) One hundred twenty (120) days for an application concerning  
 20 a Class 2 modification under 40 CFR 270.42 to a hazardous waste  
 21 facility.  
 22 (6) Ninety (90) days for an application concerning the following:  
 23 (A) A minor modification to a permit for the following:  
 24 (i) A solid waste landfill.  
 25 (ii) A solid waste processing facility.  
 26 (iii) An incinerator.  
 27 (B) A wastewater facility or water facility construction permit.  
 28 (7) The amount of time provided for in rules adopted by the ~~air~~  
 29 ~~pollution control~~ board for an application concerning the  
 30 following:  
 31 (A) An air pollution construction permit that is subject to 326  
 32 IAC 2-2 and 326 IAC 2-3.  
 33 (B) An air pollution facility construction permit (other than as  
 34 defined in 326 IAC 2-2).  
 35 (C) Registration of an air pollution facility.  
 36 (8) Sixty (60) days for an application concerning the following:  
 37 (A) A Class 1 modification under 40 CFR 270.42 requiring  
 38 prior written approval, to a hazardous waste:  
 39 (i) landfill;  
 40 (ii) incinerator;  
 41 (iii) treatment facility; or  
 42 (iv) storage facility.





- 1 (B) Any other permit not specifically described in this section  
 2 for which the application fee exceeds forty-nine dollars (\$49)  
 3 and for which a time frame has not been established under  
 4 section 3 of this chapter.
- 5 (b) When a person holding a valid permit concerning an activity of  
 6 a continuing nature has made a timely and sufficient application for a  
 7 renewal permit under the rules of one (1) of the boards, the  
 8 commissioner shall approve or deny the application on or before the  
 9 expiration date stated in the permit for which renewal is sought.
- 10 SECTION 66. IC 13-15-6-6 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~air pollution~~  
 12 ~~control~~ board may adopt rules under IC 4-22-2 to provide that the  
 13 opportunity for judicial review allowed under section 4 or 5 of this  
 14 chapter applies to the revision or modification of a permit or license  
 15 under the operating permit program under 42 U.S.C. 7661 through  
 16 7661f.
- 17 SECTION 67. IC 13-15-7-1 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided  
 19 in sections 2 and 4 of this chapter, the commissioner or a designated  
 20 staff member may revoke or modify a permit granted by the department  
 21 under environmental management laws or IC 13-7 (before its repeal)  
 22 for any of the following causes:
- 23 (1) Violation of any condition of the permit.
  - 24 (2) Failure to disclose all of the relevant facts.
  - 25 (3) Any misrepresentation made in obtaining the permit.
  - 26 (4) Changes in circumstances relating to the permit that require  
 27 either a temporary or permanent reduction in the discharge of  
 28 contaminants.
  - 29 (5) Any other change, situation, or activity relating to the use of  
 30 a permit that, in the judgment of the department, is not consistent  
 31 with the following:
- 32 (A) The purposes of this title.
  - 33 (B) Rules adopted by **the board or one (1) of the former**  
 34 **boards abolished by IC 13-13-8-2.**
- 35 SECTION 68. IC 13-15-12-1 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Every twelve (12)  
 37 months, the commissioner shall submit to the following a report that  
 38 contains an evaluation of the actions taken by the department to  
 39 improve the department's process of issuing permits:
- 40 (1) The governor.
  - 41 (2) The general assembly. The report must be in an electronic  
 42 format under IC 5-14-6.



- 1           (3) The ~~boards.~~ **board.**
- 2           SECTION 69. IC 13-16-1-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To establish fees or
- 4 change the amount of a fee, ~~a~~ **the** board shall:
- 5           (1) follow the procedure required for the adoption of rules; and
- 6           (2) take into account:
- 7               (A) the cost of the issuance of a permit or license;
- 8               (B) the cost of the performance of services in connection with
- 9               the supervision, review, and other necessary activities related
- 10              to the area involved;
- 11              (C) the cost of the surveillance of the activity or property
- 12              covered by the license or permit; and
- 13              (D) fees charged for equivalent permits or licenses in other
- 14              states.
- 15           SECTION 70. IC 13-16-1-6 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Notwithstanding
- 17 sections 1 through 5 of this chapter or any other law, ~~a~~ **the** board or the
- 18 department may not do any of the following:
- 19           (1) Except as provided in section 7 of this chapter, change a fee
- 20 established by:
- 21               (A) IC 13-18-20;
- 22               (B) IC 13-20-21; or
- 23               (C) IC 13-22-12.
- 24           (2) Establish an additional fee that was not in effect on January 1,
- 25 1994, concerning the following:
- 26               (A) National Pollutant Discharge Elimination System
- 27 programs.
- 28               (B) Solid waste programs.
- 29               (C) Hazardous waste programs.
- 30           (3) Require payment of a fee for material used as alternate daily
- 31 cover pursuant to a permit issued by the department under 329
- 32 IAC 10-20-13.
- 33           SECTION 71. IC 13-18-3-12, AS AMENDED BY P.L.57-2013,
- 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2014]: Sec. 12. The board shall adopt rules providing that
- 36 whenever a person submits plans to a unit concerning the design or
- 37 construction of:
- 38           (1) a sanitary sewer or public water main, if:
- 39               (A) a professional engineer who is registered under IC 25-31
- 40 prepared the plans;
- 41               (B) the unit provided for review of the plans by a qualified
- 42 engineer and subsequently approved the plans; and



- 1 (C) all other requirements specified in rules adopted by the  
 2 ~~water pollution control~~ board are met; or  
 3 (2) a sanitary sewer extension for and within a subdivision, if:  
 4 (A) a qualified professional surveyor who is registered under  
 5 IC 25-21.5 prepared the plans;  
 6 (B) the subdivision is being laid out or having been laid out by  
 7 the professional surveyor subject to IC 25-21.5-7;  
 8 (C) the unit provided for review of the plans by a qualified  
 9 engineer and subsequently approved the plans; and  
 10 (D) all other requirements specified in rules adopted by the  
 11 board are met;

12 the plans are not required to be submitted to any state agency for a  
 13 permit, permission, or review, unless required by federal law.

14 SECTION 72. IC 13-18-9-3 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not  
 16 use, sell, or otherwise dispose of any detergent containing phosphorus,  
 17 except:

- 18 (1) for those amounts not exceeding one-half percent (0.5%) by  
 19 weight incidental to manufacturing; and  
 20 (2) in accordance with rules adopted under IC 4-22-2 by the ~~water~~  
 21 ~~pollution control~~ board;  
 22 in Indiana or into the boundary waters of Indiana from a source within  
 23 Indiana.

24 (b) The concentration of phosphorus shall be determined by the  
 25 applicable method prescribed by the American Society for Testing and  
 26 Materials.

27 SECTION 73. IC 13-18-17-5, AS AMENDED BY P.L.1-2006,  
 28 SECTION 201, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall adopt rules  
 30 under IC 4-22-2 establishing groundwater quality standards that  
 31 include numeric and narrative criteria, a groundwater classification  
 32 plan, and a method of determining where the groundwater quality  
 33 standards must apply. The standards established under this subsection  
 34 shall be used for the following purposes:

- 35 (1) To establish minimum compliance levels for groundwater  
 36 quality monitoring at regulated facilities.  
 37 (2) To ban the discharge of effluents into potable groundwater.  
 38 (3) To establish health protection goals for untreated water in  
 39 water supply wells.  
 40 (4) To establish concentration limits for contaminants in ambient  
 41 groundwater.  
 42 (b) Except as provided in subsection (c) and subject to subsection



1 (d), the following agencies shall adopt rules under IC 4-22-2 to apply  
 2 the groundwater quality standards established under this section to  
 3 activities regulated by the agencies:

- 4 (1) The department.
- 5 (2) The department of natural resources.
- 6 (3) The state department of health.
- 7 (4) The office of the state chemist.
- 8 (5) The division of fire and building safety.

9 (c) The executive board of the state department of health may not  
 10 adopt rules to apply the nitrate and nitrite numeric criteria included in  
 11 groundwater quality standards established in rules adopted by the board  
 12 under subsection (a) to onsite sewage systems.

13 (d) Any rule adopted by the executive board of the state department  
 14 of health is void to the extent that the rule applies the nitrate and nitrite  
 15 numeric criteria included in groundwater quality standards established  
 16 in rules adopted by the ~~Indiana water pollution control~~ board under  
 17 subsection (a) to onsite sewage systems.

18 SECTION 74. IC 13-20-4-16 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. The ~~solid waste~~  
 20 ~~management~~ board may adopt rules under IC 4-22-2 to implement this  
 21 chapter.

22 SECTION 75. IC 13-20-6-9 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The ~~solid waste~~  
 24 ~~management~~ board shall adopt rules under IC 4-22-2 to implement this  
 25 chapter.

26 SECTION 76. IC 13-20-11-2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A department  
 28 employee designated as a landfill inspector for a county under this  
 29 chapter shall monitor operations at every landfill in the county. The  
 30 duties of the landfill inspector include the following:

- 31 (1) Promoting compliance with the rules of the ~~solid waste~~  
 32 ~~management~~ board governing landfill operations.
- 33 (2) Keeping records required by the rules of the board or ensuring  
 34 that those records be kept.
- 35 (3) Investigating possible violations of:  
 36 (A) the rules of the board; or  
 37 (B) any statute;  
 38 governing landfill operation or solid waste disposal.

39 SECTION 77. IC 13-20-22-1, AS AMENDED BY P.L.131-2006,  
 40 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2014]: Sec. 1. (a) Unless the legislative body of a county  
 42 having a consolidated city elects by ordinance to participate in the



1 rules, ordinances, and governmental structures enacted or created  
 2 under this chapter, the collection of fees on the disposal of solid waste  
 3 in a final disposal facility located in that county are exempt until  
 4 December 2, 2008, from regulation or control under this chapter.

5 (b) A fee is imposed on the disposal or incineration of solid waste  
 6 in a final disposal facility in Indiana. Except as provided in section 14  
 7 of this chapter, the amount of the fee is as follows:

8 (1) For solid waste generated in Indiana and delivered to a final  
 9 disposal facility in a motor vehicle having a registered gross  
 10 vehicle weight greater than nine thousand (9,000) pounds, fifty  
 11 cents (\$0.50) a ton.

12 (2) For solid waste generated outside Indiana and delivered to a  
 13 final disposal facility in a motor vehicle having a registered gross  
 14 vehicle weight greater than nine thousand (9,000) pounds:

15 (A) fifty cents (\$0.50) a ton; and

16 (B) if the ~~solid waste management~~ board has adopted rules  
 17 under subsection (c), an additional amount imposed under the  
 18 rules.

19 (3) For solid waste generated in Indiana or outside Indiana and  
 20 delivered to a final disposal facility in:

21 (A) a motor vehicle having a registered gross vehicle weight  
 22 of not more than nine thousand (9,000) pounds; or

23 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);  
 24 fifty cents (\$0.50) for each load delivered by the motor vehicle.

25 (c) The ~~solid waste management~~ board may adopt rules to establish  
 26 and impose a fee on the disposal or incineration of solid waste that is:

27 (1) generated outside Indiana; and

28 (2) disposed of or incinerated in a final disposal facility in  
 29 Indiana.

30 If rules are adopted under this subsection, the fee shall be set at an  
 31 amount necessary to offset the costs incurred by the state or a county,  
 32 municipality, or township that can be attributed to the importation of  
 33 the solid waste into Indiana and the presence of the solid waste in  
 34 Indiana.

35 (d) Revenue from fees collected under subsection (b)(1) and  
 36 (b)(2)(A) shall be deposited in the state solid waste management fund  
 37 established by section 2 of this chapter. Revenue from fees collected  
 38 under subsection (b)(2)(B) shall be deposited in the hazardous  
 39 substances response trust fund established by IC 13-25-4-1, except that  
 40 any part of the revenue that the board finds is necessary to offset costs  
 41 incurred by counties, municipalities, and townships shall be distributed  
 42 to solid waste management districts pro rata on the basis of the district's



1 population.

2 (e) If solid waste has been subject to a fee under this section, the  
3 total amount of the fee paid shall be credited against any other fee to  
4 which the solid waste may later be subject under this section.

5 (f) A fee may not be imposed upon material used as alternate daily  
6 cover pursuant to a permit issued by the department under 329  
7 IAC 10-20-13.

8 SECTION 78. IC 13-22-3-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department shall  
10 issue permits for a hazardous waste facility constructed and operated  
11 in compliance with rules adopted by the ~~solid waste management~~  
12 board.

13 SECTION 79. IC 13-23-5-3, AS ADDED BY P.L.16-2009,  
14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2014]: Sec. 3. (a) An underground storage tank system that  
16 contains fuel composed of greater than fifteen percent (15%) alcohol  
17 is considered to comply with section 1(b) of this chapter if either of the  
18 following applies:

19 (1) The system predates May 11, 2007.

20 (2) The system predates the **adoption by:**

21 **(A) the solid waste management board's board (established**  
22 **by IC 13-19-2, before its repeal); or**

23 **(B) the environmental rules board; adoption**

24 after May 11, 2007, of any additional rules concerning technical  
25 and safety requirements for storing and dispensing alcohol  
26 blended fuel.

27 (b) Replacement tanks or ancillary equipment installed in existing  
28 underground storage tank systems storing or dispensing alcohol  
29 blended fuels must meet the standards contained in additional rules  
30 **adopted by the solid waste management board as described in**  
31 **subsection (a)(2) that were adopted by the solid waste management**  
32 **board before January 1, 2013, or are adopted by the environmental**  
33 **rules board only if the installation occurs after the adoption of those**  
34 rules.

35 SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board  
37 consists of the following ~~sixteen (16)~~ **nine (9)** members:

38 (1) The commissioner or the commissioner's designee.

39 ~~(2) The state fire marshal or the state fire marshal's designee.~~

40 ~~(3) The (2) One (1) member nominated by the treasurer of state~~  
41 ~~or the treasurer of state's designee. in consultation with~~

42 ~~(4) the commissioner of the department of state revenue. or the~~



1 commissioner's designee.

2 ~~(5)~~ Twelve ~~(12)~~ individuals appointed by the governor for terms  
3 of two ~~(2)~~ years as follows:

4 ~~(A)~~ **(3)** One (1) member representing the independent petroleum  
5 wholesale distributor-marketer industry. **In making this**  
6 **appointment, the governor may consider the recommendation**  
7 **of the Indiana petroleum marketers and convenience store**  
8 **association.**

9 ~~(B)~~ **(4)** One (1) member representing the petroleum  
10 refiner-supplier industry. **In making this appointment, the**  
11 **governor may consider the recommendation of the Indiana**  
12 **petroleum council.**

13 ~~(C)~~ One ~~(1)~~ member representing the service station dealer  
14 industry who owns or operates less than thirteen ~~(13)~~  
15 underground petroleum storage tanks:

16 ~~(D)~~ **(5)** One (1) member of the financial lending community who  
17 has experience with loan guaranty programs.

18 ~~(E)~~ **(6)** One (1) member representing the convenience store  
19 operator industry **or independent petroleum retail**  
20 **distributor-marketer industry. In making this appointment,**  
21 **the governor may consider the recommendation of the**  
22 **Indiana petroleum marketers and convenience store**  
23 **association.**

24 ~~(F)~~ **(7)** One (1) member representing environmental interests.

25 ~~(G)~~ **(8)** One (1) member representing local government.

26 ~~(H)~~ Two ~~(2)~~ members representing the general public:

27 ~~(1)~~ One ~~(1)~~ member representing the independent petroleum  
28 retail distributor marketer industry who owns or operates more  
29 than twelve ~~(12)~~ underground petroleum storage tanks:

30 ~~(2)~~ One ~~(1)~~ member representing businesses that own  
31 petroleum underground storage tanks and are not engaged in  
32 the sale of petroleum:

33 ~~(K)~~ **(9)** One (1) member representing the property and casualty  
34 insurance industry.

35 **(b) The governor shall appoint the members specified in**  
36 **subsection (a)(2) through (a)(9) for terms of two (2) years.**

37 SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must  
39 have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members  
40 constitute a quorum.

41 (b) An affirmative vote of the majority of members present is  
42 required for the board to take action.



- 1 (c) The board shall meet upon:
- 2 (1) the request of the chairperson; or
- 3 (2) the written request of three (3) of the board's members.
- 4 (d) A meeting must be held not later than fourteen (14) days after a
- 5 request is made.

6 SECTION 82. IC 13-23-11-7 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall  
 8 do the following:

- 9 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry
- 10 out the duties of the board under this article.
- 11 (2) Take testimony and receive a written report at every meeting
- 12 of the board from the commissioner or the commissioner's
- 13 designee regarding the financial condition and operation of the
- 14 excess liability trust fund including:
- 15 (A) a detailed breakdown of contractual and administrative
- 16 expenses the department is claiming from the excess liability
- 17 trust fund under ~~IC 13-23-7-1(4)~~; **IC 13-23-7-1(a)(4)**; and
- 18 (B) a claims statistics report consisting of the status and value
- 19 of each claim submitted to the fund and claims payments made
- 20 under IC 13-23-8-1.

21 The testimony and written report under this subdivision shall be  
 22 provided at every meeting of the board. However, the testimony  
 23 and written report are not required more than one (1) time during  
 24 any thirty (30) day period.

- 25 (3) Consult with the department on administration of the
- 26 underground petroleum storage tank excess liability trust fund
- 27 established by IC 13-23-7-1 in developing uniform policies and
- 28 procedures for revenue collection and claims administration of the
- 29 fund.

30 (b) The department shall consult with the board on administration  
 31 of the underground petroleum storage tank excess liability trust fund.  
 32 The consultation must include evaluation of alternative means of  
 33 administering the fund in a cost effective and efficient manner.

34 (c) At each meeting of the board, the department shall provide the  
 35 board with a written report on the financial condition and operation of  
 36 the underground petroleum storage tank trust fund established under  
 37 IC 13-23-6-1.

38 SECTION 83. IC 13-25-3 IS REPEALED [EFFECTIVE JULY 1,  
 39 2014]. (Responsible Property Transfer Law).

40 SECTION 84. IC 13-26-4-7, AS AMENDED BY P.L.179-2013,  
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b), the





1 board of a district may provide for the payment of not more than fifty  
 2 dollars (\$50) per day to members of the board for each day or major  
 3 part of a day devoted to the work of the district.

4 (b) This subsection applies only to a regional water and sewage  
 5 district that:

- 6 (1) is located in more than one (1) county; and
- 7 (2) was formed in 1975 by order of the stream pollution control  
 8 board of the state of Indiana (which was succeeded in 1986 by the  
 9 water pollution control board, ~~in 1986~~ **which was established**  
 10 **by IC 13-18-1, before its repeal**).

11 The board of a district may provide for the payment of not more than  
 12 one hundred twenty-five dollars (\$125) per day to members of the  
 13 board for each day or major part of a day devoted to the work of the  
 14 district.

15 (c) Members of the board are entitled to receive an amount for travel  
 16 expenses equal to the amount paid to state employees for expenses  
 17 incurred in the performance of their duties.

18 (d) Payments made to board members under subsections (a), (b),  
 19 and (c) shall be made from the general fund of the district.

20 SECTION 85. IC 13-26-5-4 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may  
 22 adopt and enforce rules for the following purposes:

- 23 (1) To accomplish the purpose of a district.
- 24 (2) To protect the works, improvements, and properties, both real  
 25 and personal, that the district owns.
- 26 (3) To secure the best results from the construction, operation,  
 27 and maintenance of works, improvements, and properties.
- 28 (4) To prevent damage by the misuse of the works, improvements,  
 29 or properties by:
  - 30 (A) the pollution or misuse of the waters in the district or of  
 31 the sewerage system; or
  - 32 (B) the improper disposal of solid waste.

33 (b) The board may adopt and enforce rules under subsection (a) that  
 34 are necessary and advisable to do the following:

- 35 (1) Protect and preserve the works, improvements, and properties  
 36 owned or controlled by the district, prescribe the manner of use  
 37 by any person, and preserve order in and adjacent to the works.
- 38 (2) Prescribe the manner:
  - 39 (A) in which ditches, sewers, pipelines, or other works should  
 40 be adjusted to or connected with the works of the district; and
  - 41 (B) of waste disposal in the district.
- 42 (3) Prescribe the permissible uses of the water supply and the



- 1 manner of distribution and prevent the pollution or unnecessary  
 2 waste of the water supply.
- 3 (4) Prohibit or regulate the discharge into the sewers of the  
 4 district of liquid or solid waste detrimental to the works and  
 5 improvements.
- 6 (c) Rules must be:
- 7 (1) consistent with:
- 8 (A) statutes; and
- 9 (B) the rules of the ~~solid waste management board or the water~~  
 10 ~~pollution control~~ **environmental rules** board; and
- 11 (2) maintained and open to inspection in the office of the district.
- 12 (d) The board may enforce by injunction or other legal remedy rules  
 13 adopted under this section. The board may remove a harmful or  
 14 improper construction or obstruction or may close an opening or  
 15 connection made improperly or in violation of the rules. A person that  
 16 willfully fails to comply with the rules is liable for damage caused by  
 17 the failure and for the cost of restoring or replacing construction  
 18 damaged.
- 19 SECTION 86. IC 13-27-7-2, AS AMENDED BY P.L.37-2012,  
 20 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2014]: Sec. 2. (a) Guidance documents, technical assistance  
 22 manuals, and policies developed or used in implementing programs  
 23 under this article are not binding on participating businesses.
- 24 (b) Subject to subsection (e), the ~~air pollution control board; the~~  
 25 ~~water pollution control board; the solid waste management board or the~~  
 26 department may not do the following:
- 27 (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,  
 28 or policies developed under this article into rules adopted under  
 29 IC 4-22-2.
- 30 (2) Adopt rules under IC 4-22-2 requiring business  
 31 implementation of pollution prevention practices or of clean  
 32 manufacturing by means of any of the following:
- 33 (A) Permit conditions.
- 34 (B) Enforcement actions.
- 35 (C) Other department actions.
- 36 (c) Subsection (b) only applies to pollution prevention as defined in  
 37 this title.
- 38 (d) Subsection (b) does not apply to authority granted under federal  
 39 law to implement pollution prevention as defined under any of the  
 40 following:
- 41 (1) Federally delegated air, water, solid waste, and other  
 42 programs.



- 1 (2) Guidance documents developed to implement programs
- 2 described in subdivision (1).
- 3 (3) Programs established under IC 13-20-3, IC 13-20-22, or
- 4 IC 13-21.

5 (e) The department shall present pollution prevention as an option  
6 to businesses in any of the following:

- 7 (1) Permit conditions.
- 8 (2) Enforcement actions.
- 9 (3) Other department actions.

10 SECTION 87. IC 13-28-4-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In a civil or an  
12 administrative proceeding, a court of record, after an in camera review,  
13 shall require disclosure of material for which the privilege described in  
14 section 1 of this chapter is asserted if the court determines that both  
15 subdivisions (1) and (2) apply:

16 (1) The environmental audit report was first issued after July 1,  
17 1994.

18 (2) One (1) of the following applies:

- 19 (A) The privilege is asserted for a fraudulent purpose.
- 20 (B) The material is not subject to the privilege.
- 21 (C) The material is subject to the privilege and the material  
22 shows evidence of noncompliance with:  
23 (i) this title or a rule or standard adopted by **the board or**  
24 one (1) of the **former** boards **abolished by IC 13-13-8-2;**  
25 (ii) a determination, a permit, or an order issued by the  
26 commissioner under this title; or  
27 (iii) the federal, regional, or local counterpart of item (i) or  
28 (ii);

29 and the person claiming the privilege did not promptly initiate  
30 and pursue appropriate efforts to achieve compliance with  
31 reasonable diligence.

32 (b) If the noncompliance described in subsection (a)(2)(C)  
33 constitutes a failure to obtain a required permit, the person is  
34 considered to have made appropriate efforts to achieve compliance if  
35 the person filed an application for the required permit not later than  
36 ninety (90) days after the date the person became aware of the  
37 noncompliance.

38 SECTION 88. IC 13-30-4-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department  
40 may waive up to one hundred percent (100%) of a civil penalty  
41 imposed on a business for a minor violation of:

- 42 (1) a requirement of environmental management laws;



- 1 (2) a rule adopted by a **the board or one (1) of the former**  
 2 **boards abolished by IC 13-13-8-2;** or  
 3 (3) any determination, permit, or order made or issued by the  
 4 commissioner.
- 5 (b) The department may not waive any part of a civil penalty under  
 6 this section if the violation:  
 7 (1) endangers or causes damage to public health or the  
 8 environment;  
 9 (2) is intentional, willful, or criminal;  
 10 (3) is of a requirement for which the department has previously  
 11 issued a notice or warning of violation, for this or a prior  
 12 violation, to the business required to correct the violation; or  
 13 (4) is not corrected within ninety (90) days after the date the  
 14 business required to correct the violation notifies the department  
 15 of the violation under subsection (c). The department may extend  
 16 the ninety (90) day period for not more than an additional ninety  
 17 (90) days.
- 18 (c) To seek a waiver of a civil penalty under this section, the  
 19 business required to correct the violation must submit to the  
 20 department a written report of the violation for which a waiver is  
 21 sought. The report must be submitted to the department before an  
 22 inspection by the department that discloses the violation or the issuance  
 23 of a notice or warning of violation.
- 24 (d) The ~~boards~~ **board** may adopt rules to implement this section.
- 25 SECTION 89. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,  
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2014]: Sec. 49.2. (a) "~~Compact~~"; for purposes of IC 14-24-4.5;  
 28 has the meaning set forth in IC 14-24-4.5-2(8).
- 29 (b) "~~Compact~~", for purposes of IC 14-25-15, has the meaning set  
 30 forth in IC 14-25-15-1.
- 31 SECTION 90. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY  
 32 1, 2014]. Sec. 86.5: "~~Executive committee~~"; for purposes of  
 33 IC 14-24-4.5; has the meaning set forth in IC 14-24-4.5-2(7).
- 34 SECTION 91. IC 14-8-2-107, AS AMENDED BY P.L.133-2012,  
 35 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following  
 37 meaning:  
 38 (1) For purposes of IC 14-9-5, the meaning set forth in  
 39 IC 14-9-5-1.  
 40 (2) For purposes of IC 14-9-8-21, the meaning set forth in  
 41 IC 14-9-8-21.  
 42 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in



- 1 IC 14-9-8-21.5.  
 2 (4) For purposes of IC 14-9-9, the meaning set forth in  
 3 IC 14-9-9-3.  
 4 (5) For purposes of IC 14-12-1, the meaning set forth in  
 5 IC 14-12-1-1.  
 6 (6) For purposes of IC 14-12-2, the meaning set forth in  
 7 IC 14-12-2-2.  
 8 (7) For purposes of IC 14-12-3, the meaning set forth in  
 9 IC 14-12-3-2.  
 10 (8) For purposes of IC 14-13-1, the meaning set forth in  
 11 IC 14-13-1-2.  
 12 (9) For purposes of IC 14-13-2, the meaning set forth in  
 13 IC 14-13-2-3.  
 14 (10) For purposes of IC 14-16-1, the meaning set forth in  
 15 IC 14-16-1-30.  
 16 (11) For purposes of IC 14-19-8, the meaning set forth in  
 17 IC 14-19-8-1.  
 18 (12) For purposes of IC 14-20-11, the meaning set forth in  
 19 IC 14-20-11-2.  
 20 (13) For purposes of IC 14-22-3, the meaning set forth in  
 21 IC 14-22-3-1.  
 22 (14) For purposes of IC 14-22-4, the meaning set forth in  
 23 IC 14-22-4-1.  
 24 (15) For purposes of IC 14-22-5, the meaning set forth in  
 25 IC 14-22-5-1.  
 26 (16) For purposes of IC 14-22-8, the meaning set forth in  
 27 IC 14-22-8-1.  
 28 (17) For purposes of IC 14-22-34, the meaning set forth in  
 29 IC 14-22-34-2.  
 30 (18) For purposes of IC 14-23-3, the meaning set forth in  
 31 IC 14-23-3-1.  
 32 ~~(19) For purposes of IC 14-24-4.5, the meaning set forth in~~  
 33 ~~IC 14-24-4.5-2(5).~~  
 34 ~~(20)~~ (19) For purposes of IC 14-25-2-4, the meaning set forth in  
 35 IC 14-25-2-4.  
 36 ~~(21)~~ (20) For purposes of IC 14-25-10, the meaning set forth in  
 37 IC 14-25-10-1.  
 38 ~~(22)~~ (21) For purposes of IC 14-25.5, the meaning set forth in  
 39 IC 14-25.5-1-3.  
 40 ~~(23)~~ (22) For purposes of IC 14-28-5, the meaning set forth in  
 41 IC 14-28-5-2.  
 42 ~~(24)~~ (23) For purposes of IC 14-31-2, the meaning set forth in



- 1 IC 14-31-2-5.  
 2 ~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in  
 3 IC 14-25-12-1.  
 4 ~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in  
 5 IC 14-32-8-1.  
 6 ~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in  
 7 IC 14-33-14-3.  
 8 ~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in  
 9 IC 14-33-21-1.  
 10 ~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in  
 11 IC 14-34-6-15.  
 12 ~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in  
 13 IC 14-34-14-1.  
 14 ~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth  
 15 in IC 14-34-19-1.3(a).  
 16 ~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth  
 17 in IC 14-34-19-1.5(a).  
 18 ~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in  
 19 IC 14-37-10-1.

20 SECTION 92. IC 14-8-2-117, AS AMENDED BY P.L.225-2005,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following~~  
 23 ~~meaning:~~

- 24 ~~(1)~~ For purposes of IC 14-24-4.5, the meaning set forth in  
 25 ~~IC 14-24-4.5-2(6):~~  
 26 ~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in  
 27 IC 14-28-5-3.

28 SECTION 93. IC 14-8-2-203, AS AMENDED BY P.L.17-2009,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following~~  
 31 ~~meaning:~~

- 32 ~~(1)~~ Except as provided in IC 14-24-4.5, for purposes of IC 14-24,  
 33 means:  
 34 ~~(A)~~ **(1)** an arthropod;  
 35 ~~(B)~~ **(2)** a nematode;  
 36 ~~(C)~~ **(3)** a microorganism;  
 37 ~~(D)~~ **(4)** a fungus;  
 38 ~~(E)~~ **(5)** a parasitic plant;  
 39 ~~(F)~~ **(6)** a mollusk;  
 40 ~~(G)~~ **(7)** a plant disease; or  
 41 ~~(H)~~ **(8)** an exotic weed;  
 42 that may be injurious to nursery stock, agricultural crops, other



1 vegetation, natural resources, or bees.

2 ~~(2) For purposes of IC 14-24-4.5, the meaning set forth in~~  
 3 ~~IC 14-24-4.5-2(4).~~

4 SECTION 94. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY  
 5 1, 2014]. Sec. 239.5: "Requesting state", for purposes of IC 14-24-4.5,  
 6 has the meaning set forth in IC 14-24-4.5-2(2).

7 SECTION 95. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY  
 8 1, 2014]. Sec. 242.5: "Responding state", for purposes of IC 14-24-4.5,  
 9 has the meaning set forth in IC 14-24-4.5-2(3).

10 SECTION 96. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,  
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 265. "State", has the following meaning:

13 ~~(1) For purposes of IC 14-24-4.5, the meaning set forth in~~  
 14 ~~IC 14-24-4.5-2(1).~~

15 (2) for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means  
 16 the following:

17 ~~(A) (1) The Indiana state government.~~

18 ~~(B) (2) An agency, a subdivision, an officer, a board, a bureau, a~~  
 19 ~~commission, a department, a division, or an instrumentality of the~~  
 20 ~~state.~~

21 SECTION 97. IC 14-15-2-7 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this  
 23 section, "sewage" means human body wastes.

24 (b) A person may not keep, maintain, or operate upon public water  
 25 a boat that is equipped with a water closet or toilet unless the water  
 26 closet or toilet is equipped with a holding tank with the capacity to  
 27 store wastes for subsequent disposal at:

28 (1) an approved shoreside facility or incinerator; or

29 (2) a treatment system approved by the department of  
 30 environmental management according to rules adopted by the  
 31 ~~solid waste management board or the water pollution control~~  
 32 ~~environmental rules~~ board.

33 (c) A person may not dispose of sewage accumulated in a holding  
 34 tank or any other container on a watercraft in a manner that the sewage  
 35 reaches or may reach public waters, except through a sewage disposal  
 36 facility approved by the department of environmental management  
 37 according to rules adopted by

38 ~~(1) the solid waste management board; or~~

39 ~~(2) the water pollution control environmental rules~~ board.

40 SECTION 98. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1,  
 41 2014]. (Pest Control Compact).

42 SECTION 99. IC 14-25-3-9 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In granting a permit,  
2 the department may do the following:

3 (1) Impose the conditions or stipulations that are necessary to  
4 conserve the ground water of the area and prevent waste,  
5 exhaustion, or impairment of the ground water.

6 (2) Require that ground water in a restricted area that is  
7 withdrawn and used be returned to the ground through wells, pits,  
8 or spreading grounds. If this condition is imposed, the water shall  
9 be returned under the rules that the department adopts subject to  
10 the approval of the ~~water pollution control~~ **environmental rules**  
11 board to avoid pollution of underground water.

12 SECTION 100. IC 14-25-4-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this  
14 chapter, "potable water" means water that at the point of use is  
15 acceptable for human consumption under drinking water quality  
16 standards adopted by the ~~water pollution control~~ **environmental rules**  
17 board under IC 13-18-4-1.

18 SECTION 101. IC 14-33-6-4 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The commission  
20 shall do the following:

21 (1) Review each district plan.

22 (2) Request the technical assistance of any other state agency,  
23 including:

24 (A) the ~~water pollution control~~ **environmental rules** board;

25 (B) the state department of health; and

26 (C) the department of environmental management;

27 having administrative jurisdiction over any of the purposes of the  
28 district.

29 (b) The commission may also request technical assistance of any  
30 federal agency.

31 (c) The commission shall approve a plan if the following conditions  
32 are met:

33 (1) Any other state agency having authority over certain purposes  
34 of the district has approved that part of the plan.

35 (2) The commission finds that the plan accomplishes in an  
36 economical manner the purpose for which the district is  
37 established.

38 (d) The commission may reject a plan or any part of a plan.

39 The board may make the changes that are necessary to secure the  
40 approval of the commission.

41 SECTION 102. IC 16-18-2-116.4 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS





1 [EFFECTIVE JULY 1, 2014]: **Sec. 116.4. "Environmental rules**  
 2 **board", for purposes of IC 16-41, refers to the board established**  
 3 **by IC 13-13-8-3.**

4 SECTION 103. IC 16-18-2-372 IS REPEALED [EFFECTIVE JULY  
 5 1, 2014]. ~~Sec. 372: "Water board", for purposes of IC 16-41, refers to~~  
 6 ~~the board established by IC 13-13-8-3.~~

7 SECTION 104. IC 16-19-3-4, AS AMENDED BY P.L.83-2007,  
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2014]: Sec. 4. (a) The executive board may, by an affirmative  
 10 vote of a majority of its members, adopt reasonable rules on behalf of  
 11 the state department to protect or to improve the public health in  
 12 Indiana.

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

- 14 (1) Nuisances dangerous to public health.
- 15 (2) The pollution of any water supply other than where  
 16 jurisdiction is in the ~~water pollution control~~ **environmental rules**  
 17 board and department of environmental management.
- 18 (3) The disposition of excremental and sewage matter.
- 19 (4) The control of fly and mosquito breeding places.
- 20 (5) The detection, reporting, prevention, and control of diseases  
 21 that affect public health.
- 22 (6) The care of maternity and infant cases and the conduct of  
 23 maternity homes.
- 24 (7) The production, distribution, and sale of human food.
- 25 (8) Except as provided in section 4.4 of this chapter, the conduct  
 26 of camps.
- 27 (9) Standards of cleanliness of eating facilities for the public.
- 28 (10) Standards of cleanliness of sanitary facilities offered for  
 29 public use.
- 30 (11) The handling, disposal, disinterment, and reburial of dead  
 31 human bodies.
- 32 (12) Vital statistics.
- 33 (13) Sanitary conditions and facilities in public buildings and  
 34 grounds, including plumbing, drainage, sewage disposal, water  
 35 supply, lighting, heating, and ventilation, other than where  
 36 jurisdiction is vested by law in the fire prevention and building  
 37 safety commission or other state agency.
- 38 (14) The design, construction, and operation of swimming and  
 39 wading pools. However, the rules governing swimming and  
 40 wading pools do not apply to a pool maintained by an individual  
 41 for the sole use of the individual's household and house guests.

42 SECTION 105. IC 16-41-21-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Water supply and  
 2 sewage disposal facilities serving schools must be constructed and  
 3 operated in accordance with applicable rules of the state department  
 4 and the ~~water pollution control~~ **environmental rules** board.

5 SECTION 106. IC 16-41-24-6 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The state department  
 7 shall enforce this chapter and the statutes relating to pollution of waters  
 8 and public water supply, except where jurisdiction is vested in the  
 9 ~~water pollution control~~ **environmental rules** board and the department  
 10 of environmental management.

11 SECTION 107. IC 16-41-26-8 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as  
 13 provided in subsection (b), the state department shall adopt rules under  
 14 IC 4-22-2 necessary to protect the health, safety, and welfare of persons  
 15 living in agricultural labor camps, prescribing standards for living  
 16 quarters at agricultural labor camps, including provisions relating to  
 17 construction of camps, sanitary conditions, light, air, safety protection  
 18 from fire hazards, equipment, maintenance and operation of the camp,  
 19 sewage disposal through septic tank absorption fields, and other  
 20 matters appropriate for the security of the life and health of occupants.

21 (b) The ~~water pollution control~~ **environmental rules** board shall  
 22 adopt rules under IC 4-22-2 pertaining to water supplies and sewage  
 23 disposal systems other than septic tank absorption fields required for  
 24 agricultural labor camps.

25 (c) In the preparation of rules, the state department:

26 (1) shall consult with and request technical assistance from other  
 27 appropriate state agencies; and

28 (2) may appoint and consult with committees of technically  
 29 qualified persons and of representatives of employers and  
 30 employees.

31 (d) If a conflict exists between rules adopted under this chapter and  
 32 rules adopted by the fire prevention and building safety commission,  
 33 the rules authorized in this section apply.

34 (e) A copy of every rule adopted under this chapter shall be sent to  
 35 each health officer in Indiana and to the heads of other state agencies  
 36 with specific or related responsibility affecting agricultural labor camps  
 37 and to any person requesting the rules. The rules affecting agricultural  
 38 labor camps adopted under this chapter shall be published periodically  
 39 in the manner the state department determines.

40 SECTION 108. IC 16-41-27-8, AS AMENDED BY P.L.87-2005,  
 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the



1 state department may adopt rules under IC 4-22-2 to carry out this  
2 chapter, including rules for the following:

- 3 (1) Health, sanitation, and safety.
- 4 (2) Sewage collection.
- 5 (3) Sewage disposal through septic tank absorption fields.

6 (b) The ~~water~~ **environmental rules** board shall adopt rules under  
7 IC 4-22-2 concerning the following:

- 8 (1) Public water supplies required for mobile home communities.
- 9 (2) Sewage disposal systems other than septic tank absorption  
10 fields.

11 SECTION 109. IC 16-41-27-10, AS AMENDED BY P.L.87-2005,  
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2014]: Sec. 10. A mobile home community shall provide a  
14 water supply through the use of a public water system if the water  
15 supply is reasonably available within a reasonable distance from the  
16 mobile home community. A mobile home community is not required  
17 to use a public water system if the water system is more than two  
18 thousand (2,000) feet from the mobile home community. If a public  
19 water system is not available, water shall be provided by a system  
20 approved by the environmental commissioner under rules adopted by  
21 the ~~water pollution control~~ **environmental rules** board.

22 SECTION 110. IC 16-41-27-22, AS AMENDED BY P.L.87-2005,  
23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2014]: Sec. 22. (a) The construction of a new mobile home  
25 community or alteration of an existing mobile home community shall  
26 be made only after plans for the proposed construction or alteration  
27 have been forwarded to and approved by the state department.

28 (b) A public water system may not be constructed or altered in a  
29 new or existing mobile home community until plans for the  
30 construction or alteration have been forwarded to and approved by the  
31 environmental commissioner under rules adopted by the ~~water~~  
32 **environmental rules** board.

33 (c) A sewage collection and disposal system may not be constructed  
34 or altered in a new or existing mobile home community until:

- 35 (1) plans for construction or alteration of the sewage collection  
36 system and any septic tank absorption field have been forwarded  
37 to and approved by the state department under rules adopted by  
38 the state department; and
- 39 (2) plans for construction or alteration of any sewage disposal  
40 system other than a septic tank absorption field have been  
41 forwarded to and approved by the environmental commissioner  
42 under rules adopted by the ~~water~~ **environmental rules** board.



1 SECTION 111. IC 16-41-27-25 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The state  
 3 department shall adopt a schedule of civil penalties that may be levied  
 4 in an action to enforce the following:

5 (1) This chapter.

6 (2) The rules of the state department.

7 (3) The rules adopted under this chapter by the ~~water~~  
 8 **environmental rules** board.

9 (b) A penalty included in the schedule of civil penalties adopted  
 10 under subsection (a) may not exceed one thousand dollars (\$1,000) per  
 11 violation per day.

12 (c) The state department may issue an order of compliance, impose  
 13 a civil penalty included in the schedule of civil penalties adopted under  
 14 subsection (a), or both, against a person who:

15 (1) fails to comply with this chapter or a rule adopted under this  
 16 chapter; or

17 (2) interferes with or obstructs the state department or the state  
 18 department's designated agent in the performance of duties under  
 19 this chapter.

20 (d) An order of compliance may be issued under IC 4-21.5-3-6,  
 21 IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in  
 22 a proceeding under IC 4-21.5-3-8.

23 (e) A proceeding to impose a civil penalty may be consolidated with  
 24 any other proceedings to enforce any of the following:

25 (1) This chapter.

26 (2) The rules of the state department.

27 (3) The rules adopted under this chapter by the ~~water pollution~~  
 28 **control environmental rules** board.

29 SECTION 112. IC 16-41-35-38 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. The powers, duties,  
 31 and functions of the state department under this chapter do not affect  
 32 the powers, duties, and functions of the state department or the ~~water~~  
 33 **pollution control environmental rules** board under any other law.

34 SECTION 113. IC 20-26-5-6, AS ADDED BY P.L.1-2005,  
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2014]: Sec. 6. All powers delegated to the governing body of  
 37 a school corporation under section 1 or 4 of this chapter are subject to  
 38 all laws subjecting the school corporation to regulation by a state  
 39 agency, including the state superintendent, state board of accounts,  
 40 state police department, fire prevention and building safety  
 41 commission, department of local government finance, ~~water pollution~~  
 42 **control environmental rules** board, state school bus committee, state



1 department of health, and any local governmental agency to which the  
 2 state has been delegated a specific authority in matters other than  
 3 educational matters and other than finance, including plan  
 4 commissions, zoning boards, and boards concerned with health and  
 5 safety.

6 SECTION 114. IC 22-1-1-11, AS AMENDED BY P.L.35-2007,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and  
 9 directed to do the following:

10 (1) To investigate and adopt rules under IC 4-22-2 prescribing  
 11 what safety devices, safeguards, or other means of protection shall  
 12 be adopted for the prevention of accidents in every employment  
 13 or place of employment, to determine what suitable devices,  
 14 safeguards, or other means of protection for the prevention of  
 15 industrial accidents or occupational diseases shall be adopted or  
 16 followed in any or all employments or places of employment, and  
 17 to adopt rules under IC 4-22-2 applicable to either employers or  
 18 employees, or both for the prevention of accidents and the  
 19 prevention of industrial or occupational diseases.

20 ~~(2) Whenever, in the judgment of the commissioner of labor, any~~  
 21 ~~place of employment is not being maintained in a sanitary manner~~  
 22 ~~or is being maintained in a manner detrimental to the health of the~~  
 23 ~~employees therein; to obtain any necessary technical or expert~~  
 24 ~~advice and assistance from the state department of health; The~~  
 25 ~~state department of health; upon the request of the commissioner~~  
 26 ~~of labor; shall furnish technical or expert advice and assistance to~~  
 27 ~~the commissioner and take the steps authorized or required by the~~  
 28 ~~health laws of the state:~~

29 ~~(3) (2)~~ Annually forward the report received from the mining  
 30 board under IC 22-10-1.5-5(a)(5) to the legislative council in an  
 31 electronic format under IC 5-14-6 and request from the general  
 32 assembly funding for necessary additional mine inspectors.

33 ~~(4) (3)~~ Administer the mine safety fund established under  
 34 IC 22-10-12-16.

35 SECTION 115. IC 22-1-5 IS REPEALED [EFFECTIVE JULY 1,  
 36 2014]. (Home Care Consumers and Worker Protection).

37 SECTION 116. IC 22-2-11 IS REPEALED [EFFECTIVE JULY 1,  
 38 2014]. (Payroll Bond for Benefit of Employees).

39 SECTION 117. IC 22-6-3 IS REPEALED [EFFECTIVE JULY 1,  
 40 2014]. (Termination Letter From Employer).

41 SECTION 118. IC 22-8-1.1-13 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission



1 shall meet at the call of the commissioner **or** the chairman or upon the  
 2 written request of any four (4) members. However, the commission  
 3 shall meet at least ~~every three (3) months~~ **one (1) time per year** at the  
 4 call of the commissioner to conduct the business that comes before the  
 5 commission.

6 SECTION 119. IC 22-13-2-2, AS AMENDED BY P.L.101-2006,  
 7 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 2. (a) The commission shall adopt rules under  
 9 IC 4-22-2 to adopt a statewide code of fire safety laws and building  
 10 laws.

11 (b) Before December 1, 2003, the commission shall adopt the most  
 12 recent edition, including addenda, of the following national codes by  
 13 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- 14 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- 15 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an  
 16 American National Standard).
- 17 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway  
 18 Chairlifts, American National Standard).
- 19 (4) ASME QEI-1 (Standard for the Qualification of Elevator  
 20 Inspectors, an American National Standard).
- 21 (5) The American Society of Civil Engineers (ASCE) Automated  
 22 People Mover Standard 21.
- 23 (6) ANSI A90.1 Safety Code for Manlifts.

24 (c) Before July 1, 2006, the commission shall adopt the most recent  
 25 edition, including addenda, of ASME A17.3 (Safety Code for Existing  
 26 Elevators and Escalators, an American National Standard) by rules  
 27 under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

28 (d) The commission shall adopt the subsequent edition of each  
 29 national code, including addenda, to be adopted as provided under  
 30 subsections (b) and (c) within eighteen (18) months after the effective  
 31 date of the subsequent edition.

32 (e) The commission may amend the national codes as a condition of  
 33 the adoption under subsections (b), (c), and (d).

34 (f) ~~To the extent that the following sections of the International Fire  
 35 Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply  
 36 to tents or canopies in which cooking does not occur, the commission  
 37 shall suspend enforcement of the following sections of the International  
 38 Fire Code, 2000 edition, until the division of fire and building safety  
 39 recommends amendments to the commission under subsection (h) and  
 40 the commission adopts rules under subsection (i) based on the  
 41 recommendations:~~

- 42 (1) Section 2406.1 (675 IAC 22-2.3-233).



- 1           (2) Section 2406.2.  
 2           (3) Section 2406.3.  
 3           (g) To the extent that section 2403.2 of the International Fire Code,  
 4 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to  
 5 a tent or canopy in which there is an open flame, the commission shall  
 6 suspend enforcement of section 2403.2 until the division of fire and  
 7 building safety recommends amendments to section 2403.2 to the  
 8 commission under subsection (h) and the commission adopts rules  
 9 under subsection (i) based on the recommendations and amending  
 10 section 2403.2.  
 11           (h) The division of fire and building safety shall recommend  
 12 amendments to the commission to the following sections of the  
 13 International Fire Code, 2000 edition, as adopted by reference in 675  
 14 IAC 22-2.3-1:  
 15           (1) Section 2403.2.  
 16           (2) Section 2406.1 (675 IAC 22-2.3-233).  
 17           (3) Section 2406.2.  
 18           (4) Section 2406.3.  
 19           (i) After receiving and considering recommendations from the  
 20 division of fire and building safety under subsection (h), and using the  
 21 procedure set forth in IC 4-22-2-38, the commission shall amend the  
 22 following sections of the International Fire Code, 2000 edition, as  
 23 adopted by reference in 675 IAC 22-2.3-1:  
 24           (1) Section 2403.2.  
 25           (2) Section 2406.1 (675 IAC 22-2.3-233).  
 26           (3) Section 2406.2.  
 27           (4) Section 2406.3.  
 28           SECTION 120. IC 25-18-1 IS REPEALED [EFFECTIVE JULY 1,  
 29 2014]. (Licensing of Retail Distress Sales).  
 30           SECTION 121. IC 27-1-17-4, AS AMENDED BY P.L.193-2006,  
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2014]: Sec. 4. Whenever a foreign or an alien insurance  
 33 company desires to be admitted to do an insurance business in this  
 34 state, it shall execute in the English language and present the following  
 35 to the department, at its office, accompanied by the fees prescribed by  
 36 law:  
 37           (1) A copy of its articles of incorporation or association, with all  
 38 amendments thereto, duly authenticated by the proper officer of  
 39 the state, country, province, or government wherein it is  
 40 incorporated or organized, or the state in which it is domiciled in  
 41 the United States.  
 42           (2) An application for admission, executed in the manner



1 provided in this chapter, setting forth:

2 (A) the name of such company;

3 (B) the location of its principal office or place of business  
4 without this state;

5 (C) the names of the states in which it has been admitted or  
6 qualified to do business;

7 (D) the character of insurance business under its articles of  
8 incorporation or association which it intends to transact in this  
9 state, which must conform to the class or classes set forth in  
10 the provisions of IC 27-1-5-1;

11 (E) the total authorized capital stock of the company and the  
12 amount thereof issued and outstanding, and the surplus  
13 required of such company by the laws of the state, country,  
14 province, or government under which it is organized, or the  
15 state in which it is domiciled in the United States, if a stock  
16 company, which shall equal at least the requirements set forth  
17 in section 5(a) of this chapter;

18 (F) the total amount of assets and the surplus of assets over all  
19 its liabilities, if other than a stock company, which shall equal  
20 at least the requirements set forth in section 5(b) of this  
21 chapter;

22 (G) if an alien company, the surplus of assets invested  
23 according to the laws of the state in the United States where it  
24 has its deposit, which shall equal at least the requirements set  
25 forth in section 5(c) of this chapter; and

26 (H) such further and additional information as the department  
27 may from time to time require.

28 The application shall be signed, ~~in duplicate~~, in the form  
29 prescribed by the department, by the president or a vice president  
30 and the secretary or an assistant secretary of the corporation, and  
31 verified under oath by the officers signing the same.

32 (3) A statement of its financial condition and business, in the form  
33 prescribed by law for annual statements, signed and sworn to by  
34 the president or secretary or other principal officers of the  
35 company; provided, however, that an alien company shall also  
36 furnish a separate statement comprising only its condition and  
37 business in the United States, which shall be signed and sworn to  
38 by its United States manager.

39 (4) A copy of the last report of examination certified to by the  
40 insurance commissioner or other proper supervisory official of the  
41 state in which such company is domiciled; provided, however,  
42 that the commissioner may cause an examination to be made of





1 the condition and affairs of such company before authority to  
 2 transact business in this state is given.

3 (5) A certificate from the proper official of the state, country,  
 4 province, or government wherein it is incorporated or organized,  
 5 or the state in which it is domiciled in the United States, that it is  
 6 duly organized or incorporated under those laws and authorized  
 7 to make the kind or kinds of insurance which it proposes to make  
 8 in this state.

9 (6) A copy of its bylaws or regulations, if any, certified to by the  
 10 secretary or similar officer of the insurance company.

11 (7) A duly executed power of attorney in a form prescribed by the  
 12 department which constitutes and appoints an individual or a  
 13 corporate resident of Indiana, or an authorized Indiana insurer, as  
 14 the insurance company's agent, its true and lawful attorney upon  
 15 whom, except as provided in section 4.2 of this chapter, all lawful  
 16 processes in any action in law or in equity against it shall be  
 17 served. Such power of attorney shall contain an agreement by the  
 18 insurance company that any lawful process against it which may  
 19 be served upon the agent as its attorney shall be of the same force  
 20 and validity as if served upon the insurance company and that  
 21 such power of attorney shall continue in force and be irrevocable  
 22 so long as any liability of the insurance company remains  
 23 outstanding in this state. Such power of attorney shall be executed  
 24 by the president and secretary of the insurance company or other  
 25 duly authorized officers under its seal and shall be accompanied  
 26 by a certified copy of the resolution of the board of directors of  
 27 the company making said appointment and authorizing the  
 28 execution of said power of attorney. Service of any lawful process  
 29 shall be by delivering to and leaving with the agent two (2) copies  
 30 of such process, with copy of the pertinent complaint attached.  
 31 The agent shall forthwith transmit to the defendant company at its  
 32 last known principal place of business by registered or certified  
 33 mail, return receipt requested, one (1) of the copies of such  
 34 process, with complaint attached, the other copy to be retained in  
 35 a record which shall show all process served upon and transmitted  
 36 by ~~him~~ **the agent**. Such service shall be sufficient provided the  
 37 returned receipt or, if the defendant company shall refuse to  
 38 accept such mailing, the registered mail together with an affidavit  
 39 of plaintiff or ~~his~~ **the plaintiff's** attorney stating that service was  
 40 made upon the agent and forwarded as above set forth but that  
 41 such mail was returned by the post office department is filed with  
 42 the court. The agent shall make information and receipts available



1 to plaintiff, defendant or their attorneys. No plaintiff or  
 2 complainant shall be entitled to a judgment by default based on  
 3 service authorized by this section until the expiration of at least  
 4 thirty (30) days from the date on which either the post office  
 5 receipt or the unclaimed mail together with affidavit is filed with  
 6 the court. Nothing in this section shall limit or abridge the right  
 7 to serve any process, notice, or demand upon any company in any  
 8 other manner permitted by law.

9 (8) Proof which satisfies the department that it has complied with  
 10 the financial requirements imposed in this chapter upon foreign  
 11 and alien insurance companies which transact business in this  
 12 state and that it is entitled to public confidence and that its  
 13 admission to transact business in this state will not be prejudicial  
 14 to public interest.

15 SECTION 122. IC 32-21-11 IS REPEALED [EFFECTIVE JULY 1,  
 16 2014]. (Responsible Property Transfer Law).

17 SECTION 123. IC 32-26-9 IS REPEALED [EFFECTIVE JULY 1,  
 18 2014]. (Partition Fences).

19 SECTION 124. IC 33-32-5-2 IS REPEALED [EFFECTIVE JULY  
 20 1, 2014]. Sec. 2: For issuing a license to hold a distress safe under  
 21 ~~IC 25-18-1-6~~, the clerk shall collect the following fee:

22 (1) Forty dollars (\$40) if the value of the inventory is not more  
 23 than twenty-five thousand dollars (\$25,000):

24 (2) Sixty-five dollars (\$65) if the value of the inventory is more  
 25 than twenty-five thousand dollars (\$25,000) but not more than  
 26 fifty thousand dollars (\$50,000):

27 (3) One hundred dollars (\$100) if the value of the inventory is  
 28 more than fifty thousand dollars (\$50,000) but not more than  
 29 seventy-five thousand dollars (\$75,000):

30 (4) One hundred fifty dollars (\$150) if the value of the inventory  
 31 is more than seventy-five thousand dollars (\$75,000):

32 SECTION 125. IC 34-6-2-52 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Hazardous  
 34 substance", for purposes of IC 34-30-6, means:

35 (1) a material or waste that has been determined to be hazardous  
 36 or potentially hazardous to any individual, to property, or to the  
 37 environment by the United States Environmental Protection  
 38 Agency, the federal Nuclear Regulatory Commission, the United  
 39 States Department of Transportation, the ~~solid waste management~~  
 40 **environmental rules** board, or the United States Occupational  
 41 Safety and Health Agency or any agent or designee of any of the  
 42 above mentioned boards, agencies, or commission; or



- 1 (2) any substance that may be potentially hazardous to any person,  
 2 to property or to the environment.
- 3 SECTION 126. IC 34-30-2-140 IS REPEALED [EFFECTIVE JULY  
 4 1, 2014]. ~~Sec. 140. IC 32-26-9-5 (Concerning township trustee for~~  
 5 ~~contracts to repair fences):~~
- 6 SECTION 127. IC 36-9-23-16 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A municipality  
 8 that does not have a sewage treatment plant, and wants to acquire,  
 9 construct, improve, operate, and maintain sewage works other than a  
 10 sewage treatment plant, may proceed under this chapter only if it first  
 11 contracts for the required treatment of the sewage emanating from its  
 12 works.
- 13 (b) A municipality owning and operating facilities for sewage  
 14 treatment may contract to treat all or part of the sewage of:
- 15 (1) any other municipality;  
 16 (2) any facility of the department of correction; or  
 17 (3) if a contract described in subdivision (2) is in effect, any  
 18 person or entity, a municipal corporation, a private corporation,  
 19 or a federal government facility that is located within five (5)  
 20 miles of the sewer line connecting the municipality to the facility  
 21 of the department of correction under the contract.
- 22 The contracts must be authorized by ordinance and are subject to  
 23 approval by the department of environmental management according  
 24 to rules adopted by the ~~water pollution control~~ **environmental rules**  
 25 board as to the sufficiency of the provision for sewage treatment.
- 26 (c) Unless otherwise provided in the authorizing ordinance or  
 27 governing indenture, the revenues received by the owner under the  
 28 contract are considered a part of the revenues of the owner's sewage  
 29 treatment facilities, and shall be applied in accordance with the  
 30 applicable statutes.
- 31 (d) The necessary intercepting and connecting sewers and  
 32 appurtenances to connect the sewage treatment facilities and sewage  
 33 works of the contracting parties may be constructed in part or in whole  
 34 by either of the contracting parties, as provided in the contract. For a  
 35 municipality, the money to pay for this construction may be provided  
 36 by the issuance of bonds under the applicable statutes, as part of the  
 37 cost of the facilities or works of the respective parties.
- 38 (e) All bonds issued under this section are payable before the  
 39 expiration date of the contract. The parties may contract for the terms  
 40 of the bonds, and for any term or terms beyond the last maturity of the  
 41 bonds.
- 42 SECTION 128. IC 36-9-23-35 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. No proceedings  
2 other than those prescribed by this chapter are required for:

- 3 (1) the construction or acquisition of sewage works;  
4 (2) the issuance or sale of bonds; or  
5 (3) the establishment of fees;

6 under this chapter. However, the functions, powers, and duties of the  
7 department of environmental management, the ~~water pollution control~~  
8 **environmental rules** board, and the state department of health are not  
9 affected by this chapter.

10 SECTION 129. IC 36-9-24-10 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A lease under this  
12 chapter does not become effective until its provisions for sewage  
13 treatment have been found sufficient by the department of  
14 environmental management according to rules adopted by the ~~state~~  
15 **water pollution control environmental rules** board.

16 SECTION 130. IC 36-9-30-4 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A unit acting under  
18 this chapter must obtain approval from the department of  
19 environmental management, according to rules adopted by the ~~solid~~  
20 **waste management environmental rules** board, for any method or  
21 methods used for the disposal of solid waste before obtaining land or  
22 facilities. One (1) or more of the methods listed below may be used:

- 23 (1) A unit may use a sanitary landfill. If a sanitary landfill is to be  
24 used, information necessary to evaluate the project shall be  
25 submitted to the department of environmental management for  
26 review and approval before the purchase of land or equipment.  
27 (2) A unit may use incineration. If incineration is to be used, the  
28 plans and specifications of each incinerating plant or other  
29 facility, along with other information necessary to evaluate the  
30 project, shall be submitted to the department of environmental  
31 management for review and approval before construction of the  
32 facilities. The plans must include an approved method for the  
33 disposal of noncombustible solid waste and incinerator residue.  
34 (3) A unit may use composting. If composting is to be used, the  
35 plans and specifications of composting facilities, along with other  
36 information necessary to evaluate the project, shall be submitted  
37 to the department of environmental management for review and  
38 approval before construction of the facilities. The plans must  
39 provide for the proper disposal of all solid waste that is not  
40 suitable for composting.  
41 (4) A unit may use a garbage grinding system involving the  
42 separate collection and disposal of garbage into a community



1 sewerage system through commercial-type grinders or  
 2 community-wide installation of individual grinders. As used in  
 3 this subdivision, "garbage" means all decayable solid and  
 4 semisolid wastes resulting from the processing, preparation,  
 5 cooking, serving, or consumption of food or food materials. The  
 6 plans and specifications for the garbage grinding facilities, along  
 7 with other information necessary to evaluate the project, shall be  
 8 submitted to the department of environmental management for  
 9 review and approval before construction or installation of the  
 10 facilities. The plans must provide for the proper disposal of all  
 11 solid waste that is not suitable for grinding.

12 (5) A unit may use any other suitable methods or facilities for the  
 13 disposal of solid waste, if the plans and specifications, along with  
 14 other information necessary to evaluate the project, are submitted  
 15 to the department of environmental management for review and  
 16 approval before the acquisition, construction, installation, or  
 17 operation of the method or facility.

18 SECTION 131. IC 36-9-30-33 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. The ~~solid waste~~  
 20 ~~management environmental rules~~ board may adopt rules under  
 21 IC 4-22-2 to carry out this chapter.

22 SECTION 132. IC 36-9-30-35 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) Solid waste may  
 24 be disposed of on land only through use of sanitary landfills,  
 25 incineration, composting, garbage grinding, or other acceptable  
 26 methods approved by the department of environmental management in  
 27 accordance with rules adopted by the ~~solid waste management~~  
 28 ~~environmental rules~~ board. A person may not operate or maintain an  
 29 open dump.

30 (b) A person may not operate or maintain facilities for the collection  
 31 and disposal of solid waste, except as set out in section 4 of this chapter  
 32 or under rules adopted by the ~~solid waste management environmental~~  
 33 ~~rules~~ board.

34 (c) Failure to comply with this section constitutes the operation of  
 35 a nuisance inimical to human health. A prosecuting attorney who  
 36 receives a report of such a failure from the department of  
 37 environmental management, a solid waste management district, or a  
 38 local health officer shall cause appropriate court proceedings to be  
 39 instituted.

40 (d) A person who fails to comply with this section commits a Class  
 41 C infraction. If the violation is of a continuing nature, each day of  
 42 failure to comply constitutes a separate infraction.



1           (e) The department of environmental management may bring  
2 proceedings for injunctive or mandatory relief through the attorney  
3 general against any person (including any agency of the state or federal  
4 government) for failure to comply with this section.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years).".

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9-4: The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:

- (1) Evansville State Hospital for recreational purposes; or
- (2) an entity using part of the property of the hospital with the permission of the hospital.

SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2-5: (a) This section applies to real property that is part of Evansville State Hospital:

(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property.".

Page 2, delete lines 1 through 17.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

- (1) A resident of Indiana who is a victim of a violent crime committed:
  - (A) in Indiana; or
  - (B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs



does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.

(2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.

(3) A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(8) A person who is injured or killed while giving aid and assistance to:

(A) a law enforcement officer in the performance of the officer's lawful duties; or

(B) a member of a fire department who is being obstructed from performing lawful duties.

~~(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.~~

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this





chapter.

(c) An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars (\$100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:

(A) medical, chiropractic, hospital, dental, optometric, and ambulance services;

(B) prescription drugs; and

(C) prosthetic devices;

that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

(A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or

(B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.

(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars (\$5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars (\$3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~



~~(9)~~ (8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

- (1) the victim or the victim's representative requests the extension; and
- (2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

- (1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);
- (2) was under eighteen (18) years of age at the time of the alleged crime; and
- (3) did not reveal the crime within two (2) years after the date of the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the victim ~~or claimant~~ to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the victim ~~or claimant~~ initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the victim ~~or claimant~~ shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim. ~~or~~



claimant.

(b) The state may:

- (1) recover the amount under subsection (a) in a separate action;
- or
- (2) intervene in an action brought by or on behalf of the victim. ~~or claimant.~~

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

- (1) a
  - ~~(A) violent crime or~~
  - ~~(B) crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~
 was committed;
- (2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~
- (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19 of this chapter are met; and
- (4) out-of-pocket loss exceeded one hundred dollars (\$100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

- (1) Benefits from public or private pension programs, including Social Security benefits.
- (2) Benefits from proceeds of an insurance policy.
- (3) Benefits under IC 22-3-2 through IC 22-3-6.
- (4) Unemployment compensation benefits.
- (5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the

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claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

- (1) The amount of court ordered restitution actually received by the victim ~~or claimant~~ from the offender.
- (2) Benefits actually received by the victim ~~or claimant~~ from a third party on behalf of the offender.

(c) The division shall determine whether the victim ~~or claimant~~ vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim ~~or claimant~~ has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim ~~or claimant~~ through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim ~~or claimant~~ for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death, the division may deny an award.

(c) If the division further finds that the **victim's** contributory conduct was solely attributable to an effort to:

- (1) prevent a crime from occurring; or
- (2) apprehend a person who committed a crime;

**in the victim's presence**, the **victim's** contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation."

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a



deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
- (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return;
- or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 12, between lines 34 and 35, begin a new paragraph and insert:  
"SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6. In addition to any other penalty, the bureau:

- (1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and
- (2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction."

Page 13, delete lines 6 through 40, begin a new paragraph and insert:



"SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, the bureau may do the following:

- (1) Suspend or revoke the current driving privileges or driver's license of any person.
- (2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

**(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."**

Page 15, between lines 21 and 22, begin a new paragraph and insert:  
 "SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

- (1) Providing for prior review and approval of medical services.
- (2) Specifying the method of determining the amount of reimbursement for services.
- (3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).
- (4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:
  - (A) The services claimed cannot be documented by the provider.
  - (B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.
  - (C) The amount claimed for the services has been or can be paid from other sources.
  - (D) The services claimed were provided to a person other than the person in whose name the claim is made.
  - (E) The services claimed were provided to a person who was not eligible for Medicaid.
  - (F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.



(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(C) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an administrative proceeding.

(7) Paying interest to providers:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

(A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.

(B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.



(C) Audits may be conducted by the office after service has been provided and after reimbursement has been made.

(D) Reimbursement for services may be recovered if an audit conducted under clause (C) concludes that the money reimbursed should be recovered."

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 5.

Page 20, delete lines 18 through 21.

Page 29, delete lines 34 through 42.

Page 30, delete lines 1 through 34.

Page 31, delete lines 4 through 42.

Page 32, delete lines 1 through 23.

Page 32, delete line 42.

Delete pages 33 through 39.

Page 40, delete lines 1 through 24.

Page 42, line 10, reset in roman "one (1) of".

Page 42, line 10, reset in roman "boards,".

Page 42, line 10, delete "board,".

Page 42, delete lines 13 through 42.

Delete page 43.

Page 44, delete lines 1 through 17.

Delete pages 50 through 52.

Page 53, delete lines 1 through 3, begin a new paragraph and insert:  
"SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** The board consists of the following ~~sixteen (16)~~ **nine (9)** members:

(1) The commissioner or the commissioner's designee.

~~(2) The state fire marshal or the state fire marshal's designee.~~

~~(3) The (2) One (1) member nominated by the treasurer of state or the treasurer of state's designee. in consultation with~~

~~(4) the commissioner of the department of state revenue. or the commissioner's designee.~~

~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~

~~(A) (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~

~~(B) (4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana~~





**petroleum council.**

- ~~(C)~~ **(1)** One ~~(1)~~ member representing the service station dealer industry who owns or operates less than thirteen ~~(13)~~ underground petroleum storage tanks.
- ~~(D)~~ **(5)** One (1) member of the financial lending community who has experience with loan guaranty programs.
- ~~(E)~~ **(6)** One (1) member representing the convenience store operator industry **or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.**
- ~~(F)~~ **(7)** One (1) member representing environmental interests.
- ~~(G)~~ **(8)** One (1) member representing local government.
- ~~(H)~~ **(2)** Two ~~(2)~~ members representing the general public.
- ~~(I)~~ **(1)** One ~~(1)~~ member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve ~~(12)~~ underground petroleum storage tanks.
- ~~(J)~~ **(1)** One ~~(1)~~ member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.
- ~~(K)~~ **(9)** One (1) member representing the property and casualty insurance industry.

**(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.**

SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

- (1) the request of the chairperson; or
- (2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made."

Page 56, delete lines 8 through 42.

Page 57, delete lines 1 through 2.

Page 57, delete lines 31 through 42.

Page 58, delete lines 1 through 36.

Page 59, delete lines 24 through 42.

Page 60, delete lines 1 through 31.



Page 74, delete lines 24 through 25.

Page 75, delete lines 10 through 12, begin a new paragraph and insert:

"SECTION 125. IC 34-28-7-2, AS AMENDED BY P.L.114-2012, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

- (1) prohibits; or
- (2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

~~(1) in or on school property; in or on property that is being used by a school for a school function; or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;~~

~~(2) (1) on the property of:~~

- (A) a child caring institution;
- (B) an emergency shelter care child caring institution;
- (C) a private secure facility;
- (D) a group home;
- (E) an emergency shelter care group home; or
- (F) a child care center;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;

~~(3) (2) on the property of a penal facility (as defined in IC 35-31.5-2-232);~~

~~(4) (3) in violation of federal law;~~

~~(5) (4) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));~~

~~(6) (5) on the property of a domestic violence shelter;~~

~~(7) (6) at a person's the employer's residence;~~

~~(8) (7) on the property of a person that is:~~

- (A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued



April 9, 2007; and

(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;

~~(9)~~ **(8)** on property owned by:

(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or

(B) a department of public utilities created under IC 8-1-11.1; or

~~(10)~~ **(9)** in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:

(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and

(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 126. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) A person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

**(5) A person who:**

**(A) may legally possess a firearm; and**

**(B) possesses a firearm that is:**



- (i) locked in the trunk of the person's motor vehicle;**
- (ii) kept in the glove compartment of the person's locked motor vehicle; or**
- (iii) stored out of plain sight in the person's locked motor vehicle."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 7, nays 3.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report made by the Select Committee on Government Reduction, adopted January 28, 2014.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years)."

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9.4: The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:

- (1) Evansville State Hospital for recreational purposes; or
- (2) an entity using part of the property of the hospital with the permission of the hospital:

SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2.5: (a) This section applies to real property that is part of Evansville State Hospital:

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(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property:".

Page 2, delete lines 1 through 17.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

(1) A resident of Indiana who is a victim of a violent crime committed:

(A) in Indiana; or

(B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.

(2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.

(3) A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person;

or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person;

or



- (B) trying to apprehend a person who had committed a violent crime.
- (8) A person who is injured or killed while giving aid and assistance to:
  - (A) a law enforcement officer in the performance of the officer's lawful duties; or
  - (B) a member of a fire department who is being obstructed from performing lawful duties.
- ~~(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.~~

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.

(c) An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars (\$100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

- (1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:
  - (A) medical, chiropractic, hospital, dental, optometric, and ambulance services;
  - (B) prescription drugs; and
  - (C) prosthetic devices;
 that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

- (A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or
- (B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.



(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars (\$5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars (\$3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~

~~(9)~~ (8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

(1) the victim or the victim's representative requests the extension; and

(2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

(1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);

(2) was under eighteen (18) years of age at the time of the alleged crime; and

(3) did not reveal the crime within two (2) years after the date of



the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the victim ~~or claimant~~ to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the victim ~~or claimant~~ initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the victim ~~or claimant~~ shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim. ~~or claimant.~~

(b) The state may:

- (1) recover the amount under subsection (a) in a separate action;
- or
- (2) intervene in an action brought by or on behalf of the victim. ~~or claimant.~~

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

- (1) a
  - (A) violent crime ~~or~~
  - (B) ~~crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~
 was committed;
- (2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~
- (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19





of this chapter are met; and

(4) out-of-pocket loss exceeded one hundred dollars (\$100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

- (1) Benefits from public or private pension programs, including Social Security benefits.
- (2) Benefits from proceeds of an insurance policy.
- (3) Benefits under IC 22-3-2 through IC 22-3-6.
- (4) Unemployment compensation benefits.
- (5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

- (1) The amount of court ordered restitution actually received by the victim ~~or claimant~~ from the offender.
- (2) Benefits actually received by the victim ~~or claimant~~ from a third party on behalf of the offender.

(c) The division shall determine whether the victim ~~or claimant~~ vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim ~~or claimant~~ has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim ~~or claimant~~ through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim ~~or claimant~~ for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~



contributed to the infliction of the **victim's** injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death, the division may deny an award.

(c) If the division further finds that the **victim's** contributory conduct was solely attributable to an effort to:

- (1) prevent a crime from occurring; or
- (2) apprehend a person who committed a crime;

**in the victim's presence**, the **victim's** contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation."

Page 4, between lines 12 and 13, begin a new paragraph and insert:  
 "SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
  - (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return;
- or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.



(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 12, between lines 34 and 35, begin a new paragraph and insert:  
"SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: ~~In addition to any other penalty, the bureau:~~

~~(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~

~~(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction."~~

Page 13, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

**(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."**

Page 15, between lines 21 and 22, begin a new paragraph and insert:  
"SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

(1) Providing for prior review and approval of medical services.

(2) Specifying the method of determining the amount of reimbursement for services.

(3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).



(4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:

(A) The services claimed cannot be documented by the provider.

(B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.

(C) The amount claimed for the services has been or can be paid from other sources.

(D) The services claimed were provided to a person other than the person in whose name the claim is made.

(E) The services claimed were provided to a person who was not eligible for Medicaid.

(F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.

(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(C) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an



administrative proceeding.

(7) Paying interest to providers:

- (A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and
- (B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

- (A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.
- (B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.
- (C) Audits may be conducted by the office after service has been provided and after reimbursement has been made.
- (D) Reimbursement for services may be recovered if an audit conducted under clause (C) concludes that the money reimbursed should be recovered."

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 5.

Page 20, delete lines 18 through 21.

Page 29, delete lines 34 through 42.

Page 30, delete lines 1 through 34.

Page 31, delete lines 4 through 42.

Page 32, delete lines 1 through 23.

Page 32, delete line 42.

Delete pages 33 through 39.

Page 40, delete lines 1 through 24.

Page 42, line 10, reset in roman "one (1) of".

Page 42, line 10, reset in roman "boards,".

Page 42, line 10, delete "board,".

Page 42, delete lines 13 through 42.

Delete page 43.

Page 44, delete lines 1 through 17.

Delete pages 50 through 52.

Page 53, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board



consists of the following ~~sixteen (16)~~ **nine (9)** members:

- (1) The commissioner or the commissioner's designee.
- ~~(2) The state fire marshal or the state fire marshal's designee.~~
- ~~(3) The (2) One (1) member nominated by the~~ treasurer of state **or the treasurer of state's designee. in consultation with**
- ~~(4) the commissioner of the department of state revenue. or the commissioner's designee.~~
- ~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~
  - ~~(A) (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
  - ~~(B) (4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum council.~~
  - ~~(C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.~~
  - ~~(D) (5) One (1) member of the financial lending community who has experience with loan guaranty programs.~~
  - ~~(E) (6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
  - ~~(F) (7) One (1) member representing environmental interests.~~
  - ~~(G) (8) One (1) member representing local government.~~
    - ~~(H) Two (2) members representing the general public:~~
      - ~~(1) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.~~
      - ~~(2) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.~~
    - ~~(K) (9) One (1) member representing the property and casualty insurance industry.~~

**(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.**



SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

(1) the request of the chairperson; or

(2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made."

Page 56, delete lines 8 through 42.

Page 57, delete lines 1 through 2.

Page 57, delete lines 31 through 42.

Page 58, delete lines 1 through 36.

Page 59, delete lines 24 through 42.

Page 60, delete lines 1 through 31.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced and amended by the committee report of the Select Committee on Government Reduction adopted January 28, 2014.)

TORR, Chair

Committee Vote: yeas 5, nays 3.

